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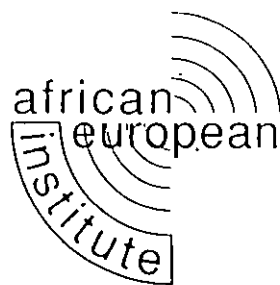
ELECTORAL LAW OF MOZAMBIQUE

1993

F Clifton White Resource Center
International Foundation for Election Systems



EUROPEAN PARLIAMENTARIANS
FOR (SOUTHERN) AFRICA



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REPUBLIC OF MOZAMBIQUE ASSEMBLY OF THE REPUBLIC

LAW No. 4/93 of 28 December

Bearing in mind the need to establish the juridical framework in which the first multiparty elections in the Republic of Mozambique will take place, by virtue of the power entrusted in it by article 135, paragraph 2, subsection c), of the Constitution, the Assembly of the Republic determines:

PART I

GENERAL PROVISIONS

CHAPTER I

Fundamental Principles

ARTICLE 1 (*Scope of the law*)

The present law establishes the legal framework relating to the electoral registration of citizens, the election of the President of the Republic and the election of the deputies to the Assembly of the Republic, with regard to the first multiparty general elections.

ARTICLE 2 (*Definitions*)

The meaning of the terms used is defined in the glossary set forth in Annex I, which is an integral part of the present law.

ARTICLE 3 (*Electoral principle*)

The President of the Republic and the deputies to the Assembly of the Republic shall be elected by the citizens on the basis of universal, equal, direct and secret suffrage, in accordance with the terms of the present law.

ARTICLE 4 (*Right and duty to vote*)

1. Suffrage is a personal and inalienable right, the exercise of which is a civic duty.
2. The electoral registration of citizens is an indispensable condition for exercising the right to vote.

ARTICLE 5 (*Freedom and equality*)

The electoral process requires freedom of propaganda and equality of candidatures.

ARTICLE 6 (*Establishment of election date*)

1. The date of the presidential and parliamentary elections shall be fixed by the President of the Republic in a presidential decree, on the proposal of the National Electoral Commission, at least seventy-five days in advance.
2. The elections shall be held simultaneously on two consecutive days throughout the national territory.

ARTICLE 7 (*Judicial supervision*)

The National Electoral Commission and the Election Court shall be responsible for verifying the regularity and validity of the acts of the electoral process.

ARTICLE 8 (*International observation*)

During the first multiparty general elections, electoral registration and all other acts relating to the electoral process shall be subject to verification and monitoring by international observers, in the terms of a regulation which shall be issued by the National Electoral Commission.

ARTICLE 9 (*Administration of electoral process*)

During the first multiparty general elections, electoral registration and other acts of the electoral process shall take place under the jurisdiction of the National Electoral Commission.

CHAPTER II

Electoral Capacity

ARTICLE 10 (*Electoral capacity*)

1. Shall be electors the Mozambican citizens of both sexes, who at the date of the elections are aged 18 years or over, and who are regularly registered as electors and not affected by any of the incapacities mentioned in the present law.
2. Mozambican citizens not ordinarily resident in the national territory shall have electoral capacity for the parliamentary elections.

ARTICLE 11 (*Mozambican citizens resident abroad*)

1. Mozambican citizens resident abroad, if registered, may exercise the right to vote in the parliamentary elections at the diplomatic representation of the Republic of Mozambique in their area of residence, provided they fulfil one of the following conditions:
 - a) to be an emigrant and to maintain Mozambican nationality at the date of the elections and to have emigrated from Mozambique over one year prior to the date of the beginning of the electoral registration;
 - b) to be on a State or public service mission recognized as such by the competent authorities, or to reside as a spouse or child with a person in these circumstances;
 - c) when not covered by the provisions of the preceding paragraphs: to be in the service of legally constituted national institutions or entities.
2. The electoral acts outside the country shall not take place if no consensus is reached in the National Electoral Commission on the existence of the necessary material conditions and mechanisms for control, administration and inspection of these acts in one of the constituent regions of the electoral constituency of the Mozambican communities abroad.
3. If the electoral acts referred to in the preceding paragraph do not take place, the National Electoral Commission shall, in accordance with the criteria established in the present law, redistribute amongst the provincial electoral constituencies the three mandates belonging to the electoral constituency of the Mozambican communities abroad.

ARTICLE 12 (*Electoral incapacity*)

No person can be an elector, who:

- a) has been disqualified in a definitive sentence passed in a court of law;
- b) is commonly known to be insane, even though s/he may not have been disqualified by any sentence, or is interned in a psychiatric institution or has been declared insane by a medical board;
- c) has been sentenced to imprisonment for a malicious common-law crime and who has not yet completed that sentence;
- d) has been remanded in custody by a court order.

PART II

ORGANIZATION OF THE ELECTORAL PROCESS

CHAPTER I

National Electoral Commission

ARTICLE 13 (Definition)

The National Electoral Commission is the body responsible for the organization, direction, coordination, carrying out, conduct and implementation of the electoral registration and all activities relating to the electoral process.

ARTICLE 14 (Nature)

The National Electoral Commission is an autonomous body and is independent of all State authorities.

ARTICLE 15 (Composition)

1. The National Electoral Commission shall consist of twenty-one members whose professional and personal qualities afford guarantees of balance, objectivity and independence vis-à-vis all political parties, and has the following composition:
 - a) ten members proposed by the Government;
 - b) seven members proposed by Renamo;
 - c) three members proposed by the political parties, other than Frelimo and Renamo;
 - d) one personality, who shall be the president of the Commission.
2. The president of the National Electoral Commission shall be appointed by the President of the Republic on the recommendation of the members of the National Electoral Commission.
3. In the absence of a consensus as to the recommendation referred to in the preceding paragraph, it is incumbent upon the President of the Republic to appoint the president of the Commission from a list of five personalities proposed by the members of the National Electoral Commission.
4. The president of the National Electoral Commission shall be assisted by two vice-presidents, one of whom will be proposed by the Government and the other by Renamo.
5. The political parties may indicate one representative to be present at the sessions of the National Electoral Commission, without speaking or voting rights.
6. ONUMOZ may indicate one representative as an observer at the sessions of the National Electoral Commission, without speaking or voting rights.
7. The exercise of the office of member of the National Electoral Commission and its organs is incompatible with the condition of candidate for President of the Republic and for deputy to the Assembly of the Republic.

ARTICLE 16 (Powers)

1. The National Electoral Commission shall have the following powers:
 - a) to take measures to ensure that the electoral process takes place under conditions of complete freedom, justice and transparency;
 - b) to organize and direct the electoral registration and the electoral process;
 - c) to guarantee equal treatment to all citizens in all the acts of electoral registration and all the electoral proceedings;
 - d) to guarantee equal opportunities and equal treatment of all the candidatures;
 - e) to register coalitions of parties for electoral purposes;
 - f) to approve the models of the registration form, the electoral register, the voter's card, the ballot paper and the record of the polling process at the polling stations and any other printed forms or other materials which will be used during the electoral process;
 - g) to approve the regulations, instructions, and directives relating to the conduct of electoral

registration and the election procedure, which shall be published in the 1st Series of the *Boletim da República* (Government Gazette);

- h) to draw lots for the list of candidates;
 - i) to decide, in accordance with the proposals of the local electoral organs, on the locations where polling stations will be set up and function;
 - j) to promote through the press and other mass media civic education and information for citizens on matters concerning the electoral process;
 - l) to allocate broadcasting time on public sector radio and television to the different candidatures;
 - m) to ensure that the competent authorities create the necessary security conditions for the elections to take place throughout the national territory;
 - n) to carry out the operations for determining the electoral results;
 - o) to transmit to the Department of Public Prosecution any act of electoral misdemeanour of which it takes cognizance;
 - p) to propose to the President of the Republic the dates for the elections;
 - q) to perform any other function which may be conferred on it by the present law.
2. With regard to the judicial supervision of the electoral process, the powers of the National Electoral Commission are:
- a) to watch over the implementation of the constitutional and legal provisions regarding the electoral process;
 - b) to receive, examine and decide on complaints and claims as to the validity of the elections, and to appraise the observations of the international observers;
 - c) to validate and to declare the election results, and to order the publication of the election results in the *Boletim da República* (Government Gazette);
 - d) to check the correctness of the electoral accounts.
3. In the exercise of its powers and functions the National Electoral Commission may not take decisions which contradict the provisions relating to the electoral process contained in the General Peace Agreement, adopted by Law no. 13, of 14 October 1992.

ARTICLE 17 (Status of members)

The members of the National Electoral Commission shall be irremovable and shall not be answerable during their term of office for the acts performed while discharging their functions, except for those that may affect the results of the elections.

ARTICLE 18 (Investiture and term of office)

- 1. The members of the National Electoral Commission shall take office before the President of the Republic.
- 2. The National Electoral Commission shall initiate its activities with the number of members existing at the date of investiture.
- 3. The terms of office of the members of the National Electoral Commission shall commence with their investiture, immediately after the publication of the present law, and shall expire with the presentation of the final report, one hundred and twenty days after the publication of the official chart of the election results.
- 4. The members of the provincial electoral commissions shall take office before the president of the National Electoral Commission.
- 5. The members of the district electoral commissions shall take office before the chairperson of their respective provincial electoral commission.
- 6. The terms of office of the members of the provincial electoral commissions and the district electoral commissions shall commence with their investiture and shall expire one hundred and twenty days after the elections.

ARTICLE 19 (Organ for the administration of the electoral process)

- 1. In the exercise of its powers and functions, the National Electoral Commission shall be assisted by a permanent organ, called Technical Secretariat for the Administration of the Elections, the functioning of which shall be regulated by decree of the Council of Ministers, on the proposal of the National Electoral Commission.
- 2. During the period of operation of the National Electoral Commission, the Technical Secretariat for

- the Administration of the Elections shall be subordinated to it.
3. The Technical Secretariat for the Administration of the Elections shall be headed by a Director-General, who shall be appointed by the President of the Republic.
 4. The Director-General of the Technical Secretariat for the Administration of the Elections shall be assisted by two deputy directors-general, one of whom shall be proposed by Renamo and the other by the other political parties.
 5. The Director-General and the two deputy directors-general of the Technical Secretariat for the Administration of the Elections shall have seats on the National Electoral Commission, with the right to speak but without voting rights.
 6. The provisions of paragraphs 3, 4 and 5 shall apply, with the necessary adjustments, to the local organs of the Technical Secretariat for the Administration of the Elections.
 7. The regulation referred to in paragraph 1 of the present article shall specify the staff requirements for each echelon, with due regard for the participation, in addition to the Government, of Renamo and the other political parties, as well as of the United Nations.

ARTICLE 20 (Duty to collaborate)

Public institutions and their agents, private bodies and the political parties must give the National Electoral Commission and its organs the necessary assistance and collaboration for the efficient exercise of its duties and must provide it with information about the electoral process.

ARTICLE 21 (Special duty to collaborate)

1. The organs of the central administration of the state, as well as the local administrative authorities are obliged to give the National Electoral Commission and its organs the necessary assistance and collaboration for carrying out the electoral registration and the poll.
2. The law enforcement agencies are obliged to take all the necessary steps for the maintenance of public order and safety during the electoral acts.

ARTICLE 22 (Operating procedure)

1. The National Electoral Commission shall operate in regular plenary sessions, but may adopt other operating procedures.
2. The National Electoral Commission shall take decisions by consensus.
3. When absent or prevented from attending, the president of the National Electoral Commission shall be substituted by one of the Commission's vice-presidents, according to a rota system.
4. The National Electoral Commission shall approve its internal rules and regulations, which shall be published in the 1st Series of the *Boletim da República* (Government Gazette).

ARTICLE 23 (Organs)

1. The organs of the National Electoral Commission are:
 - a) the provincial electoral commissions;
 - b) the district electoral commissions.
2. The National Electoral Commission also has a permanent executive organ, the composition and operating procedures of which shall be laid down in the internal rules and regulations referred to in the preceding article.

ARTICLE 24 (Composition of provincial electoral commissions)

1. The provincial electoral commissions shall have the following composition:
 - a) three members designated by the Government, one of whom shall be the chairperson of the commission;
 - b) two members designated by Renamo;
 - c) one member indicated by each of the political parties registered at the date of the coming into force of the present law.
2. The chairperson of the commission shall be assisted by a vice-chairperson, who shall be indicated by Renamo from among the two members of the commission referred to in the preceding paragraph.
3. ONUMOZ (United Nations Operation in Mozambique) may indicate one representative.
4. The exercise of the office of member of the provincial electoral commission is incompatible with the condition of candidate for President of the Republic and for deputy to the Assembly of the Republic.

ARTICLE 25 (Powers)

1. The powers of the provincial electoral commissions are:
 - a) to coordinate at their level the implementation of the present law;
 - b) to supervise the electoral process and to ensure compliance with the Constitution and the provisions of the present law during electoral registration and the voting;
 - c) to transmit to the Department of Public Prosecution all acts of electoral misdemeanour of which they take cognizance;
 - d) to count the votes and to record the results of the elections at their level;
 - e) to receive complaints about the electoral process and to forward them to the National Electoral Commission;
 - f) to forward to the National Electoral Commission the records containing the election results.
2. It is also incumbent upon the provincial electoral commissions to implement the instructions and directives issued by the National Electoral Commission.

ARTICLE 26 (Composition of district electoral commissions)

1. The district electoral commissions shall have the following composition:
 - a) three members designated by the Government, one of whom shall be the chairperson of the commission;
 - b) two members designated by Renamo;
 - c) one member indicated by each of the political parties registered at the date of the coming into force of the present law.
2. The chairperson of the commission shall be assisted by a vice-chairperson, who shall be indicated by Renamo from among the two members of the commission referred to in the preceding paragraph.
3. ONUMOZ (United Nations Operation in Mozambique) may indicate one representative.
4. The exercise of the office of member of the district electoral commission is incompatible with the condition of candidate for President of the Republic and for deputy to the Assembly of the Republic.

