

ELECTORAL LAW OF MOZAMBIQUE

**Act n. 7/ 2004
Of 17th of June¹**

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With the necessity to introduce to amendments to the law n. 3/99 of 2nd February, in relation to the election of the President of the Republic of Mozambique and the election of deputies of the Assembly of the Republic under point c) of nr. 2 of ARTICLE 135 of the Constitution, the Assembly of the Republic determines:

PART I General Provisions

CHAPTER I *Fundamental Principles*

ARTICLE 1 (Context of the law)

The present act establishes the legal judicial framework for the election of the President of the Republic and for the election of the deputies of the Assembly of the Republic.

ARTICLE 2 (Definitions)

The significance of the terms used under the present law are explained in the annexed glossary of this document.

ARTICLE 3 (Electoral Principle)

The President of the Republic and the members of the Assembly of the Republic are elected by universal suffrage, direct, equal, secret, personal and periodical under the present law.

ARTICLE 3 (Right of Suffrage)

1. The right of suffrage is a personal and inalienable right of citizens.
2. The electoral registration of citizens is an essential condition for the exercise of the voting right.

¹ Disclaimer: This is a direct translation of Mozambique's 2004 Electoral Law Act 7/2004 of 17th June however the text is not an official translation. In case of doubt, the original Portuguese version prevails, as printed in the *Boletim Da Republica 2004*.

ARTICLE 5
(Freedom and Equality)

The electoral process presupposes freedom of propaganda and equality of candidates.

ARTICLE 6
(The Setting up of the election date)

1. The date of the presidential and legislative elections is set up at least ninety days before the elections by the President of the Republic by decree, in response to a proposal to be made by the Electoral National Commission.
2. The elections take place, simultaneously, in two consecutive days within the national territory.

ARTICLE 6
(Management and Supervision of the electoral process)

1. The management and supervision of the electoral process shall be under the responsibility of the National Electoral Commission.
2. Without excluding the competencies of the Constitutional Council, the verification of the regularity and validity of the acts of the electoral process is within the jurisdiction of the National Electoral Commission.

ARTICLE 8
(Jurisdiction power)

The constitutional Council shall have the power to deliberate in the final instance on matters regarding electoral resources and complaints.

ARTICLE 9
(Election Observation)

The acts with respect to electoral suffrage may be subject to observation by national or international entities, under the terms to be regulated by the National Electoral Commission

CHAPTER II
Active Electoral Eligibility

ARTICLE 10
(Voting citizens)

1. Voters are all Mozambican citizens of both sexes, who by election day are eighteen years of age and older, having been legally registered and who are not excluded by any ineligibility defined in the present law.

2. Mozambican citizens registered abroad enjoy active electoral eligibility for the elections defined in the present law.

ARTICLE 11
(Mozambicans residing abroad)

1. Citizens who reside and have been registered abroad can exercise their voting rights at their Republic of Mozambique embassies and consulates.
2. The electoral acts can only take place after the National Electoral Commission has verified that the necessary material conditions and the control mechanisms, follow up and inspection of the said acts, in the region or regions of the electoral district
3. In the absence of the acts referred to in the previous point the National Electoral Commission shall redistribute to the other electoral districts the mandates of the electoral districts of the Mozambican communities abroad, in accordance with the criteria set in the present law.

ARTICLE 12
(Active Electoral Ineligibility)

The following persons shall not vote:

- a) Those who are interdicted by a court judgment;
- b) Those who are officially recognised as mentally ill persons, even if they are not interned by a court judgement, those who are interned in a psychiatric hospital, and those deemed so by a medical authority;
- c) Those who are under protective custody by judicial decision.

PART II
Statutes of the candidates

CHAPTER I
Statutes of the candidates

ARTICLE 13
(Right of suspension from duties)

Forty-five days before the elections the candidates to Mozambique's Presidential Election and Mozambique's National Assembly Election shall have the right to leave from work, whether from public or private sectors, and in this they shall be entitled to all employee's rights including the right to effective time remuneration

ARTICLE 14
(Right of Suspension from duties)

1. Ministry of Justice Magistrates and diplomats heading missions, who under the terms defined in the present law, wish to run for the presidential or legislative election shall request suspension from duties, from the date of presentation of their candidature.

2. The period of suspension from duties is regarded as effective time remuneration
3. Military Personnel and militarised officers in active service who wish to run for President of the Republic of Mozambique or run for Deputy of the Assembly of the Republic are required to submit documental proof of retirement
4. The bodies to which these military and militarised agents report to, referred to in the previous point, should grant the respective authorization whenever it is required.

ARTICLE 15
(Immunity)

1. No Presidential candidate shall be subjected to protective custody (preventive detention), except in the case of flagrant criminal offences with severe penalties.
2. If a candidate is facing criminal charges and is not in prison, the court proceedings shall not take place until the election results have been announced.

CHAPTER III
Verification and publication of candidates

ARTICLE 16
(Legitimacy and manner of presentation of candidates)

The legitimacy and manner of presentation of the candidatures is regulated under Sections V and VI of the present law.

ARTICLE 17
(Proxy of candidates)

1. The candidates must appoint, amongst the voters, a proxy to represent them in all the operations of the electoral process, whose representation is permitted under the terms of the present law.
2. The residential address of the proxy shall be indicated with the candidature registration for notification purposes.

PART III
Electoral Campaign and Propaganda

CHAPTER I
Electoral Campaign

ARTICLE 18
(Starting date and end of the electoral campaign)

The electoral campaign shall start forty-five days before the election date and ends forty-eight hours before the voting day.

ARTICLE 19
(Campaigning)

Campaigning activities are undertaken and led by the candidates, political parties or party coalitions and groups of citizens supporting lists, though there is no embargo on the active participation of voters in general.

ARTICLE 20
(Parameters)

Every candidate, political party or party coalition and group of contesting citizens shall freely conduct the electoral campaign in any place of the electoral territory.

ARTICLE 21
(Equal opportunities for the candidates)

The candidates, political parties, party coalitions or group of contesting citizens shall have the right of equal treatment by the public entities in order to conduct their election campaign in a free manner and under good conditions.

ARTICLE 22
(Freedom of expression and information)

1. During the electoral campaign there should be no limitation of the expression of political, economic social and cultural principles.
2. During the electoral campaign no penalties should be applied to companies, which exploit the mass media, or its representatives, for acts integrated in the campaign.

ARTICLE 23
(Freedom to gather and demonstrate)

1. During the electoral campaign period, the freedom to gather and demonstrate for electoral purposes shall be governed by the terms prescribed in laws n. 9/91, of 18th July, and 7th July, respectively, subject to the adaptations in the following clauses.
2. Processions and parades shall take place at on any day and at any time, as long as they respect the limits required for the maintenance of public order, transit and citizens period of rest.
3. The authorised bodies can only request the presence of the police at the gathering or demonstrations organised by any candidature, and the organising entity is responsible for the maintenance of order.
4. The deadline for the notice referred to in article 10 of law n. 9/91, of 18th July, for the purposes of the present law, is reduced to one day.

5. The deadline for the notice referred to in number 1 of article 11 of law n. 9/91, of 18th July, for the purpose of the present law, shall be displayed in twelve hours.

ARTICLE 24
(Prohibition of publication of surveys)

It shall be prohibited to publish the results of surveys or inquiries related to voters' opinions concerning the electoral candidates, from the start of the electoral campaign until the publication of the electoral results by the National Election Commission.

ARTICLE 25
(Places where political propaganda is prohibited)

The utilisation of the following places is prohibited for electoral campaign purposes:

- a) Military and militarised facilities;
- b) State department and local government offices;
- c) Other working centres during normal working hours;
- d) Educational institutions during school hours;
- e) Normal religious places;
- f) Other military and paramilitary places;
- g) Health facilities.

ARTICLE 26
(Use of public buildings)

1. The utilisation of public places and buildings for electoral purposes is shared equitably by the different candidates under the rules to be prepared by the National Election Commission, without violating the internal rules of the respective institutions
2. The local state bodies and municipal authorities shall, for the purposes of the electoral campaign, make available the public buildings and other places belonging to the state and other corporate bodies of public corporation, for utilisation by the different candidates, under the terms referred to in n. 1.

CHAPTER II
Electoral Propaganda and civic education

ARTICLE 27
(Electoral Propaganda)

Electoral propaganda is every activity that directly or indirectly aims at the promotion of candidates of political parties' candidates, or coalition of parties, incumbents of its bodies or representatives or any other persons, namely through demonstrations, meetings, publication of texts, images or sounds that express or produce the content of such an activity

**ARTICLE 28
(Objectives)**

1. The objective of electoral propaganda is the development of activities aimed at obtaining votes from voters, through explanations of ideological principles, political, social and economic programmes, candidates' governing policies, the incumbents of the bodies that propose them, its representatives and any other person
2. All electoral propaganda shall identify the subscribing entity of the candidature that it supports

**ARTICLE 29
(Air Time)**

The candidates for the post of President of the Republic, the political parties and party coalitions running for the elections have the right to utilise the public broadcasting service and television during the election campaign, under the terms defined by the National Electoral Commission rule

**ARTICLE 30
(Sonorous Propaganda)**

Electoral propaganda through sonorous means does not need authorization and the administrative authorities do not need to be informed, and it is only allowed between seven AM and one Am

**ARTICLE 31
(Graphic Propaganda)**

1. The placing of posters does not require authorisation nor do the administrative authorities need to be informed
2. Posting posters or painted materials for electoral campaigning is forbidden on national monuments, temples and religious buildings, state bodies' headquarters at the national and local levels where the polling stations are going to function, on road and railway signal devices and inside public buildings

**ARTICLE 32
(The duties of the public sector print media)**

1. The public sector print media should include electoral material in their publications.
2. Whenever the print media referred to in the previous point include in their publications information related to the electoral process, these should be rigorous and exempt from any bias and shall avoid tampering with issues to be published and any discrimination against different candidates.
3. Graphic publications which belong to the state or are controlled by the state are required to include material related to the electoral acts in all

the publications issued during the electoral propaganda period, in line with the principles referred to in the previous points of the present article.

ARTICLE 33
(Common or alternate usage)

The candidates may agree among themselves to share or alternate use of the airtime or publication space attributed to them

ARTICLE 34
(Electoral propaganda after the close of the electoral campaign)

It is prohibited to undertake election propaganda in the forty-eight hours preceding the election and during the Election Days.

CHAPTER III
Electoral Financing

ARTICLE 35
(The Financing of the electoral campaign)

1. The electoral campaign is financed through:
 - a) Contributions of the candidate themselves, Political parties or party coalitions' own funds;
 - b) Voluntary contributions by national and foreign citizens;
 - c) As a result of electoral campaign activities;
 - d) Contributions of friendly national and foreign parties;
 - e) Contributions of national and foreign non-governmental organizations.
2. The state budget should forecast an allowance for the financing of the electoral campaign.
3. Political parties, or party coalitions shall not have their electoral campaign financed by foreign governments, on-governmental organizations and institutions or national public companies.
4. The entities referred to in the previous point may contribute to finance or to strengthen the State Budget allowance forecasted for the electoral campaign.

ARTICLE 36
(Financing by the state)

The National Election Commission has the duty to approve the criteria for the distribution of public financing funds related to the presidential and legislative elections. With regards to the legislative elections the National Election Commission should take into consideration the parliamentary representation and the candidates put forward, in accordance with the places to be filled.

ARTICLE 37
(The accounting of expenses and revenues)

1. The election candidates must accurately account for all the revenues and expenses incurred during the electoral campaign and inform the National Election Commission in a maximum of sixty days after the official publication of the results.
2. All the allowances endorsed by the State, referred to in the previous article, which have not been utilised or have been used for purposes other than the ones established by the present law, shall be returned to the National Election Commission.

ARTICLE 38
(Responsibility over the accounts)

The candidates, the political parties or party coalitions, are responsible for sending the accounts of the candidates and the accounts of the electoral campaign.

ARTICLE 39
(Accountability and appraisal of the accounts)

1. The National Election Commission shall appraise the reliability of the revenues and expenses within sixty days, and shall publish its conclusions in one of the most read national newspapers.
2. In the case of any irregularity in the accounts, the National Election Commission shall notify the party or coalition of parties or candidates to make a rectification within fifteen days.
3. If the competing entities in the elections do not account for their expenses and revenues within the period set n. 1 of article 37, or in case they do not present the new accounts under the terms of n.2 of the present article or in case it is concluded that there was an infringement under the terms of article 37, the National Election Commission shall notify the Department of Justice in order for legal proceedings to be started.

ARTICLE 40
(Prohibition of public assets in the electoral campaign)

1. Political parties, party coalitions and other candidates in the electoral campaign are strictly prohibited to use the assets of the state, the assets of the municipalities, the assets of autonomous institutions, state companies, assets of public enterprises and companies or partnerships with exclusively public shareholding or majority public.
2. An exception shall be made with regards to the ruling in the previous point; the public assets referred to in articles 26 and 29 of the present law.

PART IV
Electoral process

CHAPTER I

Organisation of the polling stations

ARTICLE 41 (Formation)

1. Each polling station shall be constituted for approximately one thousand voters.
2. Thirty days prior to the beginning of the elections the Electoral National Commission shall make public the definitive map of polling stations in its headquarters offices, to the media, and in easily accessible public places.

ARTICLE 42 (Locations of polling stations)

1. The polling stations shall function in those public buildings that offer the required access and security conditions, preferably in schools.
2. In the absence of adequate public buildings, private buildings shall be requested, for the purpose, without hindering appeal of building installations with rough material.
3. The polling stations constituted out of the country shall function in places indicated by embassies, general consulates or government representations in foreign countries.
4. The functioning of polling stations is not permitted in:
 - a) Police facilities;
 - b) Military facilities;
 - c) Residence of religious authority;
 - d) Buildings of any political party, party coalitions, group of proponent elector proponents, associations affiliated to political parties;
 - e) Places of selling alcohol beverages;
 - f) Religious places;
 - g) Health facilities.
5. Whenever possible, the polling stations and registration stations should be in the same place.

ARTICLE 43 (Announcement of day, hour and place)

The National Electoral Commission shall announce publicly, in each place, the day, the hour and the places where the polling stations shall be functioning, using the most efficient means of communication for the purpose.

ARTICLE 44 (List of candidates)

The Technical Secretariat for Electoral Administration (STAE) responsible for the distribution of the ballot papers shall give to the presiding officer (president) of the polling station, together with the ballot papers, the list of the candidates which have been definitely accepted, with complete identification of the candidates, so that they can be fixed in the place where the polling station function.

ARTICLE 45
(Functioning of the polling stations)

The polling stations shall function simultaneously all over the country on the established Election Day.

ARTICLE 46
(Staffing of the polling station)

1. In every polling station there shall be staff that shall have the power to direct and facilitate the voting and the counting of the results of the suffrage.
2. The staff of the polling stations shall be composed of five members, among whom there shall be a presiding officer (president), a deputy presiding officer (vice-president), a secretary and two counting persons that shall also take care of the organisation of voters for the voting act.
3. The members of the station staff shall be able to write and read Portuguese and they should have adequate training for the tasks that have been assigned to them.
4. At least two members of the staff should speak local language for the area of polling station.
5. The Technical Secretariat for Electoral Administration (STAE) shall have the power to indicate the names of the members of the staff of the polling stations and in consultation with the candidates' agents, as well as inducting them for performance of their functions.
6. The duties of a polling station's member shall be obligatory, unless in the presence of a force majeure or for reasons of serious difficulties, and the duty may not be undertaken by the agents.

ARTICLE 47
(Recruitment of polling staff)

The Technical Secretariat for Electoral Administration (STAE) shall recruit the staff of the polling stations based on the curricular evaluation opened to the public citizens with the age of eighteen or older, with technical skills for the purpose.

ARTICLE 48
(Appointment of polling staff)

1. The staff of polling stations shall be appointed by the time accorded for the beginning of its functioning at the places already indicated by the National Electoral Commission.
2. If the appointment of staff is not undertaken in those places, this shall nullify the electoral acts that have been carried out in such circumstances, unless for reasons well justified and sanctioned as a consequence of force majeure by the National Electoral Commission.
3. The staff of the polling stations present at the places of functioning of polling stations, two hours before the beginning of the voting.
4. Should the Technical Secretariat for Electoral Administration (STAE) observe that, one hour before the beginning of the voting, staff are absent, it shall designate with the agreement of candidates representatives, amongst the voters of recognised qualities, persons to substitute for those absent members.
5. The designated members to join the staff of the polling stations, in case they are workers, shall enjoy the right to leave from their working places throughout the duration of their new activities and on the working day following the end of their mission.
6. The license referred to in the previous clause does not affect the rights and benefits assigned to them; however, they shall make enough proof of the quality of the staff of polling station.

ARTICLE 49
(Non-replacement of polling staff)

1. The staffing of the polling station, once it has been established shall not be altered, unless for reasons of force majeure, and then the National Electoral Commission shall be under the obligation to inform the public about any such alterations.
2. The presence of the presiding officer (president) or deputy presiding officer (vice-president) and two members shall be sufficient to render valid the voting and results of suffrage.

ARTICLE 50
(Working conditions for polling staff)

1. The Technical Secretariat for Electoral Administration (STAE) shall promptly arrange the supply of any necessary material to the polling station, namely:

- a) Authentic copy of the voter's registers concerning voters registered in the area of the respective polling station;
 - b) The book of minutes of the electoral operations, with initials in every page and details of the opening and closing hours;
 - c) The forms, maps and registration lists, and the necessary information for the electoral operations;
 - d) The ballot papers;
 - e) The ballot boxes dully numbered at district or city level;
 - f) The voting booths;
 - g) The seals, sealing wax and the ballot envelopes;
 - h) The pens, pencils and erasers;
 - i) The ink cushion, digital impression ink and indelible ink;
 - j) The stamp and respective ink cushion;
 - k) Oil lamps or other means of illumination;
 - l) Calculators.
2. Local organs of public administration shall have the competence to establish and guarantee the necessary and indispensable conditions for safekeeping, conservation, security and inviolability of the material referred in the above paragraph.
 3. Whenever possible, the voting material will be kept in strong houses of the banks.

ARTICLE 51
(Designation of the candidates' agents)

1. Each candidature shall have the right to designate one effective delegate and one substitute delegate for each polling station.
2. The delegates may be designated to a polling station at which they have not been registered as voters.
3. The lack of such a designation or the absence of any of these delegates shall not affect the regularity of the electoral operations.

ARTICLE 52
(Designation procedure)

1. Until the twentieth day before the suffrage, the political parties, party coalitions and groups of voting citizens, shall designate their respective delegates for each polling station, and shall forward their names to the provincial, district or city electoral commissions for the effect of credentials.
2. The support organs of the National Electoral Commission shall issue at district or city level credentials referred in the previous paragraph of the present article, and shall forward them to the interested entities up until forty-eight hours prior to suffrage.

ARTICLE 53
(Rights and duties of the candidate's delegate)

1. The candidate's delegate shall enjoy the following rights:
 - a) To be present at the place where the staff of polling station function, and be seated in such a way as to enable them to inspect all the electoral acts;
 - b) To verify, before the beginning of the voting, the ballot boxes and the voting booths;
 - c) To request the staff of polling station an explanation and to obtain information about the electoral acts and present claims;
 - d) To be heard on every matters that may occur during the functioning of the polling station, either during the voting or during suffrage;
 - e) To make observations on the acts, whenever they deem convenient and sign them and in the case there should be no signature shall indicate the respective reasons;
 - f) The sign initials on all the documents concerning electoral operations;
 - g) To consult, at any time, the voter's registers;
 - h) Copies of the edited issues and the original of the acts duly signed and stamped.

2. The candidate's delegate shall have the following duties:
 - a) To carry out a conscious and objective inspection on the activities of the presidium of the polling station;
 - b) To co-operate for normal development of voting, suffrage and the functioning of the staff of the polling station;
 - c) To avoid unjustifiable inferences of bad faith concerning the activities of the staff of the polling station in such a way that might disturb the normal development of the electoral acts;
 - d) To not allow alterations in any of the documents concerning the electoral operations.

3. Failure to exercise any of these rights or duties envisaged by the present article shall not affect the validity of the electoral act.

4. In case of evident obstruction by the presidium of the polling station to exercise the rights and duties envisaged by the present article shall affect the validity of the electoral acts of that polling station.

ARTICLE 54
(Immunities of the candidate's delegates)

Candidate's delegates shall not be detained during the functioning of the polling station, except in the case of flagrant offences for crime for which the punishment is more than two years imprisonment.

CHAPTER II
Ballot papers

ARTICLE 55
(The material and the dimensions)

1. The National Electoral Commission, under proposal made by the Technical Secretariat for Electoral Administration (STAE), shall define the paper on which shall be printed the ballot papers;
2. The ballot papers shall be the rectangular shape with appropriate dimensions to accommodate the details of all submitted voting candidates.

ARTICLE 56
(Contents)

1. The identifying details of different candidates shall be placed horizontally, one under another on each ballot paper, according to their order in the draw.
2. The National Electoral Commission shall conduct draw of the candidates and the lists.
3. The following shall be the identification elements of the ballot paper: the denominations, abbreviations and seals or symbols of the contesting candidates who, in case of political parties or coalitions of political parties, shall produce those mentioned in the record book of the National Electoral Commission.
4. For the election of the President of the Republic, the identification elements shall be the full names of the candidates, their respective photographs and their motto;
5. On the line corresponding each candidate there shall be a square on which the voter shall insert a cross or digital impression of his or her choice.

ARTICLE 57
(Colour and other characteristics)

The National Electoral Commission shall decide the colours and other aspects of the ballot papers proposed by the Technical Secretariat for Electoral Administration (STAE).

ARTICLE 58
(Typographic inspection of the ballot papers)

Prior to definitive issuing of the ballot papers, the political parties or coalitions of parties and more contesting candidates or their proxies, shall be notified within the established deadline by the National Electoral Commission, to check conformity of the photograph, denomination, initials and symbol against the

material handed over the National Electoral Commission at the time of presentation of the candidates.

ARTICLE 59
(Production of the ballot papers)

The ballot papers are produced in series sequentially numbered.

CHAPTER III
Voting

SECTION I
Suffrage

ARTICLE 60
(Voting requirements)

1. The voter shall exercise his or her right to vote directly and personally;
2. Each voter shall only vote once in the presidential elections, and once in the legislative elections;

ARTICLE 61
(Right to vote)

1. The voting act constitutes the right of each citizen.
2. The public and private entities, the companies and other employers shall, if this is the case, authorise the respective workers by the necessary time, so that to go for voting.

ARTICLE 62
(Voting place)

1. The right of vote is exercised in the polling station where the voter was registered, unless the prescribed in the article 73.

ARTICLE 63
(Freedom and confidentiality of vote)

1. The vote is free and secret.
2. No one shall reveal, inside the polling station or outside within the distance of three hundred metres, the candidate he or she is going to vote or voted for.
3. No one shall be obliged to reveal his or her intention on which list or whom he or she are going to vote for.

ARTICLE 64
(Requirements for the exercise of the right to vote)

To obtain admission to the polling station, the name of the voter must be included in the voter's register and the respective stations' staff must confirm his or her identity.

SECTION II
Voting process

ARTICLE 65
(Opening time of the polling station)

1. The polling station shall open at seven o'clock in the morning and close at six o'clock p.m.
2. The presiding officer (president) of the polling station shall declare the polling station open and shall proceed together with other staff and candidate's delegates, with the verification of the voting booth and other equipment of the staff.
3. The presiding officer (president) of the polling station shall show the empty ballot boxes to other members of the staff, candidates, delegates and observers present, upon which he shall proceed with the sealing of those ballot boxes, and noting the seal numbers in the minutes.