ARTICLE 27 (Powers of district electoral commissions)

The powers of the district electoral commissions are:

- a) to supervise the electoral process and to ensure compliance with the Constitution and the provisions of the present law;
- b) to organize and direct the electoral process and in particular to distribute to the polling stations the ballot papers, the ballot boxes, seals and other indispensable requisites for the act of voting;
- c) to make public the lists of candidatures, using the most effective means of communication;
- d) to establish, record and sign the results of the vote and to forward the respective records to the provincial electoral commissions;
- e) to receive complaints about the electoral process and to forward them to the provincial electoral commission for all legal purposes.

ARTICLE 28 (Right to a subsidy)

1. The members of the electoral commissions are entitled to a subsidy from the state budget.
2. If financial resources accrue from other sources than the general state budget, the determination of a supplementary subsidy shall be incumbent upon the National Electoral Commission itself.

ARTICLE 29 (Budget)

The operational expenditure of the commissions shall be covered by an appropriation from the State budget to the Technical Secretariat for the Administration of the Elections, not precluding additional funding from other sources.

CHAPTER II

Election Court

ARTICLE 30 (Definition and powers)

The Election Court is the judicial body with the power to give final rulings concerning appeals in electoral disputes against decisions taken by the National Electoral Commission.

ARTICLE 31 (Independence)

The Election Court is a body which is independent of all State authorities.

ARTICLE 32 (Composition and investiture of members)

1. The Election Court shall consist of five members, who shall be designated in the following way:
 - a) two judicial magistrates with more than five years service, indicated by the *Conselho Superior da Magistratura Judicial* (Supreme Council of the Judiciary Magistrature);
 - b) three judges of proven technical and professional competence, with over five years service, indicated by the Secretary-General of the United Nations on the proposal of the Security Council.
2. The members of the Election Court shall take office before the President of the Republic.
3. The members of the Court shall elect a president from among themselves in a session which shall take place not more than eight days after the investiture.

ARTICLE 33 (Incompatibilities)

The exercise of the office of member of the Election Court is incompatible with the condition of candidate for President of the Republic and for deputy to the Assembly of the Republic.

ARTICLE 34 (Rules of procedure)

1. The appeal shall be lodged by means of a petition delivered at the registry of the Court within forty-eight hours of notification of the disputed decision.
2. The petition shall contain a detailed exposition of the subject matter and the basis of the appeal, and shall conclude with the application, which shall specify the terms in which the appellant wishes the sentence to be delivered, and with a request for the issuing of a summons or a formal notice of complaint to the interested parties, if any.
3. All documents substantiating the application shall be presented jointly with the petition, and cannot be accepted thereafter.
4. The petition, having been deposited and registered, shall immediately be distributed.
5. Upon receipt of the documents, the rapporteur shall issue, if required, a summons or notice to the interested parties, giving them a time limit of twenty-four hours to present their reply.
6. The reply of the summonsed or notified parties, presented within the time limit referred to in the preceding paragraph, shall constitute the pleading or defence against the application, and shall for all purposes serve as contradictory hearing.
7. Before submitting the draft decision for consideration, the rapporteur may order the National Electoral Commission to supply relevant information or to make available any document which may be relevant for the full knowledge of the matter.
8. The decisions of the Court shall take the form of a judgment and shall be given within twenty-four hours following the expiry of the time limit for presentation of the reply of the defending parties.
9. The decisions of the Court shall be taken by majority of the votes of the members present. Members who do not agree in whole or in part with the vote of the majority, shall sign dissenting.
10. The proceedings shall be free of costs or any other charges.

ARTICLE 35 (Quorum)

The Court shall only be able to take decisions when, in addition to its president, at least two of its members are present.

ARTICLE 36 (Compulsory character of decisions)

For all citizens and other legal persons compliance with the decisions of the Court shall be obligatory and they must be executed immediately.

ARTICLE 37 (Seat, beginning of activities and extinction)

1. The Election Court shall have its seat in the city of Maputo.
2. The Court shall begin its activities sixty days after the National Electoral Commission begins working and shall be extinguished thirty days after extinction of the Commission.

CHAPTER III**Electoral Registration****SECTION I****General Provisions****ARTICLE 38 (General rule)**

For the presidential and parliamentary elections, the electoral registration is authoritative, obligatory and unique.

ARTICLE 39 (Universality)

All citizens of duly confirmed Mozambican nationality, residing in the country or abroad, and who on polling day shall have attained the age of eighteen years, shall be subject to electoral registration.

ARTICLE 40 (Compulsory and authoritative character)

1. Every citizen has the right and the civic duty to promote her/his registration, verify that s/he has been duly registered, and request that any error or omission be rectified.
2. In their geographical areas, the electoral registration brigades shall promote registration in the electoral registers of all persons possessing voting rights and not yet registered of whom they have knowledge.

ARTICLE 41 (Single registration)

Each citizen may only register once.

ARTICLE 42 (Presumption of electoral capacity)

1. Registration of a citizen in the electoral register implies the presumption of her/his electoral capacity.
2. The presumption referred to in the preceding paragraph can only be refuted through documentary evidence in the possession of the registration unit or presented to it, of the death of the elector or a modification of her/his electoral capacity.

ARTICLE 43 (Territorial scope)

1. Electoral registration shall take place throughout the national territory.
2. The geographical subdivisions for carrying out the electoral registration are:
 - a) inside the country: urban neighbourhoods, villages and localities;
 - b) outside the country: the area under the consular jurisdiction of a diplomatic representation.
3. Electoral registration abroad, which shall be decided in due time by the National Electoral Commission, shall take place provided that the material conditions and the mechanisms for control and supervision are created.

ARTICLE 44 (Place of electoral registration)

1. Citizens entitled to vote shall register at the place of operation of the registration unit of the geographical area of their ordinary place of residence.
2. Registration of citizens in the military forces or members of the law enforcement agencies shall take place at the geographical unit close to their unit.

ARTICLE 45 (Validity of registration)

The electoral registration of citizens resulting from the implementation of the present law, shall be valid for an indeterminate period of time, subject to periodical updating.

SECTION II

Basic Structure of Electoral Registration

ARTICLE 46 (Electoral registration organs)

1. At central level, electoral registration shall be organized and directed by the National Electoral Commission, through the Technical Secretariat for the Administration of the Elections, and its execution shall be incumbent upon the public administration through its local institutions.
2. In the provinces, the provincial electoral commissions shall be responsible for the organization and direction of the electoral registration.
3. At the level of the districts, the district electoral commissions shall be responsible for the organization and direction of the electoral registration.
4. In the urban neighbourhoods, villages and localities, electoral registration for the multiparty general elections shall be carried out by the local organs through electoral registration brigades, under the coordination of the Technical Secretariat for the Administration of the Elections.
5. Electoral registration abroad shall be carried out by the diplomatic and consular missions under the direction of the National Electoral Commission.

ARTICLE 47 (Type and composition of electoral registration brigades)

1. Electoral registration brigades shall be fixed or mobile, and shall be identified by a cardinal number.
2. Brigades shall be formed in function of the expected number of voters and their geographical distribution.
3. The electoral registration brigades shall be composed of electoral officials, employees of private institutions and other citizens of over eighteen years of age, with a minimum educational qualification corresponding to the sixth grade of general education or equivalent, and they shall be selected by the local organs of the public administration with the assistance of the Technical Secretariat for the Administration of the Elections.
4. Electoral registration brigades shall have a minimum of five and a maximum of seven members, not precluding a different composition which may be determined by the electoral commissions in accordance with the specificity of local conditions. At least one member of the brigade must speak the local language of the area of the registration centre.

ARTICLE 48 (Powers of electoral registration brigades)

The electoral registration brigades shall be responsible, in the areas of the geographical subdivisions, for carrying out the electoral registration of the citizens.

ARTICLE 49 (Electoral registration centre)

1. The electoral registration centre is the place where the registration brigade shall carry out its activities.
2. Wherever possible, the location of the electoral registration centre shall coincide with the place where the polling station will function.
3. No registration centre shall be established or operate in:
 - a) police stations;
 - b) military units;
 - c) residences of ministers of religion;
 - d) buildings of any political party or religious organization;
 - e) premises where alcoholic beverages are sold;
 - f) places of worship or destined for worship;
 - g) health posts.

SECTION III

Role of Political Parties in Electoral Registration

ARTICLE 50 (Cooperation of political parties)

1. Any legally constituted political party may cooperate with the electoral registration brigades, who shall have the power to define, without discrimination, the need and the extent of such cooperation.

2. Political parties shall cooperate through individuals who they shall indicate to the district electoral commissions up to five days before the beginning of the registration period.

ARTICLE 51 (Monitoring by political parties)

1. The legally constituted political parties may monitor electoral registration acts in order to verify their conformity with the law.
2. Political parties shall carry out their monitoring through monitors whom they designate and whose names shall be notified to the provincial electoral commissions and the district electoral commissions up to ten days before the beginning of the electoral registration.
3. In the absence of the notification referred to in the preceding paragraph, it shall be understood that the political parties do not wish to designate any persons to represent them during the electoral registration.
4. The provincial electoral commissions and the district electoral commissions shall issue credentials for the monitors, as shown in the attached model, and shall deliver them to the concerned political party within the five days following their request.
5. The political parties shall be represented by one monitor in each brigade, without prejudice to the possibility of several brigades being monitored by the same person.

ARTICLE 52 (Rights of monitors of political parties)

Monitors of the political parties shall have the right:

- a) to request and obtain information on activities relating to the electoral registration process;
- b) to submit in writing complaints and appeals about decisions concerning electoral capacity.

ARTICLE 53 (Duties of monitors of political parties)

Monitors of the political parties shall have the following duties:

- a) to perform a scrupulous and objective inspection;
- b) to refrain from submitting complaints or appeals in bad faith.

SECTION IV

Electoral Registration Operations

ARTICLE 54 (Determination of registration period)

The period for the electoral registration, throughout the national territory and outside the country, shall commence and terminate on dates to be determined by the National Electoral Commission.

ARTICLE 55 (Announcement of registration period)

The National Electoral Commission, the provincial electoral commissions and the district electoral commissions shall announce the period of electoral registration with at least thirty days advance notice, through public notices to be affixed in the customary public places and through the national media.

ARTICLE 56 (Conditional acceptance of registration)

1. If, at the moment of registration, doubts arise about a citizen's mental health, the registration may be accepted on condition that the individual presents, within a period of fifteen days, documentary evidence of her/his mental health.
2. When doubts exist about an individual's Mozambican citizenship, s/he must present, within a period of fifteen days, the necessary confirmation, on which the acceptance of the registration will be dependent.

ARTICLE 57 (New registration period)

1. Exceptionally, the National Electoral Commission may establish a period for new registrations, without prejudice to the time limit established in article 68 of the present law.
2. During the new registration period the citizens who have not yet been registered, and who fulfil the following conditions, shall be allowed to register:
 - a) to have reacquired electoral capacity with the reacquisition of civil and political rights;
 - b) to have been temporarily unable to register as a result of their professional duties;
 - c) to have been unable to register for health reasons;

- d) to have returned to the country.

ARTICLE 58 (Content of registration)

1. Citizens entitled to vote shall be registered with their full name, parentage, date and place of birth, and complete address of their ordinary place of residence.
2. The registration shall also record the number and issuing agency of the identity card or passport, when it is presented by the citizen or its number can be determined, even if its validity has expired.
3. If the citizen entitled to vote does not possess the documents specified in the preceding paragraph, her/his identity shall be established by one of the following means:
 - a) any other document containing a recent photograph, signature or fingerprint, which is normally used for identification purposes, namely, but not exclusively: driver's license, residence card, work card, military census card, military identity card, or demobilization document;
 - b) recognition of the citizen's identity by the registration brigade;
 - c) testimonial evidence given by two citizens entitled to vote, registered at the same registration centre, or by religious, traditional or other bodies;
 - d) individual civil registration document, birth certificate or other adequate legal document.

ARTICLE 59 (Electoral registration outside the country)

Electoral registration outside the country shall be based on one of the following documents proving Mozambican nationality:

- a) valid Mozambican passport or identity card;
- b) current identification document of resident alien issued by the country of residence.

ARTICLE 60 (Registration procedure)

1. A registration form shown in the attached model shall be signed and dated by the registration brigade.
2. If the elector is unable to sign the registration form or to mark it with her/his fingerprint, due to an obvious physical disability, this fact shall be recorded on her/his form by the registration brigade.

ARTICLE 61 (Voter's card)

1. At the moment of registration, the citizen shall receive a voter's card as shown in the attached model to confirm her/his registration, which shall be duly authenticated by the registration brigade and which shall contain:
 - a) a photograph;
 - b) the registration number;
 - c) the registration centre and its geographical area;
 - d) the name of the elector;
 - e) date and place of birth;
 - f) signature or fingerprint;
 - g) whenever possible, the number and issuing agency of the identity card or passport.
2. In case of loss of the card, the voter must report the fact to the registration centre or the local administrative authorities, who shall issue a new card which will carry the mention that it is a duplicate.
3. The duplicate referred to in the preceding paragraph, may be issued up to thirty days prior to the polling date.

ARTICLE 62 (Change of citizen's name)

1. Any change of the registered citizen's name shall be communicated by the competent department to the local administration and to the registration centre for the purpose of changing the registration.
2. The change of a registered citizen's name shall not cause the alteration of her/his original registration number.