ARTICLE 66
(Restriction on opening the polling station)

The opening of polling stations shall not occur under the following conditions:

- a) If it is impossible for the polling station to be established;
- b) If there is an occurrence at the place of the polling station or its proximity, of calamities of public order disturbances on the eve of or on the Election Day.

ARTICLE 67
(Irregularities and their elimination)

1. If there are any irregularities that might impede the voting process, the presiding officer (president) of the polling station shall proceed with their elimination within four subsequent hours upon the observation of the irregularities.
2. If it proves to be impossible to eliminate the irregularities within the above-prescribed time, the presiding officer (president) of the polling station shall declare the polling station closed, and shall notify the National Electoral Commission through the district or city Technical Secretariat for Electoral Administration (STAE) for a final decision.

ARTICLE 68
(Continuity of electoral operations)

1. The voting shall be suspended at six o'clock pm of the first day of the elections until seven o'clock am of the following day.
2. During the period of suspension, the ballot boxes shall be duly sealed and kept at the polling station, under the guard of police authority, and each candidature's delegate shall indicate in writing to the presiding officer (president) the two persons who are going to spend the night close to the ballot boxes as monitors.
3. After the period established for suspension, the presiding officer (president) shall break the seal referred to in the previous paragraph of this article, in presence of other members of the staff, candidates' delegates and observers present.

ARTICLE 69
(Interruption of electoral operations)

1. Electoral operations shall be interrupted in the following cases and the voting will be nullified:
 - a) Occurrence, at the local administration, of calamity or public order disturbance that might affect the electoral activities;
 - b) Occurrence, at the polling station, of any disturbances prescribed by no. 2 and 3 of Article 81.
2. Electoral operations shall be resumed only after the presiding officer (president) of the polling station has verified the elimination of the causes that led to the interruption.
3. In cases referred in the previous paragraph and whenever the integrity of the ballot boxes has been affected, when the electoral operations are resumed all previous voting acts will be nullified and must be repeated.
4. If it is impossible to repeat the electoral operations referred to in clause 3, the elections shall be postponed to take place on the second Sunday after the referred elections.
5. If it is impossible to repeat the electoral operations referred to in the previous clause, for the reasons prescribed in no. 1 of this article, the general result of the elections shall not be affected.

ARTICLE 70
(Presence of non-voters)

1. The presence of the following persons shall not be allowed in the polling stations:

- a) Citizens who are not voters;
 - b) Citizens who have already voted at that or another polling station;
2. However, media representatives and observers shall be allowed in the polling stations.
3. The media representatives and observers shall:
 - a) Identify themselves to the presiding officer (president) and to that effect show the credentials of the body they represent;
 - b) Abstain from taking pictures in close proximity to the ballot boxes, and from interviewing voters within three hundred metres of the polling station.

**ARTICLE 71
(Close of voting)**

1. The presiding officer (president) of the polling station shall declare the close of voting as soon as all persons registered to vote and present in the polling station have voted.
2. In cases when it is impossible to comply with the electoral deadlines, the National Electoral Commission shall have the power to decide on a possible alteration of the time of close of voting.

**SECTION III
General voting procedure**

**ARTICLE 72
(Voting order)**

1. The voters shall vote in sequence according to the time of their arrival at the polling stations, forming queues for this purpose.
2. Without hindrance of the previous clause, the presiding officer (president), other members of the staff of polling station, as well as the candidates' delegates who are registered in the voter's register corresponding to the polling station that they control, shall vote first.
3. The presiding officer (president) shall give priority for voting to the following voters:
 - a) Citizens engaged in security and protection service;
 - b) Sick or ill people;
 - c) Physically disabled;
 - d) Pregnant women;
 - e) Aged Citizens;
 - f) Health staff.

ARTICLE 73

(Vote of non-registered voters at a polling station)

1. The members of the staff of the polling station, the police agents and duly authorised journalists, can exercise the right of suffrage at that polling station, even if they are not registered in the corresponding voter's register.
2. The ballot papers corresponding to the votes referred to in the previous clause are separately processed, and indicated in the minutes.
3. Before voting, the name and the card number of the voters referred in the present article shall be recorded in the appropriate form and attached to the minutes for verification of the results to be elaborated by the staff of the polling station.

ARTICLE 74

(Procedure for voting of each voter)

1. Before voting each voter shall show his or her hands to the polling station staff members and shall give his or her voter's card to the presiding officer (president).
2. When the voter has been recognised, and after his or her registration has been identified, the presiding officer (president) shall give him or her the ballot paper.
3. Next, the voter shall enter the voting booth alone, where he or she shall cross or a fingerprint in the square corresponding to the candidate he or she supports, and which the voter shall fold each ballot paper into four parts.
4. Next, the voter shall deposit the ballot papers in the corresponding ballot boxes and then immerse his or her point finger into the appropriate ink, the polling station staff then confirms the voter has voted and signs the voter's register in the appropriate column and row corresponding to the name of the voter.
5. If, by mistake, the voter spoils a ballot paper, he or she may ask for another one from the presiding officer (president), and he or she shall return the spoiled one.
6. In the case envisaged in the previous article, the presiding officer (president) shall note on the ballot paper that it is spoiled and returned, and he or she shall sign and keep it to be dealt with in the manner described in article 96.
7. When the right to vote has been exercised, the voter shall take back his or her voter's card and leave the polling station.

ARTICLE 75
(Vote of disabled persons)

1. Blind people and people affected by illness or serious physical disability who have been brought to the notice of the presiding officer (president), shall not vote as described in the previous paragraph. Instead they shall vote in the company of another voter of their choice, who shall guarantee the veracity of the vote of disabled voter and shall be obliged to maintain absolute confidentiality.
2. Should the staff decide that they cannot observe any serious illness or physical disability, they should require that the voter presents a document from an authorised authority verifying their inability to vote in the manner described in the previous article.

ARTICLE 76
(Voting of citizens who are unable to read and write)

Citizens who are unable to read and write, and who are unable vote by placing a cross on the ballot paper, shall vote through the placement of the fingerprint in the respective square of the candidate they intend to support after the immersion of one of their fingers in the appropriate ink provided for that purpose.

ARTICLE 77
(Voting for voters who have lost their voting cards)

A voter, who has lost his or her voting card after the reissuing period established by the electoral organs, may vote only if his or her name appears in the respective voter's register, which will be confirmed upon showing his or her identification.

SECTION IV
Guarantee of the freedom to vote

ARTICLE 78
(Queries, claims and protests)

1. In addition to the candidate's delegates, any voter belonging to the polling station may address queries, claims and protests in writing concerning the electoral operations of the polling station together with pertinent documents.
2. The polling station staff shall not refuse to receive claims and protests, and shall sign them and annex them to the minutes.
3. The claims and protests shall be the subject of deliberation by the polling station staff that shall consider them at the end of the voting if the concerned matter does not affect the normal voting procedure.

4. All the deliberations of the staff of the polling station, on this matter, shall be made under the majority vote of the present members, and the presiding officer (president) shall have the deciding vote in the case of a draw.

ARTICLE 79
(Maintaining order and discipline)

1. The presiding officer (president), with the consent of the other members of the polling station shall have the power to secure the freedom of the voters, keep order and discipline, and shall take the necessary precautions towards that end.
2. Voters under the influence of alcohol or drugs or holding any sort of weapons, as well as those mentally ill or in any way threatening public order shall not be allowed into the polling station.

ARTICLE 80
(Prohibition of propaganda)

1. Propaganda shall be prohibited inside or outside within a three hundred-metre distance from the polling stations.
2. The provisions of the previous paragraph shall be equally applicable to any display of the symbols, or distinctive and detachable signs of the candidates or any political parties or coalition of parties.

ARTICLE 81
(Prohibition of the presence of the armed forces)

1. The armed forces shall be prohibited from any area within 300 metres of the polling station except in the case referred to in the following clauses.
2. When it is deemed necessary to put an end to a disturbance or to stop aggression or violence, either at the polling station or in its proximity or in the case of any disobedience of his or her orders, the presiding officer (president) of the polling station may, after consultation with the staff request the presence of security forces. A record must be kept in the minutes of the reasons for such a request as well as the period of time during which the security force is present.
3. In those cases in which the commander of the security forces observes any strong indications that the staff of the polling station is under physical or psychological pressure that might impede the presiding officer's (president) ability to make the request, he may order the security forces to intervene. The intervention shall cease when the presiding officer (president) has so decided or when there is no further reason for the presence of that force at the polling station.

4. In order to stop disturbances, aggressions or violence, the force that keeps public order must act in accordance with the Law.
5. When those cases indicated in paragraphs 2 and 3 of the present article occur, electoral operations shall be suspended until the presiding officer (president) decides that the conditions to proceed with those operations are viable.

ARTICLE 82
(Special duties of journalists)

Journalists who, in the exercise of their duties, intend to be in the polling stations shall not act in any way which might endanger the secrecy of the vote or disturb voting procedures, and they shall report with impartiality.

CHAPTER VI
Vote counting

SECTION I
The Partial Count

ARTICLE 83
(Preliminary operations)

1. When the voting is ended, the presiding officer (president) of the polling station shall proceed with the counting of those ballot papers which have not been used by the voters as well as those which have been spoiled by the voters, and he or she shall enclose them with the necessary specifications, in the two appropriate containers, one of which is for the election of the President of the Republic and the other is for the election of the Deputies of the Assembly of the Republic, and shall close, seal and lock the voter's register which is signed by all the members of the staff and candidate's delegates, to be forwarded to the corresponding district or city electoral commission.
2. All the operations prescribed in this article shall be carried out at the polling station.

ARTICLE 84
(Counting of the voters and ballot papers)

1. When the preliminary operation has ended, the presiding officer (president) of the polling station shall order the counting of the number of voters through consulting the recordings made in the voter's register.
2. After that the presiding officer (president) shall order the opening of the ballot boxes one by one to confirm the number of ballot papers contained in each and once finished, he shall replace the ballot papers into the ballot boxes.

3. The number of the counted ballot papers shall immediately be made public on the results sheet which shall be read aloud by the presiding officer (president) and shall be posted outside the polling station.

ARTICLE 85
(Resolving differences in counting)

1. In case of any discrepancy between the number of voters defined in number 1 of the previous article and the number of ballot papers, it shall be considered valid for the purposes of counting, if the number of the ballot papers in the ballot boxes is lower than the number of registered voters.
2. If the number of the ballot papers is higher than the number of registered voters, the voting shall be considered null and the naming of a new election date shall obey the provisions established by Article 176 point no. 2.

ARTICLE 86
(Counting of votes)

1. After the reopening of the ballot boxes, the presiding officer (president) shall proceed with the counting of the ballot papers, and shall observe the following rules:
 - a) The presiding officer (president) shall open the ballot paper and display it and announce aloud the voted for candidate;
 - b) The secretary or his or her substitute shall take note, on two separate papers or, if available, on a big blackboard, the number of votes attributed to each candidate or list;
 - c) After the ballot is displayed, the second clerk shall place separately and into different lots those votes which have been already viewed and read and which correspond to each candidate or list, as well as blank votes and invalid votes.
 - d) The first and the second clerks shall proceed with the counting of the votes, and the presiding officer (president) shall make public the number of votes that each candidate or list has obtained.
2. When the process mentioned in the previous paragraph has ended, the presiding officer (president) shall compare the total number of existing votes from the ballot boxes with the votes of each lot.

ARTICLE 87
(Blank votes)

A blank vote is a ballot paper, which does not contain any mark or sign.

ARTICLE 88
(Invalid votes)

1. A ballot paper shall be considered an invalid vote in which:
 - a) More than one box has been marked;
 - b) The marking of the box raises doubts;
 - c) The box marked corresponds to a candidate who has resigned from contesting the elections;
 - d) There is a cut, drawing or deletion;
 - e) There has been a word written.
2. It shall not be considered an invalid vote, if the ballot paper in which the cross or the finger mark has not been perfectly done or inserted, or exceeds the borders of the box, as long as it clearly manifests the intention of the voter.