SECTION V

Electoral Registers

ARTICLE 63 (Preparation)

1. The registration numbers and names of the citizens entitled to vote shall be recorded in electoral registers of the attached model.
2. There shall be a sufficient number of registers for each one of them to contain approximately one thousand voters.
3. If possible, electoral registers shall be drawn up using mechanographic and magnetic means.
4. Outside the country, the electoral registers shall compulsorily be typed, in all cases that the registration centres of the geographical areas do not have at their disposal the means specified in the preceding paragraph.
5. The registration brigade must initial every page of the electoral registers, which shall contain an opening and a closing statement, which must be signed by the brigade.
6. The number in the electoral register shall be the same as the number on the registration form and the voter's card.

ARTICLE 64 (Corrections)

During the period referred to in article 54 of the present law, the registration brigades or the local administrative authorities shall correct factual errors that may have occurred during the electoral registration process.

ARTICLE 65 (Closing of electoral registers)

After the conclusion of the electoral registration operations, the electoral brigade shall draw up the closing statement of the electoral registers, which must bear their signature as well as those of the monitors assigned to the brigade.

ARTICLE 66 (Communication of data)

1. After complying with the formalities specified in the preceding article, the registration brigades shall immediately communicate the number of voters registered in their geographical area to the district electoral commissions and send them all documents pertaining to the electoral registration process.
2. After the period for the submission of complaints specified in article 71, paragraph 1, the district electoral commissions shall communicate the number of voters to the provincial electoral commissions and send them the copies of the corresponding electoral registers.
3. The provincial electoral commissions shall communicate to the National Electoral Commission the number of voters registered in their area of jurisdiction by sending copies of the corresponding electoral registers.

ARTICLE 67 (Exhibition of copy of electoral registers)

Between the fourth and the thirteenth day following the expiry of the period referred to in article 54, true copies of the electoral register shall be affixed at the seats of the local administrative authorities of the geographical subdivisions of the electoral registration, for the purpose of consultation and submission of claims.

ARTICLE 68 (Publication of definitive electoral registers)

The definitive electoral registers must be ready and made public by the date of the beginning of the election campaign.

ARTICLE 69 (Period of inalterability of electoral registers)

The electoral registers may not be altered after the beginning of the election campaign.

SECTION VI

Complaints and Appeals

ARTICLE 70 (Complaints)

1. During the exhibition of the copy of the electoral registers and within five days after they have been put on display, any elector or political party may submit in writing to the competent district electoral commissions complaints regarding omissions or improper registrations in the electoral registers.
2. Upon receipt of the complaint, the district electoral commissions shall immediately notify the elector whose registration is deemed irregular by the complainant, if such is the case, in order to allow her/him, if s/he so wishes, to give her/his opinion within three days, together with the evidence s/he thinks fit.
3. Within two days after the expiry of the time limit established in the preceding paragraph, the district electoral commissions shall send the complete file, with the necessary information and all the elements of proof submitted, to the National Electoral Commission, and inform the competent provincial electoral commission of this fact.
4. The National Electoral Commission shall decide within a period of ten days on the complaint submitted.

ARTICLE 71 (Communication of decision on complaint)

Notice of the decision of the National Electoral Commission on the complaint submitted to it, shall immediately be given to:

- a) the district electoral commission, which shall inform the competent provincial electoral commission;
- b) the complainant;
- c) all other interested parties.

PART III

STATUS OF CANDIDATES

CHAPTER I

Status of Candidates

ARTICLE 72 (Right to be released from duty)

During the forty-five days preceding the date of the elections, the candidates for President of the Republic and for deputy to the Assembly of the Republic shall have the right to be released from their duties, whether public or private, and this time shall be considered as a period of active duty for all purposes, including the right to remuneration.

ARTICLE 73 (Suspension of duties and transfer to the reserve)

1. Magistrates from the Judiciary and the Department of Public Prosecution, and heads of diplomatic missions, who, in the terms of the present law, intend to be candidates in the presidential or parliamentary elections, must request suspension from their duties from the moment they submit their candidature.
2. For all purposes, the period of suspension shall be considered as a period of active duty.
3. Members of the military and paramilitary forces on active service, who intend to be candidates for President of the Republic or for deputy to the Assembly of the Republic shall be required to present documentary evidence of their transfer to the reserve or their retirement.
4. The forces in which the military or paramilitary members referred to in the preceding paragraph served, shall grant the relevant permission, whenever they are requested to do so.

ARTICLE 74 (Immunities)

1. No candidate for President of the Republic or for deputy to the Assembly of the Republic can be subject to preventive detention, unless caught in the act of committing a malicious crime punishable by imprisonment for over two years.
2. When criminal proceedings have been taken against a candidate who is not in preventive detention, and s/he has been formally charged by a bill of indictment or its equivalent, legal proceedings may only be continued after the announcement of the election results.

CHAPTER II

Verification and Publication of Candidatures

ARTICLE 75 (Legitimacy and form of presenting candidatures)

The legitimacy and the form of presentation of candidatures shall be governed by the provisions of Parts VI and VII of the present law.

ARTICLE 76 (Election agents of lists)

1. The candidates shall appoint from amongst themselves or the registered electors an election agent who shall represent them in all the operations of the electoral process where representation is permitted in the terms of the present law.
2. For notification purposes, the home or domicile of the election agent shall always figure on the nomination papers.

ARTICLE 77 (Verification of candidatures)

1. After the expiry of the period for presentation of the lists of candidates and before they are examined by the National Electoral Commission, the president shall order copies of the lists received to be exhibited at the entrance of its office.
2. Within eight days following the expiry of the period for the submission of candidatures, the National Electoral Commission shall verify the regularity of the process, the authenticity of the documents comprising it and the eligibility of the candidates.

ARTICLE 78 (Rectification of procedural irregularities)

When a procedural irregularity is verified, the list's election agent shall immediately be notified by order of the president of the National Electoral Commission to rectify it within five days.

ARTICLE 79 (Causes for rejecting candidatures)

Only the candidatures of candidates who are subject to an incapacity or ineligible in the terms of the present law, may be rejected.

ARTICLE 80 (Consequences of rejection)

1. In case of rejection, the election agents of the candidatures shall immediately be informed, in order to allow them, if desired, to replace the candidate or candidates within five days.
2. After the expiry of the time limit mentioned in paragraph 1, the president of the National Electoral Commission shall order the rectifications or additions requested by the competent election agents to be included in the lists within the following forty-eight hours.

ARTICLE 81 (Announcement of definitive lists)

1. The National Electoral Commission shall announce the definitive lists when:
 - a) none of the situations described in articles 79 and 80, paragraph 2, has occurred;
 - b) no complaints have been submitted;
 - c) the complaints submitted in the required form have been decided.
2. A copy of the register of the lists referred to in the preceding paragraph shall be put on display at the entrance of the National Electoral Commission and must be sent to the lists' election agents.

ARTICLE 82 (Lists of candidates)

1. The lists of candidates nominated by the political parties or coalitions of parties shall contain the full name of each candidate, ordered by the provincial constituencies and the constituencies of Mozambican electors residing outside the country.
2. Political parties or coalitions of parties may contest the elections in all constituencies or only in some of them.
3. When contesting the elections in any given constituency, the political parties or coalitions of parties must comply with the limits established in the following paragraphs of the present article.
4. The number of full candidates shall not exceed the total number of seats available in the constituency where they are standing for election.
5. The lists of candidates referred to in paragraph 1 shall also include the names of substitute candidates in each constituency within the following upper limits:
 - a) a maximum of ten substitutes for each provincial constituency;
 - b) a maximum of two substitutes for the constituency of the communities abroad.

ARTICLE 83 (Drawing by lot of lists)

1. Within three days after the publication of the definitive lists, the National Electoral Commission, in the presence of the candidates or election agents who attend, shall proceed to the drawing by lot of the lists which have been presented, for the purpose of determining their order on the ballot paper. A report shall be made on the draw.
2. The result of the draw shall be published in the 1st Series of the *Boletim da República* (Government Gazette), and copies of the report shall be sent to the media for publication.

PART IV

ELECTION CAMPAIGN AND ELECTION PROPAGANDA

CHAPTER I

Election Campaign

ARTICLE 84 (Beginning and closing of election campaign)

The election campaign shall commence forty-five days prior to the date of the elections and shall terminate forty-eight hours before the opening of the polls.

ARTICLE 85 (Conduct and extent of campaign)

1. The election campaign shall be conducted by the candidates and their proponents, without prejudice to the participation of citizens.
2. The election campaign shall be conducted freely throughout the territory of the Republic of Mozambique, under equal conditions for all candidates.

ARTICLE 86 (Equal opportunities for candidatures)

The candidates, political parties or coalitions of political parties, as well as the groups of electors referred to in article 184, paragraphs 2 and 3, shall have the right to equal treatment by public and private bodies, so that they may conduct their election campaign freely and under the best of circumstances.

ARTICLE 87 (Freedom of expression and information)

1. In the course of the election campaign no limitations whatsoever may be imposed on the expression of political, economic and social principles.
2. During the period of the election campaign, no sanctions may be applied to media companies or their agents for acts forming part of the campaign.

ARTICLE 88 (Freedom of assembly and demonstration)

1. During the period of the election campaign, freedom of assembly and demonstration for electoral purposes shall be regulated by the provisions of law no. 9/91, of 18 July, and as specified in the following paragraphs.
2. Processions and marches may be held on any day and at any time, within the limits imposed by the maintenance of law and order, traffic rules and the rest period of citizens.
3. Only the authorized representatives of a candidature may request the presence of agents of the public authority at meetings and demonstrations organized by that candidature; if no such request is made, the organizing body shall be responsible for the maintenance of public order.
4. The time limit for the communication referred to in article 10 of law no. 9/91 is, for the purpose of the election campaign, reduced to twenty-four hours.
5. The time limit for the communication referred to in article 11, paragraph 1, of law no. 9/91 is, for the purpose of the present law, established as twelve hours.

ARTICLE 89 (Prohibition on publication of opinion polls)

The publication of opinion polls or surveys on the attitudes of the voters towards the candidates shall be forbidden from the beginning of the election campaign to the first day after the closing of the polling stations.

ARTICLE 90 (Ethical norms of the campaign)

During the election campaign, appeals to disorder or insurrection, or incitements to hatred, violence or war shall be forbidden.

ARTICLE 91 (Prohibited places for carrying out political propaganda)

It is forbidden to carry out political propaganda in:

- a) military and militarized units;
- b) public institutions and workplaces during normal working hours;
- c) educational institutions during periods of classes;
- d) places of worship.

ARTICLE 92 (Public places and buildings)

1. Without prejudice to the internal regulations of the institutions, the use of public places for electoral purposes shall be equitably shared amongst the various candidatures, in accordance with the provisions of a regulation to be drawn up by the National Electoral Commission.
2. For the purposes of election campaigning, the local administrative authorities shall ensure the availability of public buildings and spaces belonging to the State and other corporate bodies governed by public law, in accordance with the number of candidates nominated by each party, for use by the different candidatures.

CHAPTER II

Election Propaganda and Civic Education

ARTICLE 93 (Election propaganda)

Election propaganda means any activity, whether by the candidates, the political parties, officials of their organs or their agents, or by any other person, which directly or indirectly seeks to promote candidatures, in particular the publication of texts or images which express or reproduce the contents of such activity.

ARTICLE 94 (Objectives)

The objective of election propaganda is to promote activities aimed at obtaining the votes of the voters through the explanation by the candidates, officials of their nominating organs, their agents or any other person, of their ideological principles, political, social and economic programmes, and government platforms.

ARTICLE 95 (Broadcasting rights)

1. The candidates for the office of President of the Republic, the political parties and the coalitions of parties competing in the elections shall have the right to use the public radio and television broadcasting service during the official period of the election campaign.
2. It shall be incumbent upon the National Electoral Commission to regulate the broadcasting rights.

ARTICLE 96 (Duties of informative periodicals)

1. Regular public informational publications shall give equal treatment to the various candidatures.
2. The provisions of the preceding paragraph shall not be applicable to party publications.

ARTICLE 97 (Publications of the organs supporting candidatures)

1. During the election campaign, the candidates and their nominating organs shall be allowed to publish books, magazines, pamphlets, stickers and other materials, in addition to their current propaganda, and to make use of the press, radio and television, in the terms of the present law and the regulation referred to in article 92, paragraph 1.
2. The entity supporting a candidature shall be identified on all the election propaganda material it publishes.

ARTICLE 98 (Propaganda by acoustic means)

No authorization from or communication to the administrative authorities shall be required for making propaganda through the use of acoustic means; such propaganda shall only be permitted between seven and twenty-one hours.

ARTICLE 99 (Propaganda by graphic means)

1. No authorization from or communication to the administrative authorities shall be required for affixing posters.
2. No posters or mural paintings shall be put on national monuments, temples and religious buildings, seats of the organs of the State at central and local level or where polling stations will operate, traffic lights or road or railroad signs and inside government offices or public buildings.

ARTICLE 100 (Duties of public print media)

1. The print media owned by or dependent on public bodies, must include electoral news in their publications.
2. Whenever the print media specified in the preceding paragraph publish information relating to the electoral process, they shall be guided by criteria of total impartiality and rigour, and refrain from any discrimination between the various candidatures, both in the way they treat them journalistically and in the amount of space dedicated to them.
3. The printed publications belonging to or controlled by the State shall have the obligation to include material relating to the electoral acts in every edition published during the period of the election campaign, and they shall be guided by the principles specified in the preceding paragraphs of the present article.

ARTICLE 101 (Sharing or exchanging)

The candidates may agree between themselves to share or exchange broadcasting time or publication space belonging to them.

ARTICLE 102 (Civic education)

1. Through the media, the National Electoral Commission shall promote the education of citizens on the objectives of the elections, the electoral process and the manner in which each voter casts her/his vote.
2. The communiqués, semiofficial statements and other acts of the National Electoral Commission shall be published by the public sector media free of charge and as a matter of priority.

ARTICLE 103 (Election propaganda after closing of campaign)

After the expiry of the period specified in article 84, no election propaganda activities shall be allowed.

CHAPTER III

Financing of the Elections

ARTICLE 104 (Election campaign financing)

1. The General State Budget shall contain an appropriation for the financing of the election campaign.
2. The election campaign may also be financed by:
 - a) contributions from the candidates themselves and the political parties;
 - b) voluntary contributions from electors;
 - c) proceeds from election campaign activities;
 - d) contributions from national or foreign non governmental organizations;
 - e) contributions from homologous parties.
3. The financing of the election campaigns of the candidates and parties by foreign governments, foreign governmental organizations and national public institutions shall be prohibited, without prejudice to the terms of the General Peace Agreement.

ARTICLE 105 (Financing by the State)

1. The State shall include in its budget an appropriation for supporting the election campaigns of the candidates, which shall be distributed in an equitable way among all the contestants.
2. The National Electoral Commission shall approve the criteria for distribution of the funds from public

financing for the presidential and parliamentary elections; in the latter case, it shall take into account the proportion of candidates nominated, in accordance with the number of seats to be filled.

ARTICLE 106 (Accounts of receipts and payments)

1. Within a period of sixty days after the official announcement of the election results, the candidatures shall produce detailed accounts of all receipts and payments related to the election campaign.
2. All funds allocated by the State, referred to in the preceding article, that have not been used or have been used for purposes other than those established by the present law, shall be returned to the National Electoral Commission within thirty-five days after the official announcement of the results of the elections, and all such funds shall be returned to the General State Budget.

ARTICLE 107 (Responsibility for accounts)

The candidates, political parties or coalitions of parties, as the case may be, shall be responsible for submitting the accounts of the candidatures and the election campaign.

ARTICLE 108 (Submission and review of accounts)

1. Within sixty days following the official announcement of the election results, all candidatures shall submit to the National Electoral Commission detailed accounts of their election campaign.
2. Within sixty days after receiving the statement of accounts, the National Electoral Commission shall examine the legality and regularity of the receipts and payments, and shall cause its review to be published in one of the daily newspapers with the highest circulation in the country and in the 3rd Series of the *Boletim da República* (Government Gazette).
3. If the National Electoral Commission finds any irregularity in the statement of accounts, it shall notify the candidature to submit, within fifteen days, to the Administrative Tribunal a rectified statement of accounts, on which the Tribunal shall give a ruling within a period of fifteen days, by causing its decision to be published in the *Boletim da República* (Government Gazette).
4. If the entities contesting the elections fail to submit a statement of their accounts within the time limit established in paragraph 1 of the present article, or if it is concluded that there has been a violation of the provisions of article 106, the National Electoral Commission shall communicate the facts to the Department of Public Prosecution for the purposes provided for in the law.

PART V

ELECTION PROCEDURE

CHAPTER I

Organization of Polling Stations

SECTION I

Polling Stations

ARTICLE 109 (Polling Stations)

1. Each polling station comprises approximately one thousand voters.
2. Thirty days before the opening of the poll, the National Electoral Commission shall disseminate the definitive list of the polling stations through the media and by affixing it at the entrance of the offices of the provincial governments, district administrations and executive councils of cities, towns and administrative posts, or in any other public place easily accessible to the public.
3. Whenever the National Electoral Commission considers it necessary, it may at any time, but before the beginning of the voting operations, establish polling stations in any part of the country.

ARTICLE 110 (Places of operation)

1. Polling stations shall operate in the premises of executive organs of the local administration that provide the essential conditions of access and security, and preferably in schools.
2. Where no suitable premises exist, private buildings may be requisitioned for the purpose, not precluding the possibility of erecting installations with less solid materials.
3. The location of polling stations outside the national territory shall be decided by the embassies, general consulates or government representations outside the country.
4. No polling station shall be established or operate in:
 - a) police stations;
 - b) military units;
 - c) residences of ministers of religion;
 - d) buildings of any political party or religious organization;
 - e) premises where alcoholic beverages are sold;
 - f) places of worship or destined for worship;
 - g) health posts.
5. In accordance with the provisions of article 49, paragraph 2, the location of a polling station shall coincide, wherever possible, with that of the electoral registration centre.

ARTICLE 111 (Announcement of day, time and place)

In cooperation with the National Electoral Commission and its organs, the local administrative authorities shall announce publicly in each location the day, time and places where the polling stations will operate, using for this purpose the most efficient means.

ARTICLE 112 (List of candidatures)

1. The local administrative authorities responsible for distribution of the ballot papers shall provide the presiding officer of the polling station, together with the ballot papers, with lists of all the definitively accepted candidatures, containing the complete identification of the candidates, to be affixed at the place where the polling station will operate.
2. When coalitions of political parties have been formed, the fact shall be mentioned on the relevant list.

ARTICLE 113 (Polling station days)

The polling stations shall operate simultaneously throughout the country on the days designated for the elections.

ARTICLE 114 (Polling station board)

1. Every polling station shall have a board, responsible for advancing and directing the voting operations and establishing the results of the polls.
2. The polling station boards shall consist of five members: a presiding officer, a deputy presiding officer who is also the secretary, and three scrutineers.
3. The polling station officers shall be able to read and write Portuguese, have an educational background commensurate to the complexity of their task, and at least one of them shall speak the local language of the area.
4. After consultation with the representatives of the candidatures, the provincial and district electoral commissions shall name the polling station officers, and train them for the performance of their duties.
5. The exercise of the functions of polling station officer shall be obligatory, except in cases of force majeure or lawful reasons, and is incompatible with the condition of party monitor or delegate of a list.

ARTICLE 115 (Constitution of polling station boards)

1. The polling station boards shall be constituted at the time which has been indicated for the beginning of their functions, and at the place previously designated by the National Electoral Commission and its organs.
2. The constitution of polling station boards away from the designated places shall render void the voting and the electoral acts performed in such circumstances, except in duly justified cases of force majeure, approved by the National Electoral Commission.
3. The polling station officers shall be present at the place where the polling station is to operate, two hours before the opening of the poll in accordance with the provisions of article 131.
4. If the district electoral commission verifies that, one hour before the opening of the poll, the polling station board cannot be constituted because of the absence of indispensable polling station officers, it shall designate, in agreement with the delegates present, replacements for the absent officers from amongst voters of generally acknowledged fitness, in which case the designation of the absentees shall be considered null and void.
5. The persons designated to be polling station officers shall be exempt from the obligation to be present at their workplaces for the duration of their functions and on the following working day. Such exemption shall not affect the rights and privileges to which they are entitled, provided, however, that they submit adequate evidence of their status of polling station officers.

ARTICLE 116 (Inalterability of polling station boards)

1. The polling station boards, once constituted, may not be altered, except for reasons of force majeure, in which case the district electoral commission shall publicly announce the change.
2. The presence of the presiding officer or the deputy presiding officer and two scrutineers shall be sufficient for the voting and the results of the scrutiny to be considered valid.

ARTICLE 117 (Work items for polling station board)

1. The National Electoral Commission, through its organs, shall ensure, in due time, that each polling station board is supplied with all the necessary items, namely:
 - a) an authenticated copy of the electoral registers of the voters registered in the area served by the polling station;
 - b) the record book for the record of the polling process, initialled on every page, with an opening and closing statement;
 - c) the registration and information forms, charts and models necessary for the polling process;
 - d) the ballot papers;
 - e) the ballot boxes, duly numbered at national level;
 - f) the voting booths;
 - g) the seals, sealing wax and envelopes for the votes;
 - h) ballpoint pens, pencils and erasers;
 - i) inkpads and ink for fingerprints, indelible ink;
 - j) lamps or other means of illumination.
2. The local authorities of the public administration shall be responsible for creating and guaranteeing the necessary and indispensable conditions for the custody, conservation, security and inviolability of the items specified in the preceding paragraph, particularly the ballot papers and ballot boxes.

3. Wherever possible, the work items for the polling shall be guarded in the safes of banks.

ARTICLE 118 (Delegates of lists)

1. Every political party or coalition of parties, as well as the groups of electors specified in article 184, paragraph 2, shall have the right to appoint one delegate and one substitute to each polling station board.
2. Delegates may be assigned to the board of a different polling station than the one where they are registered as voters.
3. The failure to appoint a delegate or her/his failure to appear shall not affect the regularity of the polling process.

ARTICLE 119 (Process of designation)

Up to ten days before the opening of the poll, the political parties contesting the elections, and the groups of electors specified in article 184, paragraph 2, shall designate their delegates for each polling station board and communicate their names to the provincial and district electoral commissions for the purpose of accreditation.

ARTICLE 120 (Rights and duties of delegates of lists)

1. Delegates of lists shall have the following rights:
 - a) to be present in the place where the polling station board functions and to occupy the nearest seats, so as to be able to monitor all the acts relating to the casting and counting of votes;
 - b) to inspect, before the beginning of the vote, the ballot boxes and voting booths;
 - c) to request explanations from the polling station board and to obtain information about the acts of the polling process and the counting of the votes, and to present complaints;
 - d) to be consulted about all questions that arise during the operation of the polling station, whether during the casting or the counting of votes;
 - e) to make observations about the records of the polling process when they deem it necessary, and to sign them, being required to indicate in the records the reasons for a refusal to do so;
 - f) to initial all documents relating to the electoral operations;
 - g) to consult the electoral registers at any time.
2. Delegates of lists shall have the following duties:
 - a) to exercise a scrupulous and objective inspection of the acts of the polling station board;
 - b) to cooperate for the normal progress of the casting and counting of votes, and the functioning of the polling station board;
 - c) to refrain from interfering unjustifiably and in bad faith with the activities of the polling station board, and in this way to disturb the normal progress of casting and counting the votes.
3. The failure of the delegates of lists to exercise any of the rights mentioned in the present article, shall not affect the validity of the voting and the results of the count.

ARTICLE 121 (Immunities of delegates of candidatures)

No delegate of a candidature shall be detained during the operation of the polling station board, unless caught in the act of committing a crime punishable by imprisonment of more than two years.

SECTION II

Ballot Papers

ARTICLE 122 (Basic features)

1. The National Electoral Commission shall decide on the paper on which the ballot papers shall be printed.
2. The ballot papers shall be rectangular in shape and have the appropriate size to contain the indication of all the candidatures submitted to the vote in each constituency.

ARTICLE 123 (Constituting elements)

1. On every ballot paper the identifying elements of each candidature shall be arranged horizontally, one below the other, in the sequence established by drawing lots, as shown on the attached models.

2. The identifying elements on the ballot paper are the names, abbreviations and flags or symbols of the competing candidatures, which, in the case of parties or coalitions of parties, shall be replicas of those figuring in the register in the possession of the National Electoral Commission.
3. The identifying elements for the presidential elections shall be the names of the candidates and their photographs.
4. On the line belonging to each list shall be a square, in which the voter shall mark her/his choice with a cross or fingerprint.
5. The models referred to in paragraph 1 may be adapted by the National Electoral Commission.

ARTICLE 124 (Colour of ballot papers)

The colour and other aspects of the ballot papers shall be determined by the National Electoral Commission.

ARTICLE 125 (Order of lists on ballot paper)

1. The lists of candidatures shall appear on the ballot papers in the order in which they have been drawn by lot.
2. The draw referred to in the preceding paragraph shall be effected by the National Electoral Commission in the terms of article 83.

CHAPTER II

Election

SECTION I

Voting

ARTICLE 126 (Individual, personal and unique vote)

1. The right to vote shall be exercised individually and in person by the registered citizen.
2. Each voter may only vote once in the presidential and in the parliamentary elections.

ARTICLE 127 (Right and duty to vote)

1. The act of voting is a right and a civic duty of every citizen enjoying all her/his political rights.
2. Public services and company managements shall release their employees and workers for the necessary time to cast their vote.

ARTICLE 128 (Place of voting)

The right to vote shall be exercised at the polling station corresponding to the place where the voter has been registered.

ARTICLE 129 (Freedom and confidentiality of vote)

1. The vote is free and secret.
2. Nobody may reveal for which list or candidate s/he is going to vote or has voted, inside or outside the polling station.
3. Nobody may be forced or force someone else to reveal for which list or candidate s/he is going to vote or has voted.

ARTICLE 130 (Requirements for exercising the right to vote)

For the polling station board to admit an elector to the vote, her/his name must be listed in the electoral register and her/his identity must be recognized by the polling station board.

SECTION II

Polling Process

ARTICLE 131 (Opening of polling station)

1. Polling stations throughout the national territory shall open at 7 hours and close at 18 hours.
2. The presiding officer shall declare the polling station open and shall, together with the remaining polling station officers and with the delegates of the candidatures, verify the voting booth and the working documents of the polling station board.
3. The presiding officer shall exhibit the empty ballot boxes in front of the other polling station officers, the delegates of the candidatures and the observers present, and afterwards seal them in the presence of those same persons.

ARTICLE 132 (Impossibility of opening a polling station)

A polling station shall not be opened if:

- a) it is not possible to assemble the polling station board;
- b) at the location of the polling station or in its vicinity a disaster or disturbance of public order has occurred on the eve or the day itself of the elections.