ARTICLE 89
(Intervention of the candidate's delegates)

1. When the operations referred to in the previous articles have been completed, the candidate's delegates shall examine the lots of the separated ballot papers, without altering their composition. In the event that they may have doubts or objections concerning the counting or qualification given to the vote, they may request explanation or present claims to the presiding officer (president) of the polling station.
2. If the response of the staff of the polling station does not resolve the claims and protests to the satisfaction of the candidates' delegates, the ballot papers that are the subject of the protest or claim shall be removed and the views of the station staff shall be written on their reverse side. The papers must then be signed by the presiding officer (president) of the station and by the delegates.
3. The claims and protests not resolved shall not impede the counting of the ballot papers, to the effect of partial counting by the staff of the polling station.

ARTICLE 90
(Publication of the partial counting of results)

1. The partial counting results shall immediately be posted on an original results sheet, dully signed and stamped, at the polling station, on which the number of votes for each candidature, the number of blank and invalid votes is discriminated.
2. The partial counting can only be posted after the established time for closing of voting nationwide.

ARTICLE 91
(Communication of partial counting results)

The presiding officer (president) of each polling station shall immediately inform the city or district electoral commission, of the partial counting results elements including all the elements listed in the previous article, which shall, in turn, inform the provincial electoral commission, who shall directly inform the National Electoral Commission.

ARTICLE 92

(Disposal of invalid, claimed or protested ballot papers)

1. Invalid ballot papers and those, which have been claimed or protested, shall, after being signed by the presiding officer (president) or his or her substitute be forwarded to the district or city electoral commission within twenty-four hours, starting from the time at which the vote ended.
2. Within forty-eight hours, starting from the time at which the vote ended at the respective polling station, the votes referred to in the previous article shall be forwarded to the provincial electoral commission that, in turn, shall forward them to the National Electoral Commission.

ARTICLE 93

(Disposal of all other ballot papers)

1. All other ballot papers shall be placed in boxes that shall be sealed and entrusted to the district or city electoral commission.
2. When the deadlines for contentious appeals expires or when a definitive decision about these has been taken, the chairperson of the commission referred to in the previous clause shall proceed with the destruction of the ballot papers.

ARTICLE 94

(Minutes of electoral operations)

1. The secretary of the polling station shall elaborate the minutes of the voting operations and partial counting.
2. This record must provide the following information:
 - a) The registration number from the electoral census and the names of the members of the panel and the names of the candidate's delegates;
 - b) The location of the polling station;
 - c) The opening and closing hours of the polling station;
 - d) The deliberations taken by the panel of the polling station during the electoral operations;
 - e) The total number of the registered voters, the total number of the voters who voted and those who did not vote;
 - f) The number of votes that each candidate obtained;
 - g) The number of blank votes and invalid votes;

- h) The number of ballot papers which have been claimed or protested;
- i) The divergence in counting, if any, indicating the precise difference in numbers;
- j) The number of claims and protests annexed to the minutes;
- k) Any other events that the staff might deem necessary to mention.

ARTICLE 95
(Copies of the original results sheet)

The presiding officer (president) of the polling station shall distribute the copies of the original results sheets of the local vote count, duly signed and stamped, to the candidate's delegates, political parties, coalitions or group of contesting citizens.

ARTICLE 96
(Submission of the partial count electoral material)

1. Twenty-four hours after the local count, the presiding officers (presidents) of the polling stations shall submit either personally, or through the most secure means with the confirmation of a receipt, the ballot boxes, the results sheets, the voter's register and other documents concerning the elections to the respective district or city electoral commission through the Technical Secretariat for Electoral Administration (STAE).
2. The district or city electoral commission, within forty-eight hours, starting from the closing of the general voting at the respective polling station, shall forward through the more secure means and with confirmation of a receipt, all the electoral material referred to in paragraph 1 of the present article, to the provincial electoral commission, through the Technical Secretariat for Electoral Administration (STAE)
3. The candidates' delegates and observers may accompany the electoral material referred to in paragraph 1 of the present article and shall be informed about the departure hour of the transportation.

SECTION II
The Provincial count

ARTICLE 97
(Counting at the provincial electoral level)

1. The provincial electoral commission shall undertake the counting of the results at the provincial level.
2. The provincial electoral commission shall centralise, district by district; the total electoral results obtained from the polling stations within the geographical boundary of their jurisdiction and shall proceed with the counting of the electoral results at provincial level.

ARTICLE 98

(Summarising map of centralisation of votes, district by district)

The provincial electoral commission shall elaborate a summary map of the centralisation of votes obtained from all polling stations, district by district, on which the following information shall be indicated:

- a) The total number of registered voters;
- b) The total number of the voters who voted and those who did not vote, with the respective percentage in relation to the total number of those who are registered;
- c) The total number of the blank votes, invalid votes and the votes validly expressed, with their respective percentage in relation to the total number of the voters;
- d) The total number of the votes obtained by each candidate, with the respective percentage in relation to the total number of the votes validly expressed.

ARTICLE 99 (Content of the count)

The counting of votes referred to in the previous article shall consist of:

- a) The verification of total number of the registered voters;
- b) The verification of the total number of those voters who voted and those who did not vote in the area which concerns the counting with the respective percentage in relation to the total number of voters;
- c) The verification of total number of blank votes, invalid votes and valid votes, with the respective percentage in relation to the total number of voters;
- d) The verification of the total number of votes obtained by each candidate and, if this is the case, also by each coalition, with the respective percentages in relation to the total number of valid votes.
- e) The verification of the distribution of the mandates obtained by different candidates;
- f) The determination of the elected candidates;
- g) The indication of the counted results in the centralisation process, district by district.

ARTICLE 100 (Elements of the general counting)

1. The general count shall be carried out on the basis of the minutes and records of the operations of the polling stations, the electoral census book and other documents forwarded to the electoral commissions.
2. The absence of material from any polling stations shall not impede the counting, which shall be initiated on the basis of the material already received, and the chairperson of the electoral commission of the respective area shall call for a new meeting within the following twenty-

four hours, in order to conclude the work by taking the necessary precautions for the elimination of any faults.

ARTICLE 101
(Claims and protests)

The ballot papers in relation to which there have been claims or protests and the ballot papers considered invalid should be forwarded to the National Electoral Commission in the subsequent twenty-four hours, by the provincial electoral commission.

ARTICLE 102
(Minutes and results sheets of the provincial count)

1. The minutes of provincial counting which shall be elaborated immediately and duly signed, and shall contain the results of the respective operations, claims, protests and counter protests presented as well as the decisions that have been taken on each case.
2. The provincial electoral commission shall immediately forward two copies of the minutes of the provincial count to the National Electoral Commission.
3. A copy of the minutes and the records shall be given to the Governor of the Province who shall keep it under his or her responsibility.

ARTICLE 103
(Publication of results)

The President of the provincial electoral commission shall announce the results of the provincial count, within a maximum of seven days, starting from the day of the end of voting, through publication in the media, and the original results sheet shall be posted on the door of the provincial Government and where the provincial electoral commission is located.

ARTICLE 104
(Copy of the minutes and the notices on the provincial count)

The provincial electoral commission shall forward a copy, duly signed and stamped, of the minutes and the notice on the provincial count to the candidates and their list of representatives. These copies may also be issued to observers and journalists if requested.

ARTICLE 105
(Forwarding of the electoral documentation)

The books of electoral census and all other electoral documentation shall be forwarded by the provincial electoral commission within forty-five days after the publication of the electoral official map, to the National Electoral Commission, which keeps them under their responsibility.

SECTION III
National centralisation and general counting

ARTICLE 106
(Authorised authority for general counting)

The National Electoral Commission shall have power to centralize and publish of the results obtained by each candidate in each province contesting the presidential elections, as well as the counting and publication of the general results of the legislative elections, as well as the distribution of the list of mandates.

ARTICLE 107
(Elements of the general count)

1. The centralisation of the results of presidential elections, as well as the general counting of the legislative elections shall be carried out on the basis of the minutes and all other documents related to the provincial counting, received from the provincial electoral commissions.
2. The task of centralisation and general counting shall start immediately after the receipt of the minutes from the provincial electoral commissions and shall be carried out continuously until their completion.
3. In the case of the absence of the centralisation minutes of the provincial counting or other elements deemed necessary for the conclusion of the national count, the President of the National Electoral Commission shall take the necessary measures to have the absence rectified, within less than twenty-four hours.

ARTICLE 108
(Appreciation of previous matters)

At the beginning of the national count process the National Electoral Commission shall decide on those ballot papers which are considered to have been claims or protests, and shall verify and re-appraise the ballot papers considered invalid, according to the standardised criterion, which may result in the correction of the centralisation and the count carried out in each provincial electoral commission, without prejudicing the provision on the matter of contentious appeals.

ARTICLE 109
(National centralisation and counting)

The operation for national centralisation and general counting consists of:

- a) The verification of the total number of registered voters, and the number of voters who voted and the percentage of these in relation to the total number of registered voters;

- b) The verification of the total number of the votes obtained by each presidential candidate and each list and the number of blank vote and invalid votes;
- c) The determination of the presidential candidate elected;
- d) The verification of the need for a second round to presidential elections;
- e) The distribution of the lists of the delegates in each electoral constituency;
- f) The determination of the elected candidates per each list.

ARTICLE 110

(Minutes and notices of the national centralisation of the general count)

1. The original minutes and notices of the national centralisation and count shall immediately be elaborated, signed and stamped, and shall include the counting results, the claims, the protests and counter protests presented, and the decisions that may have been made on them.
2. The copies of the minutes and notices referred to in the previous paragraph concerning the legislative elections shall immediately be forwarded to the Constitutional Council, the President of the Republic, as well as the President of the Republic Assembly.

ARTICLE 111

(Publication of the results of the national centralisation and general count)

The President of the National Electoral Commission, within a maximum deadline of fifteen days starting from the closing day of voting, shall announce the results of the national centralisation and general counting, and shall publish them in the media and post them on the door of the National Electoral Commission's building.

ARTICLE 112

(Copy of the minutes and the notices of the general count)

The National Electoral Commission, with confirmation of the receipt, shall issue a copy of the minutes and the notice of the general count, signed and stamped, to the candidates and the proxy of each proposed list to election, as requested.

ARTICLE 113

(Disposal of the documentation)

The minutes and the notices of the provincial electoral commissions and national counting shall be preserved by the National Electoral Commission.

ARTICLE 114

(Official tally sheets of the electoral results)

1. The National Electoral Commission shall elaborate two official tally sheets with the results of the presidential elections and legislative elections, which shall contain:
 - a) The total number of the registered voters;
 - b) The total number of the voters who voted and those who did not vote, with the respective percentages in relation to the total number of the registered voters;
 - c) The total number of blank votes and invalid votes and valid votes, with the respective percentages in relation to the total number of the voters;
 - d) The total number of the votes obtained on each candidature, with the respective percentage in relation to the total number of valid votes;
 - e) The total number of list of each candidature;
 - f) The names of the elected candidates, with indication of denomination of the respective candidates, as well as the contesting political parties, in case of coalition.

ARTICLE 115

(Validation and proclamation of the electoral results)

The Constitutional Council, after deliberating on the claims and appeals, shall proceed with the appreciation of the minutes of the national centralisation of the presidential electoral results and the minutes of the counting of the legislative elections to the effect of validation and proclamation.

PART V

Election of the President of the Republic

CHAPTER I

Passive electoral eligibility

ARTICLE 116

(Mandate of the President of the Republic)

1. The President of the Republic shall be elected by universal suffrage, direct, secret, personal and periodic ballot.
2. The Mandate period of the President of the Republic is five years.

ARTICLE 117

(Passive electoral eligibility)

1. Those eligible for the post of President of the Republic are native-born Mozambican citizens who are registered voters, and are more than thirty-five years of age.
2. Civil servants or of other public officials shall not need authorisation to contest for the post of the President of the Republic.

ARTICLE 118
(Ineligibility)

The following citizens shall not be eligible for the post of President of the Republic:

- a) Those who do not enjoy active electoral eligibility;
- b) Those who have been sentenced to imprisonment for a serious crime;
- c) Those who have been sentenced to imprisonment for robbery, theft, breach of trust, fraud, forgery or a serious crime by a civil servant, as well as the habitual delinquent offenders declared by judicial decision;
- d) Those who do not live in the country for, at least, twelve months before the elections take place.