ARTICLE 133 (Irregularities and their rectification)

1. Whenever any irregularity, preventing the polling process from taking place, is verified, the board shall proceed to its rectification within the next four hours after it has been verified.
2. If the irregularities cannot be rectified within the period specified in the preceding paragraph, the presiding officer shall declare the polling station closed and communicate this fact to the National Electoral Commission, which shall take a decision according to the provisions of article 138, paragraph 2.

ARTICLE 134 (Continuity of polling process)

1. Voting shall be suspended from 18 hours of the first polling day until 6 hours of the following day, in order to allow the polling station officers to rest.
2. During the suspension, the ballot boxes shall be duly sealed and kept at the polling place in the custody of the police authority, and each delegate of a candidature may indicate in writing to the presiding officer up to two persons who will stay as monitors with the ballot boxes during the night.
3. After the suspension period, the presiding officer shall break the seal referred to in the preceding paragraph of this article, in the presence of the other polling station officers, the delegates of the candidatures and the observers present.

ARTICLE 135 (Interruption of polling process)

1. The polling process shall be interrupted, under penalty of annulment of the voting, if:
 - a) in the constituency a disaster or disturbance of public order occurs, which could affect the progress of the electoral act.
 - b) at the polling station any of the disturbances mentioned in article 147, paragraphs 2 and 3, occur.
2. The polling process shall only be resumed after the presiding officer has verified that the causes of its interruption have been removed.
3. In the cases referred to in the preceding paragraph, and whenever doubts have arisen about the integrity of the ballot boxes, the polling process shall be repeated, and any acts which may already have been performed in the polling station where the interruption has occurred, shall be considered null and void.
4. The impossibility of repeating the process referred to in the preceding paragraph, for the reasons specified in paragraph 1 of this article, shall not affect the global results of the elections.

ARTICLE 136 (Presence of non-voters).

1. Without prejudice to the provisions of articles 8 and 118 of the present law, the presence of the following persons at the polling stations shall not be permitted:
 - a) citizens who are not voters;
 - b) citizens who have already voted at that polling station or at another one.
2. However, the presence of the media at the polling stations shall be permitted.

3. The agents of the media must:
 - a) identify themselves to the polling station board by presenting their credentials from the organization they represent;
 - b) refrain from taking pictures very close to the ballot boxes and from taking statements from voters within a radius of five hundred metres from the place of the polling station.

ARTICLE 137 (Order of voting)

1. Voters shall vote according to the order of their arrival at the polling station and, to this end, they shall form a line.
2. The presiding officers shall give priority in casting their vote to the voters responsible for the protection and the security of the polling stations, to those unmistakably ill, and also to the physically disabled, pregnant women and medical and paramedical agents.

ARTICLE 138 (Closing of the poll)

1. The presiding officer shall declare the poll closed as soon as all the registered electors present at the polling station have cast their vote.
2. Should it be impossible to respect the time limits for the poll, it shall be incumbent upon the National Electoral Commission to decide on a possible change of the general closing time of the poll.

SECTION III General Manner of Voting

ARTICLE 139 (Voting of polling station officers and delegates)

When there are no irregularities, the first persons to vote shall be the presiding officer and the polling station officers, as well as the delegates of the candidatures, provided that they are registered in the electoral register corresponding to that polling station.

ARTICLE 140 (Manner of casting the vote of each voter)

1. When presenting her/himself to the polling station board, each voter shall show her/his hands to the polling station officers and shall hand her/his voter's card to the presiding officer.
2. After identifying the voter and verifying her/his registration, the presiding officer shall hand her/him the ballot papers.
3. Subsequently, the voter shall enter the voting booth, where, alone, s/he shall put a cross or fingerprint mark in the square next to the candidature for which s/he votes, and fold each ballot paper in four.
4. Returning to the board's desk, the voter shall cast the ballot papers in their respective ballot boxes, dip her/his right index finger in the appropriate ink, while the scrutineers confirm the casting of the votes by initialling the electoral register in the appropriate column on the line corresponding to the voter's name.
5. A voter who, inadvertently, spoils a ballot paper, shall request another one from the presiding officer and return to her/him the spoiled ballot paper.
6. In the case specified in the preceding paragraph, the presiding officer shall indicate on the returned ballot paper that it has been spoiled, initial it, and keep it for the purpose described in article 161.
7. After exercising her/his right to vote, the voter shall receive her/his voter's card and leave the place of voting.

ARTICLE 141 (Voting by disabled voters)

1. Blind and unmistakably ill or physically disabled voters, of whom the polling station board verifies that they are unable to perform the acts described in the preceding article, shall vote accompanied by another voter of their own choice, who must guarantee the faithful expression of their vote and who shall be pledged to absolute secrecy.
2. If the polling station board is of the opinion that the illness or the physical disability cannot be verified beyond doubt, it shall demand, at the moment of voting, a document issued by the competent body, attesting to the impossibility of the performance of the acts described in the preceding article.

ARTICLE 142 (Voting by citizens who are unable to read or write)

Citizens who are unable to read or write and cannot draw a cross, shall vote by putting a fingerprint mark in the square corresponding to the candidature for which they wish to vote, after dipping their finger in the ink which shall be placed for this purpose in the voting booth.

ARTICLE 143 (Voting by electors who have lost their card)

Electors who have lost their card shall not be admitted to the vote.

SECTION IV

Freedom of the Vote

ARTICLE 144 (Doubts, complaints and protests)

1. In addition to the delegates of the candidatures, any voter registered at a polling station may raise doubts and present in writing complaints and protests relating to the polling process at that polling station, and attach the documents deemed necessary.
2. The polling station board may not refuse to receive the complaints or protests, which they shall initial and annex to the record of the polling process.
3. Complaints and protests must be decided upon by the polling station board, which may postpone its discussion until the end of the voting process if it considers that this will not affect the normal progress of the voting.
4. All the decisions of the polling station board regarding these issues, shall be taken by a majority vote of the polling station officers present; in the event of a tie, the presiding officer or her/his substitute shall have a casting vote.

ARTICLE 145 (Maintenance of order and discipline)

1. It shall be incumbent upon the presiding officer, with the assistance of the polling station officers, to ensure the freedom of the voters, and to maintain order and discipline by taking all the necessary measures to this effect.
2. Voters who are manifestly drunk or under the influence of drugs, or carrying any weapon, or mentally disturbed, or in any form disturbing the public order and discipline, shall not be allowed at the polling station and shall be ordered to leave by the presiding officer.

ARTICLE 146 (Ban on propaganda)

1. All forms of propaganda inside or outside the polling stations or in their vicinity up to a radius of five hundred metres are prohibited.
2. The provisions of the preceding paragraph shall also apply to the exhibition of symbols, signs, emblems or stickers of the candidates, or of any political parties or their coalitions.

ARTICLE 147 (Ban on presence of armed forces)

1. The presence of armed forces for the maintenance of public order shall be prohibited at the places of the polling stations and within a radius of three hundred metres, except for the provisions contained in the following paragraphs.
2. Should the necessity arise to quell disturbances or to thwart aggressions or violence, whether at the polling station or in its vicinity, or when the presiding officer's orders are disobeyed, s/he may, after consultation with the polling station board, request the presence of armed forces for the maintenance of public order, mentioning in the record of the polling process the reasons for the request and the duration of the presence of the armed force.
3. If the commander of the armed force for the maintenance of public order detects strong indications that physical coercion is being used on the polling station board, preventing its presiding officer from making the request, s/he may order the force to intervene, but it must withdraw as soon as the presiding officer or her/his substitute so decides, or when its presence is no longer warranted.
4. In the cases specified in paragraphs 2 and 3, the polling process shall be suspended until the presiding officer considers that the conditions exist for its continuation, under penalty of annulment of the voting at the polling station concerned.

ARTICLE 148 (Specific duties of media professionals)

Media professionals visiting the polling stations in the performance of their duties, shall not act in a manner which endangers the secrecy of the ballot or disturbs the electoral act.

CHAPTER III**Determination of Results****SECTION I****Partial Determination of Results****ARTICLE 149 (Preliminary operation)**

1. At the close of the poll, the presiding officer of the polling station shall count the unused ballot papers and those spoiled by the voters and place them, with the required specifications, in a special envelope, which s/he closes and seals, and shall close the electoral register, which shall be signed by all the polling station officers and delegates of the lists present, for subsequent forwarding to the respective district electoral commission.
2. All the operations under this section shall be executed at the polling station.

ARTICLE 150 (Counting voters and ballot papers)

1. After the conclusion of the preliminary operation, the presiding officer of the polling station shall order the number of voters to be counted through the confirmations of voting entered in the electoral registers.
2. Next, the presiding officer shall order the ballot boxes to be opened one by one, in order to check the number of ballot papers deposited, replacing them after the count inside the ballot boxes, which shall immediately be sealed.
3. The number of ballot papers counted shall immediately be made public by means of a public notice which the presiding officer shall read aloud and order to be affixed at the place where the polling station is functioning.

ARTICLE 151 (Rectification of a discrepancy between the counts)

1. When there is a discrepancy between the number of ballot papers inside the ballot boxes and the number of voters, the number of ballot papers in the ballot boxes shall be considered valid for the purpose of counting the votes, if it is not greater than the number of registered electors.
2. If it is verified that the number of ballot papers found in the ballot box is greater than the number of registered electors, the poll shall be considered null and void and the provisions of article 218, paragraph 2, shall be applied for setting a new voting date.

ARTICLE 152 (Counting of votes)

1. After ordering the ballot box to be opened, the presiding officer shall order the ballot papers to be counted according to the following rules:
 - a) the presiding officer shall unfold the ballot paper, display it and announce aloud for which list the vote has been cast;
 - b) the secretary or her/his substitute shall record on a sheet of white paper or, where available, on a large board, the votes cast for each list;
 - c) after displaying the ballot papers that have already been announced, the second scrutineer shall separate them into lots for each list, blank votes and invalid votes;
 - d) the first and third scrutineer shall count the votes and the presiding officer shall announce the number of votes cast for each list.
2. At the conclusion of the operation described in the preceding paragraph, the presiding officer shall compare the number of ballot papers found in the ballot box with the number of ballot papers in each lot.

ARTICLE 153 (Blank votes)

A ballot paper without any mark at all shall be considered a blank vote.

ARTICLE 154 (Invalid votes)

1. A ballot paper shall be considered invalid when:
 - a) more than one square has been marked;
 - b) there are doubts about which square has been marked;
 - c) a square has been marked corresponding to a candidature which has withdrawn from the elections;
 - d) it has been cut, drawn upon or has an erasure;
 - e) any word has been written on it.
2. The ballot paper on which the cross or the fingerprint mark has not been perfectly drawn or placed, or exceeds the limits of the square, shall not be considered invalid when it unequivocally expresses the will of the voter.

ARTICLE 155 (Intervention of delegates of candidatures)

1. At the conclusion of the operations referred to in articles 150 and 152, the delegates of the candidatures may examine the lots of separated ballot papers without altering their composition, and when they have doubts or objections in relation to the count or the classification attributed to the vote of any ballot paper, they may request a clarification from or present a complaint or protest to the presiding officer of the polling station.
2. If the complaint or protest is not met by the polling station board, the ballot papers in relation to which the complaint or protest has been made, shall be separated, and the board of the polling station shall record on their back the classification which they have received and the object of the complaint or protest, and they shall be initialled by the presiding officer and the delegate of the candidature.
3. A complaint or protest which has not been met shall not prevent the counting of the ballot paper in question for the purpose of the partial count.

ARTICLE 156 (Publication of partial results)

1. The partial results shall immediately be published at the place of operation of the polling station by means of a public notice in which the number of votes obtained by each candidature, the number of blank votes and the number of invalid votes shall be indicated separately.
2. The partial results of the voting shall only be made public after the time established for the close of the polls at national level.

ARTICLE 157 (Transmittal of information for the provisional count)

The presiding officer of each polling station shall immediately transmit the information contained in the public notice referred to in article 156 to the district electoral commission, which, in turn, shall transmit it to the provincial electoral commission and directly to the National Electoral Commission.

ARTICLE 158 (Destination of invalid ballot papers, and those object of a complaint or protest)

1. The invalid ballot papers and those about which a complaint or protest has been made, shall be initialled by the presiding officer or her/his substitute, and transmitted to the district electoral commission within twenty-four hours, counted from the moment of the close of the polls.
2. Within forty-eight hours, counted from the moment of the close of the polls at the polling station in question, the votes specified in the preceding paragraph must be delivered to the provincial electoral commission, which, in turn, shall forward them to the National Electoral Commission, in the terms of article 165 of the present law.

ARTICLE 159 (Destination of remaining ballot papers)

1. The remaining ballot papers shall be placed in parcels, which shall be duly sealed and put under the custody of the district electoral commission.
2. After the expiry of the period for lodging a judicial appeal, or when there has been a definitive decision on such appeal, the chairperson of the commission referred to in the preceding paragraph shall cause the ballot papers to be destroyed.

ARTICLE 160 (Record of polling process)

1. It shall be incumbent upon the secretary of the polling station board to prepare the record of the polling process and the partial count.
2. The record referred to in the preceding paragraph shall contain:
 - a) the registration number in the electoral register and the name of the polling station officers and the delegates of the candidatures;
 - b) the location of the polling station and its opening and closing time;
 - c) the decisions taken by the polling station board during the operations;
 - d) the total number of registered electors, the number of those who voted and of those who did not vote;
 - e) the number of votes cast for each candidature, the number of blank votes and the number of invalid votes;
 - f) the number of ballot papers which are the object of complaint or protest;
 - g) the discrepancies in the counting referred to in article 151, if any, with the exact indication of the differences verified;
 - h) the number of complaints and protests attached to the record;
 - i) any other occurrence which the polling station officers consider should be recorded.

ARTICLE 161 (Delivery of materials relating to partial count)

1. Within twenty-four hours of the close of the polls, the presiding officers of the polling stations shall personally deliver the ballot boxes, the record of the polling process, the electoral registers and all other documents relating to the elections to the relevant district electoral commission, through the local administrative authorities, or forward them by the most secure means and against a receipt.
2. Within forty-eight hours of the general closing time of the poll at the relevant polling station, the district electoral commission shall forward all materials referred to in paragraph 1 of this article to the provincial electoral commission, through the local administrative authorities, by the most secure means and against a receipt.
3. The delegates of the candidatures and the observers may accompany the transport of the materials referred to in paragraph 1 of this article.

SECTION II

Determination of Provincial Results

ARTICLE 162 (Determination of results of a constituency)

1. Determination of the results at constituency level shall be done by the provincial electoral commission.
2. The provincial electoral commission shall centralize the election results obtained in the totality of the polling stations established within the boundaries of its geographical area of jurisdiction and shall determine the election results at provincial level.

ARTICLE 163 (Content of the count)

The count referred to in the preceding articles shall consist of:

- a) verification of the total number of registered electors;
- b) verification of the total number of voters who cast their vote and those who did not vote in the geographical area of the count, and their respective percentages in relation to the total number of registered electors;
- c) verification of the total number of blank votes, invalid votes, and valid votes, and their respective percentages in relation to the total number of voters;
- d) verification of the total number of votes obtained by each candidature and, if necessary, by each coalition of candidatures, and their respective percentages in relation to the total number of valid votes;
- e) verification of the distribution of the seats obtained by the different candidatures;
- f) determination of the candidates elected.

ARTICLE 164 (Materials for counting votes)

1. The count shall be based on the records of the polling process at the polling stations, the electoral registers and all other documents forwarded to the electoral commissions.
2. The absence of materials from some polling stations shall not prevent the count, which shall commence on the basis of the materials already received, and the chairperson of the electoral commission of the relevant level shall convene a new meeting within the following twenty-four hours in order to conclude the operations, taking in the meantime the necessary measures to rectify the situation.

ARTICLE 165 (Complaints and protests)

At the election of the President of the Republic and the deputies to the Assembly of the Republic, the provincial electoral commission shall transmit to the National Electoral Commission, within the following twenty-four hours, the ballot papers which have been the object of complaints or protests and those considered invalid.

ARTICLE 166 (Records of provincial count)

1. A record of the provincial counting operations shall immediately be prepared, containing the results, the complaints, protests and counter-protests submitted, as well as the decisions taken on the same.
2. Two copies of the record of the provincial count shall immediately be sent by the chairperson of the provincial electoral commission to the National Electoral Commission.
3. The third copy of the record shall be delivered to the governor of the province, who shall keep it under her/his custody and responsibility.

ARTICLE 167 (Publication of results)

The results of the provincial count shall be announced by the chairperson of the provincial electoral commission within a period not exceeding seven days counted from the day of the close of the polls, by means of announcements in the media, and they shall be affixed as a public notice at the entrance of the office of the provincial electoral commission and at the provincial government building.

ARTICLE 168 (Destination of documentation)

The electoral registers and all the documentation relating to the elections shall be sent by the provincial electoral commissions to the National Electoral Commission, within a period of forty-five days after the publication of the official chart of the election results.

SECTION III

Determination of National Results

ARTICLE 169 (Competent body for determination of national results)

The National Electoral Commission shall be responsible for the centralization of the results from each province, the count and the announcement of the global results of the elections, as well as the distribution of the seats.

ARTICLE 170 (Materials for determining the national results)

1. The determination of the national results shall be based on the records and other documents relating to the provincial count, received from the provincial electoral commissions.
2. The counting shall commence immediately after the receipt of the records of the provincial counts and shall continue uninterrupted until concluded.
3. If records of provincial counts or other elements necessary for the continuation or conclusion of the national count are missing, the president of the National Electoral Commission shall take the necessary steps to rectify the situation within a period not exceeding twenty-four hours.

ARTICLE 171 (Examination of problems prior to national count)

At the beginning of its work, the National Electoral Commission shall decide on the ballot papers which have been object of complaint or protest, examine the ballot papers considered invalid and reassess them using a uniform criterion, with the possibility of this operation resulting in the correction of the count of

the provincial electoral commissions, but without prejudice to the provisions relating to judicial appeals.

ARTICLE 172 (Functioning of national count)

The national count operation shall consist in:

- a) verification of the total number of registered electors, of voters who voted and their percentage in relation to the first number;
- b) verification of the total number of votes obtained by each presidential candidate and by each list, the number of blank votes and of invalid votes;
- c) determination of the presidential candidate elected;
- d) verification of the need for a second ballot for the presidential elections;
- e) distribution of the seats of the deputies by constituency;
- f) determination of the candidates elected for each list.

ARTICLE 173 (Publication of the national results)

The president of the National Electoral Commission shall, within a period of fifteen days following the date of the close of the polls, announce the results of the national count and order their publication through the media and through a public notice which shall be affixed at the entrance of the office of the National Electoral Commission.

ARTICLE 174 (Record of national results)

1. A record of the national count shall immediately be prepared, containing the established results, the complaints, protests and counter-protests submitted, and the decisions taken on them.
2. A copy of the record of the national results shall immediately be sent by the president of the National Electoral Commission to the President of the Republic.

ARTICLE 175 (Destination of documentation)

At the end of its mandate, the National Electoral Commission shall hand over the records of the provincial electoral commissions and the records of the national results to the Ministry of State Administration, which shall decide on their custody and conservation.

ARTICLE 176 (Official chart of election results)

1. The National Electoral Commission shall prepare an official chart of the election results, which must contain:
 - a) the total number of registered electors;
 - b) the total number of voters who voted and of those who did not vote, with their respective percentages in relation to the total number of registered electors;
 - c) the total number of blank votes, of invalid votes and of valid votes, with their respective percentages in relation to the total number of voters;
 - d) the total number of votes obtained by each candidature, and, if necessary, also by each coalition of candidatures, with their percentages in relation to the total number of valid votes;
 - e) the total number of seats allocated to each candidature;
 - f) the names of the elected candidates, with the indication of the names of their respective lists, as well as those of the proponent political parties, in the case of a coalition.
2. In addition to the information specified in the preceding paragraph, the chart for the election of deputies to the Assembly of the Republic shall contain the information relating to each constituency.
3. The National Electoral Commission shall cause the charts of the election results to be published in the 1st Series of the *Boletim da República* (Government Gazette), within seven days of the announcement of the results of the count at national level.

PART VI

ELECTION OF THE PRESIDENT OF THE REPUBLIC

CHAPTER I

Eligibility and Mode of Election

ARTICLE 177 (Term of office of the President of the Republic)

The President of the Republic shall be elected for a five-year term of office on the basis of the citizens' universal, direct, equal and secret suffrage, under the provisions of the Constitution and the present law.

ARTICLE 178 (Eligibility)

1. Mozambican citizens of original Mozambican nationality, of thirty-five years of age or over, who enjoy full political and civil rights and fulfil the other requirements laid down in the Constitution of the Republic, shall be eligible for the office of President of the Republic.
2. State officials or officials of other public corporations shall not require authorization to be a candidate for the office of President of the Republic.

ARTICLE 179 (Ineligibilities)

Not eligible are those citizens who:

- a) do not enjoy voting rights;
- b) have been sentenced to imprisonment for over two years for malicious crimes;
- c) have been sentenced to imprisonment for the malicious crimes of larceny, robbery, breach of trust, fraud, forgery or for a malicious crime committed by a civil servant, as well as those who have been declared persistent offenders by a legal sentence passed in a court of law;
- d) have not resided ordinarily in the national territory for at least the last six months prior to the date of the elections.

ARTICLE 180 (Constituency)

For the purpose of the election of the President of the Republic, the electoral territory shall be considered to be the territory of the Republic of Mozambique.

ARTICLE 181 (Electoral system)

1. The President of the Republic shall be elected from a single nominal list, constituted according to the provisions of article 185.
2. The candidate who receives more than half of the validly cast votes, the blank and invalid votes not being considered as such, shall be elected.
3. If no candidate obtains this number of votes, a second ballot shall be held, in which only the two candidates with the highest number of votes shall compete.
4. In the second ballot, the candidate who obtains the greatest number of validly cast votes shall be considered elected.

ARTICLE 182 (Ballot paper)

1. The ballot paper shall be rectangular in shape and of appropriate size to contain all the candidatures admitted to the election.
2. On every ballot paper the names of the candidates and their photographs shall be printed, arranged vertically one below the other, in the sequence in which they have been drawn by lot by the National Electoral Commission.
3. On the line for each candidature shall be an empty square, which shall be marked by the voter as an indication of her/his choice.

CHAPTER II

Nominations

ARTICLE 183 (Initiative for presenting nominations)

1. The nominations for the office of President of the Republic shall be presented by the legally constituted political parties and coalitions of parties with the support of at least ten thousand electors.
2. The nominations for the office of President of the Republic may also be presented by groups of electors, with a minimum of ten thousand signatures.

ARTICLE 184 (Presentation of candidatures)

1. Candidatures shall be presented at the National Electoral Commission up to sixty days before the date set for the elections.
2. The nominations of the political parties or coalitions of parties shall be presented by the bodies empowered by their respective statutes to do so or by delegates specifically authorized for this purpose.
3. The nominations from electors shall be presented by the candidate or by a delegate authorized by the candidate for this purpose.
4. Each political party, coalition of parties or group of electors may only present one candidate.

ARTICLE 185 (Formal requirements for presentation)

1. Candidatures for the office of President of the Republic shall be presented by submitting an application addressed to the president of the National Electoral Commission.
2. The nomination application shall contain the following elements:
 - a) complete identification of the proposers of the candidature and the capacity in which they are acting;
 - b) full name, age, parentage, birthplace, profession, abode, number and date of issue of identity card and number of voter's card of the candidate;
 - c) certificate of the criminal record of the candidate;
 - d) a declaration by the candidate, as specified in the following article.

ARTICLE 186 (Candidate's declaration)

The application referred to in the preceding article shall be accompanied by a declaration by the candidate, with a notarized signature, in which s/he explicitly declares that:

- a) s/he accepts the nomination presented by the proposing entity;
- b) s/he is not affected by any form of ineligibility;

CHAPTER III

Withdrawal or Death of Candidates

ARTICLE 187 (Withdrawal by candidates)

1. Any candidate may withdraw her/his candidature up to fifteen days before the opening of the poll, through a written declaration with a notarized signature addressed to the president of the National Electoral Commission.
2. After verifying the regularity of the declaration of withdrawal, the president of the National Electoral Commission shall immediately order a copy to be affixed at the entrance of the office of the National Electoral Commission, and cause it to be publicized in the main mass media.

ARTICLE 188 (Death or incapacity)

1. In the case of the death of a candidate, or an occurrence leading to the incapacity of a candidate to continue to contest the presidential elections, the fact, together with the indication of whether or not it is intended to replace the candidate, shall be communicated within twenty-four hours to the

president of the National Electoral Commission, without prejudice to the continuity of the election campaign.

2. Whenever it is intended to replace the candidate, the president of the National Electoral Commission shall grant a period of five days for the presentation of the candidature and immediately communicate the fact to the President of the Republic, to allow for the provisions of paragraph 4 of the present article to be applied.
3. The National Electoral Commission shall have forty-eight hours to appraise and decide on the acceptance of the replacement candidature.
4. On the proposal of the National Electoral Commission, the President of the Republic shall set a new date for the elections within a period not exceeding thirty days from the originally established polling day.
5. When it is not intended to indicate a replacement candidate, the elections shall take place on the fixed date.

ARTICLE 189 (Publication)

All cases of withdrawal or incapacity of candidates shall be published within forty-eight hours in the 1st Series of the *Boletim da República* (Government Gazette).

CHAPTER IV

Second Ballot

ARTICLE 190 (Admission to second ballot and death or incapacity)

1. The two candidates with the highest number of votes during the first ballot shall participate in the second ballot.
2. In the case of death or incapacity of one of the two candidates with most votes, the president of the National Electoral Commission shall summon the remaining candidates, one by one in the order of votes received, by twelve hours on the fifth day following the publication of the results of the first ballot, to state explicitly their willingness or not to contest the second ballot election.
3. After determining, in the terms of the preceding paragraphs, the two candidates who will contest the second ballot election, the president of the National Electoral Commission shall immediately inform the President of the Republic and order a public notice to be affixed at the Commission's entrance and ensure its publication in the 1st Series of the *Boletim da República* (Government Gazette) by eighteen hours of the fifth day following the publication of the results of the first ballot.
4. If the conditions specified in the preceding paragraphs of this article are not fulfilled, the second ballot shall not take place and the sole candidate shall be elected.

ARTICLE 191 (Date of second ballot)

The second ballot shall be called by the President of the Republic, on the proposal of the National Electoral Commission, and shall take place between the seventh and the twenty-first day after the publication of the results of the first ballot.

ARTICLE 192 (Election campaign)

The election campaign for the second ballot shall have a duration of ten days and shall end twenty-four hours before the day of the elections.

PART VII

PARLIAMENTARY ELECTIONS

CHAPTER I

Electoral System and Eligibility

SECTION I

Composition of the Assembly of the Republic

ARTICLE 193 (Composition of the Assembly of the Republic)

1. The Assembly of the Republic shall be composed of a minimum of two hundred and a maximum of two hundred and fifty deputies.
2. The members of the Assembly of the Republic shall be elected for a term of office of five years.
3. The Assembly of the Republic resulting from the first multiparty general elections shall consist of two hundred and fifty deputies.