ARTICLE 119
(Electoral constituency)

The electoral constituency shall correspond to the territory of the Republic of Mozambique.

CHAPTER II
Electoral regime

ARTICLE 120
(Electoral procedures)

The President of the Republic shall be elected through a uninominal list, presented under the terms of Articles 123, 124 and 125 of the present Law.

ARTICLE 121
(Electoral criterion)

1. The President of the Republic shall be elected, when having more than half of the valid votes cast and excluding blank votes and invalid votes.
2. If none of the candidates obtains that number of votes, a second election shall be carried out, to which the two candidates with the most votes who have not withdrawn their candidature, shall contest.
3. In the second election, the candidate who obtains the most valid number of votes shall be considered elected.

ARTICLE 122
(Election Day)

The day or days of the elections shall be the same all over the country.

CHAPTER III
Candidates

ARTICLE 123
(Submission of Nominations)

1. The nominations for the post of President of the Republic shall be presented by political parties or coalitions of parties legally established and supported by a minimum number of ten thousand duly identified registered voters.
2. The nominations for the post of President of the Republic may also be presented by group of voters or citizens, with the minimum number of ten thousand signatures.
3. Each voter shall only be signatory for a single candidature for the President of the Republic.

ARTICLE 124
(Presentation of nominations)

1. The presentation of nominations shall be carried out in presence of the Constitutional Council sixty days prior to the day named for the elections.
2. Nominations are presented by the candidate or their proxy.
3. After the deadline for presentation of the nominations has ended, the President of the Constitutional Council shall have the list of the nominations posted outside the office of the Constitutional Council and the National Electoral Commission.

ARTICLE 125
(Formal requirements for presentation)

1. The presentation of the nominations shall be carried out by submitting an affidavit to the Constitutional Council.
2. The affidavit shall include the following :
 - a) The full identification of the candidate, indicating age, affiliation, occupation, residence, number and date of issue and validity of the identity card.
 - b) A document that proves the candidate to have been registered in the updated electoral register;
 - c) A certificate regarding criminal record of the candidate;
 - d) Nomination acceptance declaration of the candidature;
 - e) Declaration of the candidate to being eligible at all times, with evidence of having not been involved in any ineligibility.
3. The proponents shall prove the registration in the census and their signatures are notarised.
4. The declarations referred to in paragraphs d) and e) of no. 2 shall be authenticated.

ARTICLE 126
(Irregularities of the process)

When irregularities of the process are verified, the President of the Constitutional Council shall immediately notify the proxy of the candidate in order to rectify them within three days.

**ARTICLE 127
(Rejection of the candidates)**

Ineligible candidates will be rejected.

**ARTICLE 128
(Lottery of the lists)**

1. At the termination of the deadline for presentation of the candidates, in the following three days, the National Electoral Commission shall conduct a lottery for the lists of candidates for the purpose of determining their order on the ballot paper, by casting lots in the presence of the candidates or their proxies.
2. The result of the lottery shall be posted on the door of the National Electoral Commission's building and published on the Official Gazette and in the media.

***CHAPTER IV
Withdrawal or death of candidates***

**ARTICLE 129
(Withdrawal of candidates)**

1. Any candidate might withdraw their nomination up to fifteen days before the beginning of the election, by presenting a written declaration duly signed and authenticated, to the Constitutional Council.
2. After the correctness of the withdrawal declaration is verified, the President of the Constitutional Council shall post copies on the doors of the Constitutional Council building, the National Electoral Commission's building, and shall have it published in the media.

**ARTICLE 130
(Death or incapacity)**

1. In the event of the death or incapacitation of a candidate the Constitutional Council shall be informed within limit of twenty-four hours of the occurrence.
2. Whenever there is a intention to replace the candidate, the President of the Constitutional Council shall give a deadline of five days for presentation of the new nomination, and shall immediately inform the President of the Republic to the effects envisaged as per no. 4 of the present article.
3. The Constitutional Council shall make a decision on the replacement of the candidate within forty-four hours.
4. The President of the Republic shall name the day of the elections in the following forty-four hours upon receiving the decision made by the

Constitutional Council, to take place after thirty days starting from the date initially named for election.

5. In the event that there is no intention to replace the candidate, the elections will take place on the indicated date.
6. During the presentation of the new nomination, the candidate shall be exempt from having to present new signatures.

All situations of withdrawal or ineligibility of candidates, decided by the Constitutional Council shall be published on the Official Gazette within forty-eight hours.

CHAPTER V

Second Round Election

ARTICLE 132 **(Admission and second round election)**

1. The two candidates with the most votes in the first election should take part in the second suffrage.
2. In case of death or incapacity or withdrawal of one of the two candidates with the most votes, the President of the Constitutional Council convenes the other candidates successively and in terms of the electoral results, by eighteen hundred hours on the fifth day after the announcement of the electoral results of the first round. Those candidates will have to declare themselves expressively as to whether they will run or not for the second round election.
3. Once the two candidates for the second round election under the terms of the previous paragraphs have been found, the President of the Constitutional Council shall immediately inform the President of the Republic and send someone to post the list on the door of the Constitutional Council of the National Electoral Commission, ensuring its publication in the 1st series of the Official Gazette, by eighteen hundred hours of the fifth day after the day of the publication of the first voting result.
4. In the case foreseen in no. 2, if there is no possibility of calling the second candidate with most votes, the second round election will not occur, and the single candidate will be elected.

ARTICLE 133 **(Date and electoral campaign for the second round election)**

1. The President of the Republic shall name, under the proposal given by the National Electoral Commission, the second round election to take place by the twenty-first day after the publication of the first election results.

2. The second round electoral campaign shall have ten days duration and shall terminate twenty-four hours before the election.

CHAPTER VI **National counting**

ARTICLE 134 **(National counting)**

The National counting of the election and the proclamation of the elected candidate or designation of the two contesting candidates in the second round, according to article 132 and the following articles, is the of the task of a national counting assembly, which commences its work on the second day after the receipt of the minutes and centralization lists and other documents referred to in article 111.

ARTICLE 135 **(National Counting Assembly)**

1. The National Counting Assembly comprises of the plenary of the National Electoral Commission.
2. The candidates or their proxies may be present during the work of the National Counting Assembly.
3. The candidates or their proxies may, during the verification operations, present claims, protests or counter protests on which the Assembly deliberates.

ARTICLE 136 **(National counting operation)**

The National counting consists of verification of the elements referred to in Article 109 and in the determination of the elected candidate.

ARTICLE 137 **(Minutes and Results of the National count)**

1. The original minutes of the National count, are immediately produced and shall document the results of the respective operations, as well as the claims, protests or counter protests presented and the deliberations on them.
2. Then the original results sheet, containing the details of the National count, is elaborated, signed and stumped, and posted on the door of the National Electoral Commission building, in a place easily accessed by the public.

ARTICLE 138

(Copies of the minutes and the national results)

The National Electoral Commission shall issue a counter receipt, a copy of the original minutes and the results of the National count, signed and stamped. Observers or journalists as required may also receive copies.

ARTICLE 139

(Validation and proclamation of the results)

1. The Constitutional Council shall validate the results of the National count.
2. The President of the Constitutional Council shall proclaim the results.

ARTICLE 140

(Publication of the results of the National count)

Within two days after the validation and the proclamation of the results, the President of the Constitutional Council shall have them published in the Official Gazette, and shall forward a copy to the National Electoral Commission and another copy shall be given to the President of the Republic.

PART VI

Legislative Elections

CHAPTER I

Composition and mandate of the Assembly of the Republic

ARTICLE 141

(Composition of the Assembly of the Republic)

The Assembly of the Republic comprises two hundred and fifty deputies.

ARTICLE 142

(Mandate of the Assembly of the Republic)

The deputies of the Assembly of the Republic are elected for a five-year mandate

ARTICLE 143

(Nature of mandate)

The deputies of the Assembly of the Republic shall represent the whole country, not only the electoral constituencies where they are elected.

CHAPTER II

Passive electoral eligibility

ARTICLE 144

(Passive electoral eligibility)

Mozambican citizens who are registered voters are eligible to the run for deputy of the Assembly of the Republic.

ARTICLE 145 (Passive electoral eligibility)

The following are citizens affected by passive electoral ineligibility:

- a) Those who do not enjoy active electoral eligibility;
- b) Those who have been sentenced to imprisonment for robbery, theft, breach of trust, fraud, forgery or a serious crime by a civil servant,
- c) Those who are judicially declared as habitual delinquent offenders of serious crimes;

ARTICLE 146 (Ineligibility)

1. The mandate of a deputy of the Assembly of the Republic is incompatible with the mandate of a Government member.
2. A member of the Government who is elected Deputy of the Assembly of the Republic and intends to maintain that function must give up the mandate of Deputy of the Assembly of the Republic, under the terms prescribed in article 172.
3. The Deputy of the Assembly of the Republic mentioned in the previous paragraph takes back his or her mandate in the Assembly of the Republic, providing that he ceases being a member of Government.
4. The mandate of a Deputy of the Assembly of the Republic is also incompatible with employments remunerated by foreign states or by international organisations.

ARTICLE 147 (General ineligibilities)

The following are ineligible to the Assembly of the Republic:

- a) Magistrates on active duty;
- b) Permanent members of staff of the Military and the armed forces;
- c) Career diplomats on active duty;
- d) Members of the National Electoral Commission and of their supporting organs, members of the Technical Secretariat for Electoral Administration (STAE) and their representations at provincial, district and city level.

ARTICLE 148 (Public servants)

Public servants or other public officials are not authorised to submit their candidature for the post of deputy of the Assembly of the Republic.

CHAPTER III

Organisation of electoral constituencies

ARTICLE 149 **(Electoral constituencies)**

1. The national territory shall make arrangements for the purpose of the election of deputies to the Assembly of the Republic.
2. The electoral constituencies shall coincide with the administrative areas of the provinces and Maputo city and are designated by the same name and have as their headquarters the respective capitals.
3. The voters residing abroad shall have two electoral constituencies, one being one for countries in the African region and the other for the rest of the countries.

ARTICLE 150 **(Distribution of deputies by constituencies)**

1. The total number of deputies for each electoral constituency of the national territory shall be two hundred and forty-four deputies, proportionally distributed to the number of voters of each electoral constituency.
2. Verification of the number of the deputies to be elected in each electoral constituency of the national territory shall be conducted as follows;
 - a) the total number of voters registered in the national territory is verified;
 - b) the total number of the voters registered in the national territory is divided by two hundred and forty-four, thus the quota corresponding to each mandate is obtained;
 - c) the total number of the voters in each electoral constituency in the national territory is verified.
 - d) The total number of the voters registered by each electoral constituency is divided by the quota approved in paragraph c) of this Article.
3. If after the division referred to in paragraph d) of the previous number, a constituency has a remainder greater than half a quota, the respective electoral constituency is entitled to elect one more Deputy to the Assembly of the Republic.

4. Each electoral constituency outside the country corresponds to one Deputy of the Assembly of the Republic.

ARTICLE 151
(Publication of the distribution list)

1. The National Electoral Commission arranges for publication in the 1st series of the Official Gazette, between sixty and eighty days before the election, of the list with the number of deputies and their distribution by electoral constituency.
2. The list referred to in the previous number is elaborated on the basis of the updated electoral census.

CHAPTER IV
Electoral regime

ARTICLE 152
(Electoral procedures)

1. The deputies of the Assembly of the Republic are elected through plurinominal lists in each electoral constituency, by a single vote cast per voter on the list.
2. The proponents present the lists to the voters, during the campaign.

ARTICLE 153
(Organisation of the lists)

1. The lists proposed for the elections shall include effective candidates in equal number to the number of the mandates attributed to the electoral constituency to which they are allocated, with the number of the substitute candidates being not less than three and not more than the number of effective candidates.
2. Candidates appear on each list in the sequential order of their respective declarations of applications

ARTICLE 154
(Distribution of places within the lists)

1. The mandates within the lists are assigned to candidates in accordance with their order of precedence on the lists.
2. The existence of incompatibility between the function carried out by the candidate and the exercise of the post of the Deputy of the Assembly of the Republic does not hinder attribution of mandate.

3. In any case of death or sickness resulting in physical or mental impossibility of the candidate, the mandate is given to the immediate and following candidate, in terms of the precedence order mentioned above.

ARTICLE 155
(Limit of the number of votes' required for a mandate)

Each candidate's list shall only receive a mandate, after verification of having received five per cent of the cast at national level.

ARTICLE 156
(Election criterion)

The conversion of votes into mandates is made through the proportional representation method and the d' Hondt system, in accordance with the following rules:

- a) Separate totals are calculated for the number of the votes cast for each list within the respective electoral constituency;
- b) The number of votes cast for each list is divided successively by 1,2,3,4,5, etc., and thereafter the quotients are aligned in order of their size, in a series of as many the terms as the mandates assigned to the respective electoral constituency;
- c) The mandates are allocated to the lists that correspond with the terms of series established by the previous clause, and each of the lists will receive as many terms as the mandates assigned to their respective electoral constituency;
- d) In those cases in which there is only one mandate to be given and in which the successive terms of series are equal, the mandate will be given to the application that obtains the lower number of votes.

ARTICLE 157
(Elections through community constituencies of the Mozambicans abroad)

The election of the two candidates corresponding to the Mozambican communities outside the country is performed according to the principle of election by majority.

CHAPTER V
Presentation of candidates

ARTICLE 158
(Legitimacy of presentation)

1. The candidates shall be separately or in coalition presented by political parties, as long as they are registered by the deadline for the presentation of candidates, and the lists can integrate citizens not registered in these respective parties.

2. None political party or coalition of parties can present more than one list of candidates in the same electoral constituency.

ARTICLE 159
(Prohibition of multi-application)

No candidate may contest for Deputy of the Assembly of the Republic on more than one list or will be made ineligible.

ARTICLE 160
(Coalitions for electoral purposes)

1. The political parties that hold conventions to form coalitions for electoral purpose should communicate their intentions to the Electoral National Commission through an application jointly signed by the relevant organs of the respective political parties
2. The communication foreseen in the previous number must contain the following:
 - a) The definition of the coalition ambit;
 - b) Name of the coalition, symbol and emblems;
 - c) Position of the people who occupy the leadership or who are coordinating the coalition;
 - d) Proof of the approval of the convention of the coalition.

ARTICLE 161
(Recognition of coalition names, acronyms and symbols)

1. Twenty-four hours after the communication for annotation, the National Electoral Commission shall legally recognise the name, acronyms and symbols, as well as their identity or similarity with those of other parties or coalitions;
2. The decision prescribed in the previous number shall immediately be published on a list and posted on the door of the National Electoral Commission.
3. Within twenty-four hours from the posting of the list, the proxies of any presented list can appeal against the decision to the Constitutional Council which must decide on the matter within forty-eight hours.

ARTICLE 162
(Presentation of candidates)

1. The presentation of the candidates is of responsibility of the authorised organs of the political parties or party coalitions.

2. The presentation shall be carried out between seventy-five days and fifty-five days before the date named for the elections, in presence of the National Electoral Commission.

**ARTICLE 163
(Presentation requirements)**

1. The presentation consists of the delivery of the application and the list containing the names and moreover identification elements of the candidates and the proxies indicated on the list, as well as those of the candidature declaration, and still, in case of the list presented by the coalition, the indication of the party that proposes each of the candidates.
2. The candidates shall sign together or separately the nomination affidavit which shall state the following:
 - a) That they are not ineligible;
 - b) That they do not appear in any other nomination list;
 - c) That they accept the nomination;
 - d) That they agree to the nominated proxy.
3. Each list shall be elaborated with the following elements:
 - a) The statutes or registration certificate of the political party or coalition of parties;
 - b) The Voter Identification of the candidate and the respective voter's card number;
 - c) The Criminal record of each candidate.

**ARTICLE 164
(Publication of the lists and verification of the candidates)**

1. After end of the period for the presentation of the candidates lists, the President of the National Electoral Commission shall have copies posted on the door of the National Electoral Commission.
2. During a period of eight days starting after the end of the period for the presentation of the candidates' lists, the National Commission Elections shall check the regularity of the process, authenticity of the relevant documents and the eligibility of the candidates.

**ARTICLE 165
(Formal irregularities)**

1. In case of any formal irregularity, the candidature's proxy shall immediately be notified, within five days, by the National Electoral Commission for the respective elimination.
2. If the elimination of the formal irregularity is not done, within the deadline prescribed above, the candidature will be annulled.

3. The annulled candidature's proxy shall be immediately notified in order to proceed, if he or she wishes to do so, with the replacement of the irregularity, within two days. If he does not come forward, the position on the list annulled shall be occupied by the first substitute candidate in the list, with the corresponding requirements defined in terms of Article 163

**ARTICLE 166
(Rejection of candidates)**

1. Ineligible candidates will be rejected.
2. The rejected candidature's proxy shall be immediately notified in order to proceed with the replacement of the illegible candidate or candidates, within ten days, under sentence of its rejection.

**ARTICLE 167
(Publication of the decisions)**

After the end of the deadline referred to in articles 165 and 166, if there is no alteration to the lists, the President of the National Electoral Commission shall post the definitive list of admitted or rejected candidates on the door of the National Electoral Commission building.

**ARTICLE 168
(Appeals)**

1. The candidates, their proxies, the political parties or coalition of political parties running for office, might appeal to the Constitutional Council about the decisions related to presentation of the candidates, within ten days after the referred publication of decisions in the previous article.
2. Claims are deliberated within five days from the deadline mentioned in the previous number.

**ARTICLE 169
(The draw of the Lists)**

1. During three days after the publication of the definitive lists, the National Electoral Commission shall proceed with the draw of these lists, in the presence of the candidates or proxies, in order to determine the sequence of the lists, by casting lots.
2. The result of the casting of the lots shall be fixed on the door of the National Electoral Commission, having it published on the Official Gazette and to media.

CHAPTER VI

Replacement and withdrawal of candidates

ARTICLE 170 (Replacement of candidates)

1. There may be a possibility for replacement of the candidates p to fifteen days before the elections, only in the following cases:
 - a) Rejection of the candidate on the grounds of ineligibility;
 - b) Death or sickness resulting in physical or psychological ineligibility of the candidate;
 - c) Withdrawal of the candidate.

ARTICLE 171 (Withdrawal)

1. A withdrawal from the list is possible up to seventy-two hours before the day named for the beginning of the election. In which case, the respective proxy shall inform the National Electoral Commission about the fact.
2. The renunciation of nomination referred to in the previous paragraph is possible through an affidavit dully notarised and signed.

ARTICLE 172 (Vacancies occurring in the Assembly)

1. The first non-elected candidate fills the vacancies appearing in the Assembly, by the respective precedence order of the list to which the vacant titular belonged, and that he is not prohibited to assume the mandate.
2. No completion of vacancy can take place if there are no effective or substitute candidates non-elected from the list to which the titular of the vacant mandate belonged.
3. The deputies appointed as Government members cannot exercise the mandate until the cessation of those functions, and are replaced under the terms of the present article.

CHAPTER VII (Contentious appeals)

ARTICLE 173 (Contentious appeals)

1. Claims or appeals against any irregularities that occurred during the election or during the partial and general verification of the electoral results can be considered by the National Electoral Commission, as long as they relate to protests that were submitted at the time at which they occurred.

2. Appeals against decisions made can be made not only by the complainant but by the candidates and their proxies, and by the political parties and party coalitions that are based in the electorate in which they compete for election.
3. The petition must specify the ground of fact and right of appeal and it is supported with all elements of evidence, including a photocopy of the assembly minutes where the irregularity were to have occurred.

PART VII
(Contentious and unlawful elections)

CHAPTER I
Electoral contentions

ARTICLE 174
(Appeals to the electoral administration)

1. The petition for a claims shall specify the respective grounds for the appeal (facts and rights), and it shall be supported by all necessary elements of evidence.
2. For the formulation of the petition, the National Electoral Commission or their supporting organs shall make available the necessary documentation when requested by the appellant.
3. The contentious appeal shall be launched to the National Electoral Commission within two days from the publication of the results, and the decision shall be made within the two subsequent days.
4. Before making a decision on the complaint, the National Electoral Commission shall notify the proxies of the candidates so that they may appeal within the time limit of twenty-four hours, if they so wish.
5. The decision mentioned in no. 2 of the previous article shall be notified through more rapid via to the appellant or appellants.

ARTICLE 175
(Appeal to the Constitutional Council)

1. Appeals against any decisions taken by the National Electoral Commission about claims can be made to the Constitutional Council.
2. The appeal must be made within three days of the date the National Electoral Commission communicates its decision about the specific claim.

3. Within five days, the Constitutional Council will take a definite decision on the appeal and thereafter will immediately communicate the decision to all the interested parties, including the electoral organs

ARTICLE 176
(Nullification of elections)

1. The voting in any voting station can only be deemed null and void if there have been illegalities verified that may affect the general outcome of the election.
2. Once the voting in one or more polling station is declared null and void, the corresponding electoral operations are to be repeated on the second Sunday after the decision.

ARTICLE 177
(Exemption from costs and fastness of the process)

The process of contentious appeal is exempted from costs and has priority over other matters.

CHAPTER II
Unlawful Elections

SECTION I

ARTICLE 178
(General criminal liability and disciplinary responsibilities)

1. The penalties stipulated in this law do not exclude other penalties more grave for practicing any crime contemplated in the General Penal Code.
2. The infringements contemplated in this law also constitute disciplinary offences when committed by the agents subjected to such responsibilities.

ARTICLE 179
(Aggravating circumstances)

Besides those circumstances foreseen in the General Penal Law, special aggravating circumstances of unlawful penal election are constituted by:

- a) The fact that the infringement can affect the elections results;
- b) The fact that agents of the elections are part of the elections organs National Electoral Commission, provincial commissions of elections, district or city, staff of polling stations or Technical Secretariat for Electoral Administration (STAE)
- c) The fact that the agent is the candidate, application's delegate or list's agent;

ARTICLE 180
(Prescription/Statute of Limitations)

The statute of limitations for criminal procedure for infractions related to electoral operations expires within one year from when the offence was committed.

SECTION II
Infractions related to the submission of nominations

ARTICLE 182
(Ethical norms of the campaign)

Incitement to riot or insurrection, or incitement to hate, racism, violence or war, shall be punished by prison a sentence from two to eight years, if no other graver sentence applies.

ARTICLE 183
Violation of the impartiality and neutrality obligation)

Anybody, who violates the neutrality and impartiality duty with respect to nominations, is punished with the sentence of imprisonment of up to one year and a fine of one to two months of the minimum national wage.

ARTICLE 184
(Improper use of name, acronym or emblem)

Anybody, who during the electoral campaign makes use of the name, acronym, or emblem of the political party, coalition of parties or groups of voting citizens with the intention to prejudice or harm, is punished with a fine six to twelve minimum national wages.

ARTICLE 185
(Abuse use of broadcast time)

1. Political parties or party coalitions or their respective members who, through radio and television, during electoral campaigns and in exercise of the right to broadcast for electoral propaganda, appeal to disorder or insurrection, or incitement to hate, violence or war, will immediately be suspended from the exercise of that right for a period of one day to the number of days the campaign will last, according to the seriousness of the infraction and the level of its repetition, without hindering the civil or criminal responsibility.
2. The suspension will include the exercise of the right to broadcast in all radio and television stations, even if the fact that determined it has been verified in one of them.

ARTICLE 186
(Inappropriate use of public buildings)

Political parties or party coalitions as well as candidates who break the regulations described in article 40, on the use of Government properties during the electoral campaign, including local municipalities, autonomous institutes, estate companies, public companies, shall be punished under sentence of prison up to one year and charged a fine of ten to twenty minimum national wages.