ARTICLE 194 (Constituencies)

For the parliamentary elections the following constituencies shall be formed:

- a) provincial constituencies, totalling 247 deputies: each province and the City of Maputo shall comprise a constituency represented in the Assembly of the Republic by a number of deputies established by the National Electoral Commission in proportion to the number of registered electors;
- b) the constituency of the Mozambican communities outside the country, represented by a fixed number of three deputies: two for Africa and one for the rest of the world.

SECTION II

Eligibility

ARTICLE 195 (Eligibility)

Registered Mozambican electors shall be eligible for the Assembly of the Republic.

ARTICLE 196 (Passive electoral incapacity)

The following shall not be eligible:

- a) citizens who do not have electoral capacity;
- b) citizens who have been sentenced to imprisonment for the malicious crimes of larceny, robbery, breach of trust, peculation, forgery, arson or for a malicious crime committed by a civil servant, as long as they have not completed their sentences;
- c) citizens who have been declared persistent offenders of difficult correction by a legal sentence.

ARTICLE 197 (Incompatibilities)

1. The mandate of deputy is incompatible with the functions of member of Government.
2. If a member of Government is elected as a deputy and wishes to retain her/his functions, s/he shall renounce her/his mandate of deputy in the terms of article 214.
3. The deputy referred to in the preceding paragraph shall resume her/his mandate in Parliament when s/he ceases to be a member of Government.
4. The mandate of deputy is also incompatible with paid employment with foreign States or international organizations.

ARTICLE 198 (Ineligibilities)

The following shall not be eligible for the Assembly of the Republic:

- a) magistrates of the Judiciary or the Department of Public Prosecution on active duty;
- b) professional army and militarized personnel, when on active service;
- c) career diplomats on active duty.

SECTION III Electoral System

ARTICLE 199 (Mode of election)

1. The election of deputies to the Assembly of the Republic shall be based on multinominal lists of parties or coalitions of parties in each constituency, with voters having a single list vote.
2. The lists shall be presented to the electors by their proponents during the election campaign.

ARTICLE 200 (Distribution of deputies in each constituency in the national territory)

1. The number of deputies who shall be elected by each constituency of the national territory, shall be established in the following way:
 - a) the total number of registered electors in the national territory shall be established;
 - b) the total number of registered electors in the national territory shall be divided by two hundred and forty-seven, in order to obtain the quotient corresponding to each deputy to be elected;
 - c) the total number of registered electors in each constituency in the national territory shall be established;
 - d) the total number of registered electors in each constituency shall be divided by the quotient established in subsection b) of this paragraph.
2. If the remainder from the division referred to in subsection d) of the preceding paragraph is larger than half the quotient, the corresponding constituency shall have the right to elect an additional deputy.

ARTICLE 201 (Distribution of seats within lists)

1. Seats shall be distributed within the lists according to the order of precedence shown on each list.
2. The existence of an incompatibility between the function exercised by a candidate and the exercise of the function of deputy shall not prevent the allocation of the seat.
3. In case of death or an illness causing the physical incapacity of the candidate, the seat shall be allocated to the next candidate on the list, in accordance with the order of precedence mentioned in paragraph 1 of this article.

ARTICLE 202 (Ballot paper)

1. The ballot paper shall be rectangular in shape and of the appropriate size to contain all the lists which will be submitted to the vote, and shall be approved by the National Electoral Commission.
2. On every ballot paper the names, abbreviations, symbols and flags of the parties or coalitions of parties proposing candidatures shall be printed, arranged horizontally, one below the other, in the sequence in which they have been drawn by lot by the National Electoral Commission.
3. On the line for each party or coalition of parties shall be an empty square, which shall be marked according to the choice of the voter.

ARTICLE 203 (Minimum number of votes required to win a seat)

Each nomination list can only win a seat if at the counting of the votes it receives 5% of the votes cast nationwide.

ARTICLE 204 (Election criterion)

The conversion of votes into seats shall be done in accordance with the d'Hondt proportional representation method, obeying the following rules:

- a) the number of votes obtained by each list in a constituency shall be counted separately;
- b) the number of votes counted for each list shall be divided successively by 1, 2, 3, 4, 5, 6, 7, 8, etc., and the quotients shall be aligned in descending order to form a series of as many terms as there are seats attributed to the respective constituency;
- c) the seats shall belong to the lists to which the terms of the series established by the preceding rule

- correspond, and each list shall receive as many seats as its terms in the series;
- d) if there remains only one seat to be distributed and if the next terms in the series are equal but belonging to different lists, the seat shall be allocated to the list which has obtained the smallest number of votes.

ARTICLE 205 (Election by constituency of communities of Mozambicans abroad)

The election of the three deputies representing Mozambican communities abroad shall be done according to the criteria and rules established in the preceding article.

ARTICLE 206 (Legitimacy of nomination)

1. Candidatures shall be presented by political parties, individually or as a coalition, provided that they are registered by the beginning of the nomination period, and the lists may include citizens who are not members of the respective parties.
2. No party may present more than one list of candidates in the same constituency.

ARTICLE 207 (Prohibition of multiple candidature)

No one may be a candidate for deputy on more than one list, on pain of becoming ineligible.

ARTICLE 208 (Coalitions for electoral purposes)

1. Coalitions of political parties for electoral purposes shall be formed in accordance with the terms stipulated in law no. 7/91, of 23 January, and the provisions of the following paragraphs.
2. Political parties making coalition pacts for electoral purposes shall communicate the fact to the National Electoral Commission, before the actual delivery of nomination papers, in a document signed jointly by the competent organs of the respective political parties.
3. The communication referred to in the preceding paragraph shall contain:
 - a) a definition of the planned scope of the coalition;
 - b) indication of the name, abbreviation and symbols of the coalition;
 - c) designation of the office holders in the executive or coordinating bodies of the coalition;
 - d) the deed confirming the approval of the coalition pact.
4. Coalitions shall constitute a single parliamentary bench and they shall cease to exist at the end of each legislature.

ARTICLE 209 (Assessment of names, abbreviations and symbols)

1. The National Electoral Commission shall assess the legality of the names, abbreviations and symbols of the coalitions, and their identity or resemblance to those of other parties or coalitions, in a plenary session twenty-four hours after the submission of the communication referred to in the preceding article.
2. The decision resulting from the assessment referred to in the preceding paragraph, shall immediately be published by means of a public notice, which the president of the National Electoral Commission shall order to be affixed at the entrance of the Commission's office.
3. Within twenty-four hours of affixing the public notice, the election agents of the coalition or any other list may make an appeal against the decision to the plenary, which shall take a decision within a period of forty-eight hours.

ARTICLE 210 (Other symbols)

Political parties shall be allowed to use other symbols for the election campaign than the ones which they presented at the moment of their registration and recognition.

ARTICLE 211 (Mode of presenting candidatures)

1. Political parties or coalitions of political parties shall present candidatures by submitting to the National Electoral Commission an application in the form of a petition, accompanied by lists of candidates in the terms of article 82.
2. The lists of candidates must contain the full name and the number of the voter's card of each candidate and shall be accompanied by the following documents:
 - a) photocopy of the identity card of each candidate;
 - b) certificate of the criminal record of each candidate;

- c) declaration of individual or collective candidature, signed by each candidate and notarized;
 - d) documentary evidence of the electoral registration of each candidate;
 - e) documentary evidence of the electoral registration of the election agent of each list.
3. In the declaration referred to in subsection c) of the preceding paragraph, the candidates shall explicitly declare:
- a) that they are not affected by any form of ineligibility;
 - b) that they do not appear on any other list of candidates;
 - c) that they accept the nomination presented by the proponent;
 - d) that they agree with the name of the election agent of the list.

SECTION IV

Replacement and Withdrawal of Candidates

ARTICLE 212 (Replacement of candidates)

1. Candidates may be replaced up to fifteen days before the election, and only in the following circumstances:
 - a) rejection of the candidate because of ineligibility;
 - b) death or illness resulting in the physical or mental incapacity of the candidate;
 - c) withdrawal of the candidate.
2. For the purpose of the preceding paragraph, a new list shall be published.

ARTICLE 213 (Withdrawal)

1. A list may withdraw up to seventy-two hours before the day fixed for the opening of the poll, the respective election agent being responsible for informing the National Electoral Commission.
2. Any candidate may withdraw within the period stipulated in the preceding paragraph, by means of a declaration with a notarized signature.

ARTICLE 214 (Seats falling vacant in the Assembly)

1. A seat falling vacant in the Assembly of the Republic shall be occupied by the first unelected candidate who is not prevented from occupying the seat in the order of precedence from the list to which the incumbent of the vacant seat belonged.
2. A vacant seat shall not be occupied when there are no remaining unelected full or substitute candidates on the list to which the incumbent of the vacant seat belonged.

CHAPTER II

Judicial Appeal

ARTICLE 215 (Judicial appeal)

1. Irregularities which have occurred during the polling and the partial or global counting of the votes may be examined through a judicial appeal, provided that they have been the object of a complaint or protest submitted at the moment they were verified.
2. In addition to the person lodging the complaint, protest or counter-protest, the candidates and their election agents, as well as the political parties contesting the elections in the constituency concerned, may also appeal against the decision on the complaint or protest.
3. The petition shall specify the points of law and fact of the appeal and shall be accompanied by all the elements of proof, including a photocopy of the record of the polling process of the polling station where the irregularity is alleged to have occurred.

PART VIII

ELECTORAL DISPUTES AND OFFENCES

CHAPTER I

Electoral Dispute

ARTICLE 216 (Competent body, procedure and deadlines)

1. The petition for an appeal shall specify the relevant points of law and fact and shall be accompanied by all the elements of proof.
2. The judicial appeal shall be lodged with the National Electoral Commission on the day following the counting of the votes, and a decision shall be reached during the following two days.

ARTICLE 217 (Notification of election agents and appellants)

1. Before making a decision on the appeal, the National Electoral Commission shall give notice to the election agents of the candidatures, in order to allow them, if they so wish, to give their opinion within twenty-four hours.
2. Notice of the decision referred to in paragraph 2 of the preceding article shall be given to the appellant or appellants in the fastest possible way.

ARTICLE 218 (Invalidity of elections)

1. The vote at any polling station shall only be considered null and void if irregularities have been observed that can substantially affect the result of the elections.
2. If the voting at one or more polling stations has been declared null and void, the corresponding polling process shall be repeated on the second Sunday following the decision.

ARTICLE 219 (Proceedings rapid and free of charge)

Proceedings shall be free of charge and take priority over the other business of the National Electoral Commission.

CHAPTER II

Electoral Offences

SECTION I

General Principles

ARTICLE 220 (Concurrence with more serious offences and disciplinary liability)

1. The penalties prescribed in the present law shall not exclude the imposition of other more severe sanctions for the perpetration of any crime covered by the penal law.
2. The offences considered in the present law shall also constitute disciplinary offences when committed by an agent who is subject to responsibility of this type.

ARTICLE 221 (General aggravating circumstances)

In addition to those laid down in the penal law, the following facts shall also constitute general aggravating circumstances of electoral offences:

- a) the fact that the offence affects the result of the voting;
- b) the fact that the offenders are members of the National Electoral Commission, provincial and district

- electoral commissions, polling station officers or electoral administration agents;
- c) the fact that the offender is a candidate, a delegate of a political party or an election agent of a list.

ARTICLE 222 (Suspension of political rights)

Condemnation to a prison sentence for a malicious electoral offence considered in the present law shall entail a mandatory suspension of political rights for a period from one to five years.

ARTICLE 223 (Period of limitation)

Criminal proceedings for offences related to the electoral operations shall lapse one year following the date of the elections.

SECTION II

Offences Relating to Electoral Registration

ARTICLE 224 (Fraudulent electoral registration)

1. A person who registers without having electoral capacity shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 80,000.00MT.
2. A person who registers more than once shall be punished with imprisonment for six months to one year and a fine of 40,000.00MT to 80,000.00MT.
3. Any citizen who makes false statements or gives false information in order to obtain registration in the electoral register shall be punished with imprisonment for up to one year and a fine of 30,000.00MT to 60,000.00MT.

ARTICLE 225 (Obstruction of registration)

Any person who, through violence, threat or fraudulent ruse induces a citizen not to register in the electoral register or to register after the expiry of the period established by law, shall be punished with imprisonment for up to one year and a fine of 30,000.00MT to 60,000.00MT.

ARTICLE 226 (Obstruction to detection of double registration)

A person who, being aware of a double registration, does not take timely steps to correct the irregularity, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 80,000.00MT.

ARTICLE 227 (False documentary evidence)

Any person who wrongly issues a certificate of physical incapacity or mental health, with implications for electoral registration, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 80,000.00MT.

ARTICLE 228 (Infringement of duties regarding registration during electoral registration)

1. Any person who refuses to register in the electoral registers an elector who has taken the correct steps for registering, shall be punished with imprisonment for up to one year and a fine of 40,000.00MT to 80,000.00MT.
2. A person who, through negligence, fails to discharge her/his obligations, shall be punished with a fine of 50,000.00MT to 100,000.00MT.

ARTICLE 229 (Infringement of duties regarding electoral registers)

Any person who does not prepare, organize and correct the electoral registers in the terms stipulated in the present law, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 80,000.00MT.

ARTICLE 230 (Falsification of voter's card)

Any person who, with fraudulent intent, modifies or replaces a voter's card, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 80,000.00MT.

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ARTICLE 231 (Falsification of electoral registers)

Any person who, in any manner alters, spoils, replaces or conceals electoral registers, shall be punished with imprisonment for two to eight years and a fine of 100,000.00MT to 200,000.00MT.

ARTICLE 232 (Obstruction of verification of registration in electoral register)

A person who does not affix copies of the electoral registers or prevents their inspection by registered electors during the period prescribed by law, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 80,000.00MT.