ARTICLE 187
(Suspension of the right to broadcast)

1. The National Electoral Commission determines the suspension foreseen in the previous article either by its own initiative or through an application from a citizen or any other entity or institution.
2. For this purpose of reviewing the content of a broadcast for possible breaches related to the exercise of the right to broadcast given to the political parties or coalition parties, radio and television stations must record and file a record of all broadcasts up to the validation of the election results, with the obligation if necessary to make them available to the National Electoral Commission.
3. The National Electoral Commission shall proffer the decision until the time when the new broadcasting time in any radio or television station is foreseen, so that the political party to which the infringer belongs, unless they are aware of the infraction in less than twenty-four hours before, and there is hypothesis to decide within this time limit.
4. The decision, to referred to in the previous point, shall be preceded by a hearing with the political party or party coalition to which the infringer belongs, called as necessary, through a written dispatch forwarded to the headquarters of that party or coalition, containing in summary the infraction matter and notification that the reply shall be sent by the same means, within the time limit established.
5. Only the production of documented evidence that shall be handed over to the National Electoral Commission is allowed within the period up to the deadline given for the response.

ARTICLE 188
(Violation of freedom of election meetings)

Anybody, who impedes the realization or the continuation of an electoral meeting, rally or gathering or defiles political propaganda, shall be punished with a prison sentence of up to six months and charged a fine of three to six minimum national wages.

ARTICLE 189
(Illegal meetings, rallies, defiles or attendances)

Those who during the electoral campaign period promotes meetings, rallies, or gatherings that defy or do not comply with what is described in Laws no. 9, 91, of 18th June, and 7, 2001 of 7th July respectively, and in article 21 of the present Law, shall be punished by a fine of twenty-five to fifty minimum national wages.

ARTICLE 190
(Violation of the rights of sonorous and graphic propaganda)

Those who break the regulations prescribed in Articles 30 and 31 regarding propaganda with use of sonorous or graphic tools shall be punished with a fine of three up to six minimum national wages.

ARTICLE 191
(Damage of electoral propaganda material)

1. Those who under any circumstance, steal, rob, destroy, tear off, render useless either wholly or partially, render illegible, alter, distort, or affix any material over it with the objective of obscuring it, any electoral material shall be punished with a prison sentence of up to six months and charged a fine of six to twelve minimum national wages.
2. The facts foreseen in the previous point are not punished if the propaganda material has been fixed in the agent's house or shop without his or her consent or contain non-updated material.

Article 192
(Embezzlement of election propaganda material)

Anybody, who embezzles, retains or does not deliver memos, posters, or papers of election propaganda of any list to the people concerned, is punished with a sentence of imprisonment of up to six months, and charged three to four minimum national wages.

ARTICLE 193
(Propaganda after the close of the electoral campaign)

1. Anybody, who during the election day or in the preceding day undertakes election propaganda by using any means, shall be fined thirteen to twenty-six minimum national salaries
2. Anybody, who during election day undertakes any electoral propaganda activity in the voting station or in its vicinities up to three hundred meters, will incur the same penalty as above.

ARTICLE 194

(Disclosure of opinion poll results)

Anybody, who discloses the results of any opinion polling of the voters opinion regarding those contesting in legislative and Presidential elections, between the beginning of the electoral campaign until the announcement of the electoral results by the National Electoral Commission, will be punished with the sentence of imprisonment of up to a year and a fine of one to five times the minimum monthly national wage.

ARTICLE 195 (Non-accounting of expenses and receipts)

Whoever contravenes article 37 shall be punished with a fine of twenty-five to fifty minimum national wages

ARTICLE 196 (Non-reporting)

Whoever contravenes the rules prescribed in point no. 1 of Article 39 of the present Law, shall be punished with a fine of twenty-five to fifty minimum national wages and shall be prohibited from contesting in the following elections.

The members of central organs of the parties, coalitions, proxies of lists, delegates or representatives, shall respond in solidarity for payment of these fines.

SECTION III Infractions related to the elections

ARTICLE 197 (Violation of active electoral eligibility)

1. Anybody who does not have voting rights or active electoral eligibility, and attempts to vote, is punished with a sentence of a fine of half the minimum monthly national wage.
2. The sentence of imprisonment of about one year and a fine of one to two times the minimum national monthly wage is imposed upon any citizen who votes despite not having active electoral eligibility.
3. If, in order to exercise such right, the citizen fraudulently uses the identity of another citizen who is properly registered, the sentence of imprisonment of six to two years and charged fine of two to four minimum national salaries.

ARTICLE 198 (Admission or abusive exploitation of vote)

Anybody, who makes an application so that they are allowed to vote in the knowledge that they do not have such right or anybody who benefits from the exclusion of a person with such a right, as well as, anybody, who fraudulently

testifies to the impossibility of a person exercising their voting rights, is punished with a sentence of imprisonment of up to six months and charged a fine of three to four minimum national wages.

**ARTICLE 199
(Suffrage impediment)**

1. Whoever impedes any elector from exercising his or her right to vote, shall be punished with a sentence of imprisonment up to three months and charged fine of four to six minimum national wages.
2. The electoral or authority agent, who fraudulently impedes any voter from exercising his or her right to vote on the elections' date and under any pretext, shall be punished with a sentence of imprisonment up to twelve months and fined six to twelve minimum national wages.

**ARTICLE 200
(Multiple voting)**

Anyone, who votes or allows someone to vote more than once, shall be punished by a sentence of imprisonment of three months to one year and fined four to six minimum national wages.

**ARTICLE 201
(False proxy)**

Anybody, who accompanies a blind person or any other person who is physical impeded from voting by themselves, and represents unfaithfully their voting decision, is punished with a sentence of imprisonment of six months and charged four to five minimum national wages.

**ARTICLE 122
(Violation of the secrecy of the ballot)**

Anyone, who uses coercion or cunning of any nature or benefits from his or her influence on the voter to obtain knowledge of their vote, shall be punished under sentence of prison up to six months and charged four to five minimum national wages.

**ARTICLE 203
(Coercion and fraudulent cunning on the voter)**

1. Anybody, who by means of violence or threat of violence against any voter, uses fraud or coercion to cajole them to vote for a given candidate, or to refrain from voting, is punished with the sentence of imprisonment three months up to one year and fined four to five minimum national wages.
2. The same sentence is applicable to every person who uses the same methods described in the preceding clause, and who aims at achieving the withdrawal of any candidate.

3. The sentence stipulated in the preceding clauses is aggravated, under the existing Law of the General Penal Code, if the threat is made with the use of firearm or the violence is undertaken by two or more people.
4. If the same infringement is committed by a citizen invested with public power, a civil servant or state's agent, or an agent of another public entity, a Minister from any religious denomination or sect, it is punished with the sentence of imprisonment of six months to one year and fined six to twelve minimum national wages.

ARTICLE 204
(Dismissal or threat to dismiss)

Whoever dismisses or threatens someone to dismiss them from his or her job, prevents or threatens to prevent someone from getting a job, applies any other sanction to force him or her to vote or not voting, because he or she voted or did not vote for a particular candidature, or because he or she abstained from voting or participating in an electoral campaign, shall be punished with a sentence of imprisonment of six to one year and fined four to six minimum national salaries, without hindrance of sanction and automatic re-admission of the job, if the dismissal had taken place.

ARTICLE 205
(Electoral corruption)

Any person, who in order to persuade someone to vote or not vote for a given list promises or offers public or private employment, or proposes any other inducement to one or more voters or, in agreement with the latter or the third party, provides financial rewards disguised as travel or accommodation expenses or payment for food, beverage, or expenses related to the electoral campaign, is punished with the sentence of imprisonment of up to one year and fined six to twelve minimum national wages.

ARTICLE 206
(Non-exhibition of ballot box)

1. The presiding officer of the voting station who fraudulently fails to exhibit the ballot box before the voters at the beginning of the voting session, is punished with the sentence of imprisonment of about three months and charged a fine of three to four minimum national wages.
2. If it is verified that the non-exhibited ballot-box contained ballot papers, the sentence of imprisonment will be up to one year, and without prejudice to the application of the provision of the following article.

ARTICLE 207
(Introduction of ballot papers into the ballot box and the deviation of ballot papers)

Anybody who fraudulently deposits ballot-papers into the ballot box before or after the beginning of the voting, or who removes ballot boxes containing uncounted ballot papers or who removes ballot papers at any time between the opening of the voting station until the general counting of the vote, is punished with the sentence of imprisonment of six months to one year and charged a fine of four to five minimum national wages.

ARTICLE 208
(Fraud during the verification of votes)

Any polling station official who falsely marks the register to indicate a vote by a voter who abstained or who falsely attributes or who fails to attribute ballots to any list during the counting of votes or who by any other form misrepresents the results of the elections, is punished with the sentence of imprisonment of six months to two years and fined four to five minimum national wages.

ARTICLE 209
(Opposition to the exercise of the candidates delegates rights)

1. Anybody, who impedes the entrance or exit of the candidates' delegates to and from the polling stations or who in any way prevents the delegates from exercising their legal rights is punished with the sentence of imprisonment of up to six month to two years and fined four to five minimum national wages
2. In case of a presiding officer, the sentence of imprisonment should not be less than a year.

ARTICLE 210
(Refusal to receive claims, protests or counter protests)

A presiding officer (president), who without any justification, refuses to receive any claim, protest, or counter-protest, is punished with the sentence of up to six months imprisonment and fined four to five minimum national wages.

ARTICLE 211
(Refusal to distribute minutes and lists)

Whoever refuses, having the duty to do so, without explanation to distribute copies of minutes and original results sheet of votes dully signed and stumped, to the candidates' delegates or proxies, political parties, party coalitions or group of proponent voters, shall be punished with a sentence of imprisonment of up to six months and fined two to six minimum national wages.

ARTICLE 212
(Disturbances at the polling station)

1. Anybody, who disturbs the normal functioning of a polling station with insults, threats or acts of violence, is punished with the sentence of

- imprisonment of up to three months and fined two to six minimum national wages.
2. Anybody, who during voting, enters the voting stations without any right of doing so, and refuses to leave after being summoned by the respective presiding officer, is punished with the sentence of imprisonment of about three months and fined three to five minimum national wages.
 3. Anybody, who enters the voting stations armed with a firearm is subject to the immediate seizure of the firearm, and is punished with the sentence of imprisonment of up to two years and a fine of six to twelve times the minimum national wage.

ARTICLE 213

(Obstruction of candidates, proxies and representatives of the candidates)

The candidate, proxy, representative or delegate of candidates who disturbs the smooth functioning of the electoral operations, shall be punished under sentence of prison up to three months and fined four to five minimum national wages.

ARTICLE 214

(Obstruction to Monitoring)

1. Those who hinder the entrance or exit of any proxy or delegate of candidates at the polling stations or, at any rate, try to impede him from exercising any of the powers acknowledged by the present Law, shall be punished under sentence of prison up to one year and fined four to five minimum national wages.
2. If the infraction is committed by a presiding officer (president), the imprisonment shall not be for less than six months.

ARTICLE 215

(Obstruction of the exercise of rights)

Whoever hinders the members of the National Electoral Commission or their supporting organs appointed to perform the centralisation and verification of the electoral results shall be punished with a sentence of imprisonment of up to one year and fined five to seven minimum national wages.

ARTICLE 216

(Non compliance with the duties of participation in the electoral process)

Anybody, who has been appointed to the staff of the polling station, without any justifiable motive, does not perform or abandons his/her duties, is punished with a fine of two to three minimum national wages.

ARTICLE 217

(Falsification of the election related documents)

Anybody, who fraudulently spoils, replaces, deletes or alters the voter's register, the ballot papers, the minutes of the polling stations or any other document related to the election, shall be punished with the sentence of imprisonment of two to eight years imprisonment and fined twenty to fifty minimum national wages.

ARTICLE 218
(Complaints or appeals in bad faith)

Anybody, who submits an application for a claim, appeal, protest and counter-protests in bad faith, or opposes the organs' decisions through unfounded claims, shall be punished with a fine of six to twelve time the minimum national wage.

ARTICLE 219
(Police non-attendance)

If it is deemed necessary that in order to safeguard the voting operation, a competent police force should be called in under the terms envisaged in no. 2 of Article 81, and thereafter if this force fails to attend, and no reasonable justification is given within twenty four hours, the commander of the above police force is punished with a fine of six to twelve minimum national wages.

ARTICLE 220
(Non-compliance with obligations)

Anybody who, without justification, does not comply with any of the obligations imposed by the Law or fails to perform any administrative acts necessary for their prompt execution, likewise groundlessly delaying their fulfilment, shall be punished and charged with a fine of six to twelve times the minimum national wage.

PART VIII
Final arrangements

ARTICLE 221
(Exemption from taxes)

1. All the documents submitted for the fulfillment of this law are exempted from any charges, taxes, fees and other duties.
 - a. certificates regarding criminal record;
 - b. documents aiming to institute any claims, protests or appeals foreseen by the Law;
 - c. Notary authentications for registration purposes.
2. The necessary certificates for electoral registration, or on the grounds of this, that are obligatorily issued on the application of any effected person, within the maximum time limit of five days.

ARTICLE 222
(Rules to be observed on elaboration of minutes and lists)

1. Minutes and lists must be elaborated in clear and precise terms, and the amended words must be written over erasures or expressly corrected between the lines before their signature.
2. The number of obtained votes per each candidature will be mentioned both in figures and in words.

ARTICLE 223
(Legitimacy of minutes and lists)

In the lack of verification of elements of votes indicated in Articles 95, 104, 112 and 138 of the present Law, by destruction, deviation or misconduct, the original minutes and lists dully signed and stamped and given to the political parties or coalitions of parties or their representatives, shall be considered enough proof in the resolution of contentious election litigation.

ARTICLE 224
(Filing of electoral documentation)

1. The documentation relating to nominations is filed by the Technical Secretariat of the Electoral Administration for a period of five years, from the investiture date of the elected organs, after which copies will be sent to the Historical Archives of Mozambique.
2. All other documentation related to the electoral processes will be filed by the Technical Secretariat of the Electoral Administration, in terms of the law.

ARTICLE 225
(Induction of the candidates)

The investiture of the deputies of the Assembly of the Republic takes place, up to fifteen days after the publication in the Official Gazette of the final verified of election results, and the National Commission of Election shall be responsible for naming the exact date.

ARTICLE 227
(Revocation)

Law no. 3.99 of 2 February and any additional legislation that contradicts the present Law, is revoked.

ARTICLE 228
(Coming into force)

The present Law comes into force on its publication date.

Approved by the Republic Assembly on May 12, 2004.
The President of the Assembly of the Republic, *Eduardo Joaquim Mulémbuè*

Promulgated on May 31, 2004.
This Law is to be published.
The President of the Republic, *Joaquim Alberto Chissano*

ANNEX

The glossary of juridical terms used in the Electoral Law, referred to in article 2 above.

A

Opening of the polling station- Is a procedure through which the presiding officer (president) of the polling station, in compliance with the directives of the National Electoral Commission, verifies the time, condition of the ballot-box to be used in the polling station, normally displaying an empty ballot-box and checking the voting booth.

Abuse of public office or similar functions- Is an action practised by a public servant or a State agent or other collective person, or a religious dignitary that in this capacity obliges or forces an elector to vote for one or other candidate.

Electoral operations minutes- Is a document reporting how the voting act has taken place, containing the essential elements of scrutiny.

Reporting system- Includes analysis made by National Electoral Commission of the reports presented by each candidate, so as to verify if the funding received by the candidates meets the requirements prescribed in the Law and, likewise, if the expenses are made according to the law.

Counting of votes- is the counting of votes at the polling station.

National counting- Is the determination of the results of the vote counting done at the national level, with a view to disclose the general results obtained and the respective distribution of mandates, as well as the verification of the candidate with the most votes in the presidential election.

Partial counting- Is the vote counting, at the level of the polling station, of the votes deposited by the voters in the ballot boxes, to choose the Deputies of the Assembly of the Republic and the President of the Republic.

Provincial counting- Is the counting of the votes deposited by the voters in the ballot boxes, to choose the Deputies of the Assembly of the Republic and the President of the Republic, at provincial level, after the verification of the polling stations' results, according to the definitive schedule defined by the National Electoral Commission.

Polling station- Is the place to which the voter is directed to exercise his or her right to vote.

B

Ballot paper- Is a paper properly printed, on which the elector expresses his or her will to choose the deputies of the Assembly of the Republic and the President of the Republic.

C

Voters Register- is a set of **appropriate papers** in official book form properly numbered and signed, containing an opening and closing term and the names of the citizens registered as voters.

Voting booth- Is a reserved compartment, located close to the ballot box, in which the elector, freely and secretly, expresses his or her will, their choice of candidate or candidates.

Electoral campaign- An organised action by those running for office, with a view to canvassing for votes.

Candidate- A proposed citizen to be elected.

Effective candidate- Is the candidate for who the electorate's has exercised their right to vote for, either in presidential elections or in the legislative elections.

Substitute candidate- Is the candidate, whose nomination has been accepted by the National Electoral Commission, but that the electorate will only exercise their right to vote for, in the case of the absence or impossibility of the effective candidate to post of Deputy of the Assembly of the Republic.

Nomination- Is a proposal of one or more citizen for a candidate for Deputy of the Assembly of the Republic or President of the Republic, made by political parties, party coalitions or group of voters.

Multi-application- An act of a citizen being a candidate on more than one list. It is forbidden, as a rule, and double candidature may lead to ineligibility of the nominations.

Active electoral candidature- Is the right the citizen has to vote, to choose his or her favourite candidate to be a deputy of the Assembly of the Republic or President of the Republic respectively.

Passive electoral candidature- Is the right a citizen has to be a candidate to run for the position of deputy of the Assembly of the Republic or President of the Republic respectively.

Voter's card- Is a personnel identification document specifically for electoral purposes, issued to any registered elector attesting to the electoral eligibility status of the holder and that must be presented at the time of voting.

Centralisation of electoral results- Is the operation that consists of the verification of the polling stations results as per the definitive schedule disclosed by the National Electoral Commission before the counting of the votes.

Constituency of Mozambican electoral citizens outside the country- Is the geographical area in which foreign territories are organised for Mozambican voters residing therein to exercise their voting right.

Electoral constituency- Is a geographical area into which the national territory is organised for the election of a determined number of deputies.

Electoral Coercion- Is intimidation of an elector, using violence or threats or any other fraudulent means to influence a voter to vote for a particular candidate.

Coalition of parties- Is an association of two or more parties forming an alliance, in order to join forces for electoral purposes.

Electoral commissions- Organs established to organise and conduct the electoral process and can be from national, provincial, district or town level.

Contentious Elections - Is the process of addressing discrepancies related to the interpretation or application of norms that rule the electoral process.

Counter protests- Is the process of showing disagreement with a protest presented against any operation or action taken during the electoral process.

Electoral Corruption- Is the persuasion of an elector through bribery, aiming to change his or her will to freely choose his or her favourite candidate/s.

D

Candidate's delegate- Is the person indicated by a candidate running for office, dully authorised to represent him or her in the polling station, aiming to follow up and verify the course of the operations related to polling and scrutiny.

Party Name- Is the name or designation of political parties or coalition of parties standing for elections, according to their status.

Deputy of the Assembly of the Republic- Is a citizen elected by universal, direct, equal, secret and periodic suffrage for the post of Deputy of the Assembly of the Republic.

Right to broadcast- Is the access right of the candidates, political parties and coalition of parties to use broadcasting and television public service for their campaign.

Right to suffrage- Is the right of citizen's with active electoral eligibility to vote and it is individual, inalienable and non-renunciabile.

E

Results Sheet- Is a document where the electoral results obtained per each candidature are recorded and it is posted where the verification of the votes is done in order to inform the public.

Civic education- A number of training actions for citizens on the objectives of elections, electoral process and how voting is done .

Elections- A number of actions and processes aiming to choose, among different candidates, either the deputies of the Assembly of the Republic, or the President of the Republic.

Scrutiniser- Is the polling station staff member responsible at the polling station for counting the votes and controls the organisation of voters during the polling.

Scrutiny- Is the act of counting the votes deposited by the voters in the ballot box, in order to verify the polling result.

F

Electoral funding- Is a grant of financial means to the candidates or political parties to pay costs inherent to the electoral campaign.

Control- Is the verification that the normal electoral rules are followed during the electoral process.

Control of accounts- Is the verification and control of the funding sources and electoral expenses of the candidates.

Armed force for maintenance of public order- Is a police unit of the Republic of Mozambique responsible for controlling security and public order during the election.

Electoral fraud- Is an illegal act aiming to change the result of an election, and is punishable under the terms of the Law.

I

Unlawful Elections- Is an infraction against the electoral norm.

Oppose- Is to contest or refute an act, under the terms of electoral law.

M

Proxy- A person who represents the interests of an electoral candidate, and can practice acts related to the elections on his or her behalf.

Mandate- Is the delegation of political power that the electors confer on the President of the Republic and the Deputies of the Assembly of the Republic through an election.

Results Tally Sheet- A document on which the results of the elections are summarised and must include the total of voters, voters, abstentions and valid votes, the total number of the votes obtained on each candidature or coalition, the mandates it obtained; all of this must be numbered per constituency, if there are many. It must also include the names of the elected candidates and the respective electoral symbol.

Summary sheet of centralisation of votes, district by district- A document on which centralisation of the votes obtained in full from the polling stations is summarised, district by district, which must contain the total number of the registered voters, of those who voted and the number of those who did not vote, with the respective percentage related to the total number of the registered candidates; votes in blank, invalid votes and validly expressed, with respective percentage, and still more the total number of the votes per each candidature.

D'Hondt method- A formula of calculating mandates according to the principle of proportional representation.

Polling station staff- A group of people responsible for leading the function of the work in each polling station.

N

Neutrality- An attitude that must be adopted by all officially involved in the electoral process and by the public authorities, and consists of not displaying in words or actions any preference of candidates or parties in the electoral competition.

Ethic norms- A number of principles that prevent the use of expressions that defame the honour of any other citizen or candidate, or instigate individual or collective violence.

O

National or international observation- Act of verifying, monitoring and evaluate process related to the elections, made by people from national or foreign organisations.

P

Voting individuality- The principle, according to which the elector must vote in person, and cannot delegate this right to other person.

Electoral process- A number of actions established in the law and necessary for the election of the President of the Republic and the Deputies of the Assembly of the Republic.

R

Proportional representation- An electoral system, according to which the number of the candidates to members is calculated in proportion to the number of the votes obtained.

S

Acronym- An abbreviation of the name or designation of political parties or coalition of parties standing for election.

Symbol- A representative signal or emblem of a political party or coalition of the parties standing for elections.

Survey- research on the citizens' preference in the elections.

Casting lots for the list- The act through which the order on the ballot paper for the list of the candidates is determined by drawing lots.

Suffrage- An action whereby the voters, through voting, choose the President of the Republic and the Deputies of the Assembly of the Republic.

Suspension of political rights- A period of time when, under judicial sentence, a citizen loses his or her political rights, of which the most important one is the right to elect and be elected.

T

Broadcast time- A period of time allocated on the public broadcasting and television stations to the different candidates to do their electoral propaganda during the period of electoral campaign.

Jurisdictional tutelage- The legal competence to address conflicts or irregularities applying the Law.

U

Voting ballot box- A box where the voters deposit their ballot papers.

V

Casting a Vote- The act of placing the ballot paper into the ballot box.

Vote- The expression of voter's will, manifested and marked with crosses or fingerprint accordingly in the ballot paper, for choosing the deputies of the Assembly of the Republic and President of the Republic.

Voting for the disabled- a process aiming to enable voters with disabilities impeding them from voting on their own, to appoint an authorised person to assist them to vote.

Multiple voting- An act whereby the elector exercises his or her voting right more than once. multiple voting is an electoral infraction.