ARTICLE 233 (Failure to amend electoral registers)

Members of the electoral registration brigades who, through negligence, do not correct the electoral registers or do so contrary to the provisions of the present law, shall be punished with a fine of 40,000.00MT to 80,000.00MT.

SECTION III**Offences Relating to Presentation of Candidatures****ARTICLE 234 (Nomination of ineligible citizen)**

A person who, without being eligible, accepts, with fraudulent intent, to be a candidate, shall be punished with imprisonment for six months to two years and a fine of 100,000.00MT to 300,000.00MT.

ARTICLE 235 (Multiple candidature)

A person who, deliberately, underwrites more than one list of deputies to the Assembly of the Republic, shall be punished with a fine of 200,000.00MT to 1,000,000.00MT, without prejudice to the provisions of article 220.

ARTICLE 236 (Breach of duty of neutrality and impartiality)

Any person who infringes the provisions of article 87 shall be punished with imprisonment for up to one year and a fine of 100,000.00MT to 200,000.00MT.

SECTION IV**Offences Relating to Election Campaign****ARTICLE 237 (Improper use of name, abbreviation or symbol)**

A person who, during the election campaign, uses the name, abbreviation or symbol of a party or coalition of parties with the intention of damaging or insulting it, shall be punished with imprisonment for up to one year and a fine of 40,000.00MT to 80,000.00MT.

ARTICLE 238 (Misuse of broadcasting time)

1. Political parties or coalitions of parties and their respective members who, through radio and television and in the exercise of their broadcasting rights for the purpose of election propaganda during election campaigns, instigate to disorder or insurrection or incite to hatred, violence or war, shall be immediately suspended from exercising this right for a period of one day to the number of days that the campaign lasts, according to the gravity of the offence and the frequency of its repetition, without prejudice to their civil or criminal liability.
2. The suspension shall apply to the exercise of broadcasting rights on all radio and television stations, even if the event determining it has been verified in only one of them.

ARTICLE 239 (Suspension of broadcasting rights)

1. The National Electoral Commission shall, on its own initiative or that of a citizen or any agency or institution, decide to apply the suspension referred to in the preceding article.
2. Radio and television stations shall record any broadcasts made in the exercise of the broadcasting rights conferred on the political parties, and keep the recordings as possible evidence of their contents, until the validity of the elections and with the obligation to hand them over to the National Electoral Commission.

3. The National Electoral Commission shall announce its decision before the next scheduled broadcast on any radio or television station by the political party to which the offender belongs, except when it has taken cognizance of the infringement less than twenty-four hours before that time, in which case it shall take a decision within such period.
4. The decision referred to in the preceding paragraph shall always be preceded by a written hearing of the political party to which the offender belongs, which, if necessary, shall be requested by a telegram addressed to the seat of the said party containing a summary indication of the offending facts and a notification that the response may be transmitted in the same manner within the time limit which shall be established for this purpose.
5. Only the submission of documentary evidence, delivered to the National Electoral Commission within the period granted for the response, shall be accepted.
6. The National Electoral Commission shall reach its decision by consensus.

ARTICLE 240 (Violation of freedom of electoral assembly)

A person who prevents the holding, or interrupts the proceedings of an election propaganda meeting, rally, procession or march, shall be punished with imprisonment for up to six months and a fine of 100,000.00MT to 200,000.00MT.

ARTICLE 241 (Illegal meetings, rallies, marches or processions)

A person who, during the election campaign, holds meetings, rallies, marches or processions without complying with the provisions of law no. 9/91, of 18 July, and article 88 of the present law, shall be punished with imprisonment for six months to one year and a fine of 500,000.00MT to 1,000,000.00MT.

ARTICLE 242 (Violation of rights relating to acoustic and graphic propaganda)

A person who violates the provisions of articles 98 and 99 on propaganda through the use of acoustic or graphic means, shall be punished with a fine of 100,000.00MT to 200,000.00MT.

ARTICLE 243 (Damage to election propaganda material)

1. A person who steals, robs, destroys, tears or in any manner causes to be totally or partially useless or illegible any displayed election propaganda material, or defaces it or superimposes thereon any material for the purpose of concealing it, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 80,000.00MT.
2. The acts referred to in the preceding paragraph shall not be punishable if the propaganda material has been displayed on the person's own house or establishment without her/his consent or if its contents are clearly outdated.

ARTICLE 244 (Misappropriation of election propaganda material)

A person who misdirects, retains, or does not deliver to the addressee leaflets, posters or election propaganda papers from any list, shall be punished with imprisonment for up to one year and a fine of 40,000.00MT to 100,000.00MT.

ARTICLE 245 (Propaganda after closing of election campaign)

1. A person who makes election propaganda in any manner on polling day or the day before, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 100,000.00MT.
2. A person who, on polling day, makes propaganda inside the polling stations or in the surrounding area of five hundred metres, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 100,000.00MT.

ARTICLE 246 (Disclosure or dissemination of results of opinion polls)

A person who infringes the provisions of article 89 shall be punished with imprisonment for up to one year and a fine of 200,000.00MT to 1,000,000.00MT.

ARTICLE 247 (Failure to keep accounts of receipts and payments)

Any person who contravenes the provisions of article 106 shall be punished with a fine of 1,000,000.00MT to 5,000,000.00MT.

ARTICLE 248 (Failure to submit accounts)

Any person who contravenes the provisions of article 108, paragraph 1, shall be punished with a fine of 5,000,000.00MT to 20,000,000.00MT.

SECTION V

Offences Relating to Voting

ARTICLE 249 (Infringement of electoral capacity)

1. A person who, without having electoral capacity, presents her/himself to vote, shall be punished with a fine of 40,000.00MT to 100,000.00MT.
2. A citizen who exercises the right to vote without having electoral capacity, shall be punished with imprisonment for up to one year and a fine of 100,000.00MT to 200,000.00MT.
3. A person who fraudulently uses the identity of another duly registered citizen in order to exercise that right, shall be punished with imprisonment for six months to two years and a fine of 300,000.00MT to 600,000.00MT.

ARTICLE 250 (Fraudulent admission or exclusion from voting)

A person who contributes to allowing the right to vote to be exercised by someone who does not have that right or to excluding someone who has that right, and a physician who falsely attests about incapacity to exercise the right to vote, shall be punished with imprisonment for up to two years and a fine of 100,000.00MT to 200,000.00MT.

ARTICLE 251 (Prevention from voting)

A public officer who, on polling day, fraudulently prevents any voter, under any pretext, from exercising her/his right to vote, shall be punished with imprisonment for up to two years and a fine of 120,000.00MT to 280,000.00MT.

ARTICLE 252 (Multiple voting)

A person who votes more than once or allows someone to vote more than once, shall be punished with imprisonment for six months to two years and a fine of 100,000.00MT to 200,000.00MT.

ARTICLE 253 (Unfaithful proxy)

A person who accompanies a blind or disabled person for the purpose of voting and with fraudulent intent unfaithfully expresses her/his choice, shall be punished with imprisonment for six months to two years and a fine of 120,000.00MT to 280,000.00MT.

ARTICLE 254 (Violation of secrecy of vote)

1. A person who, at the polling station or in its surrounding area of five hundred metres, uses coercion or deceit of any nature or her/his ascendancy over a voter to make that voter reveal her/his vote, shall be punished with imprisonment for up to six months.
2. A person who, at the polling station or in its surrounding area of five hundred metres, reveals for which list s/he intends to vote or has voted, shall be punished with a fine of 40,000.00MT to 100,000.00MT.

ARTICLE 255 (Coercion and fraudulent schemes against the voter)

1. A person who uses violence or threats or fraudulent ruses against any voter in order to coerce or induce her/him to vote for a particular candidate or abstain from voting, shall be punished with imprisonment for six months to two years and a fine of 200,000.00MT to 600,000.00MT.
2. The same penalty shall be applicable to the person who, behaving in the manner described in the preceding paragraph, seeks to obtain the withdrawal of any candidate.
3. The penalty specified in the preceding paragraphs shall be aggravated, according to the terms of the prevailing penal code, if the threat is made with the use of a weapon or the violence perpetrated by two or more people.
4. If the same offence is committed by a citizen invested with public power, a civil servant or agent of the state or another public corporate body or a minister of any religion, the punishment shall be imprisonment for eight months to two years and a fine of 200,000.00MT to 1,000,000.00MT.

ARTICLE 256 (Dismissal or threat of dismissal)

A person who dismisses or threatens to dismiss a citizen from her/his employment, prevents or threatens to prevent someone from obtaining employment, or applies any other sanction in order to force her/him to vote or not to vote, or because s/he voted for or did not vote for a particular candidate, or because s/he abstained from voting or from not participating in the election campaign, shall be punished with imprisonment for six months to two years and a fine of 400,000.00MT to 1,200,000.00MT.

ARTICLE 257 (Electoral corruption)

A person who, in order to induce someone to vote or refrain from voting for a particular list, offers, promises or procures public or private employment or any other goods or advantages to one or more voters or, in agreement with them, to a third person, even if the goods or advantages used, promised or obtained, are disguised as being a monetary compensation given to the voter for travel or accommodation expenses, or payment for food or drinks, or a payment for election campaign expenses, shall be punished with imprisonment for up to two years and a fine of 120,000.00MT to 280,000.00MT.

ARTICLE 258 (Failure to exhibit ballot box)

1. The presiding officer of a polling station who, with fraudulent intent, fails to exhibit the ballot box in front of the voters at the opening of the poll, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 100,000.00MT.
2. If ballot papers are found in the ballot box which has not been exhibited, the punishment shall be imprisonment for up to two years and a fine of 80,000.00MT to 200,000.00MT, without prejudice to the application of the provisions of the following article.

ARTICLE 259 (Introduction of ballot papers in ballot box and misappropriation of ballot box or ballot papers)

A person who, with fraudulent intent, deposits ballot papers in the ballot box before or after the start of the voting, or takes possession of the ballot box with the not yet counted ballot papers inside it, or takes possession of a ballot paper at any time after the opening of the polling station until the global counting of the votes of the elections, shall be punished with imprisonment for six months to two years and a fine of 200,000.00MT to 1,000,000.00MT.

ARTICLE 260 (Fraud in counting of votes)

A polling station officer who, with fraudulent intent, puts a confirmation mark for a voter who has not voted, or allows it to be put, or who in reading a ballot paper changes the list indicated, or during the counting of the votes adds or subtracts votes to a list, or in any other manner falsifies the result of the election, shall be punished with imprisonment for one to two years and a fine of 160,000.00MT to 400,000.00MT.

ARTICLE 261 (Obstruction to delegates of candidatures exercising their rights)

1. A person who prevents delegates of candidatures from entering the polling stations or leaving them, or in any other manner prevents them from exercising the powers which the present law bestows on them, shall be punished with imprisonment for up to six months.
2. In the case of the presiding officer, the punishment shall never be less than one year.

ARTICLE 262 (Refusal to receive complaints and protests and counter-protests)

A presiding officer of a polling station who unjustifiably refuses to receive complaints, protests or counter-protests, shall be punished with imprisonment for six months and a fine of 200,000.00MT to 600,000.00MT.

ARTICLE 263 (Disruption of polling stations)

1. A person who disrupts the normal functioning of a polling station through insults, threats or acts of violence, causing a commotion, shall be punished with imprisonment for up to six months and a fine of 100,000.00MT to 200,000.00MT.
2. A person who, during the polling process, enters a polling station without being entitled to do so and refuses to leave after being summoned by the presiding officer, shall be punished with imprisonment for up to six months and a fine of 40,000.00MT to 100,000.00MT.

3. A person who enters a polling station carrying arms, shall be subject to the immediate confiscation of the weapons and shall be punished with imprisonment for up to two years and a fine of 40,000.00MT to 100,000.00MT.

ARTICLE 264 (Obstruction by candidates, election agents and representatives of candidatures)

A candidate, election agent, representative or delegate of a candidature, who disrupts the normal functioning of the electoral operations, shall be punished with imprisonment for up to one year and a fine of 40,000.00MT to 100,000.00MT.

ARTICLE 265 (Failure to fulfil obligation of participation in electoral process)

Any person who has been designated to act as a polling station officer, and without justification neglects to perform or abandons these functions, shall be punished with a fine of 160,000.00MT to 400,000.00MT.

ARTICLE 266 (Falsification of electoral documentation)

A person who, in any manner, fraudulently spoils, replaces, conceals, destroys or amends electoral registers, ballot papers, records of the polling process at the polling stations or any document relating to the elections, shall be punished with imprisonment for two to eight years and a fine of 400,000.00MT to 1,000,000.00MT.

ARTICLE 267 (Malicious accusation)

A person who, without cause, fraudulently accuses any other person of the practice of any offence considered in the present law, shall be punished according to the provisions for malicious prosecution of the prevailing penal code.

ARTICLE 268 (Complaints and appeals made in bad faith)

Any person who, in bad faith, lodges a complaint, appeal, protest or counter-protest or who contests the decisions of the organs through an unfounded appeal, shall be punished with a fine of 1,000,000.00MT to 5,000,000.00MT.

ARTICLE 269 (Non-appearance of police force)

If a police force has been requested by the competent authorities in accordance with the provisions of article 147, paragraph 2, for guaranteeing the normal progress of the voting operations, and this force does not arrive and no proper justification is presented within a period of twenty-four hours, its commander shall be punished with imprisonment for up to six months and a fine of 100,000.00MT to 200,000.00MT.

ARTICLE 270 (Failure to fulfil obligations)

A person who, without justification, neglects to fulfil any obligation imposed by the present law, or fails to perform the necessary administrative acts for its prompt execution, or delays its implementation without cause, shall be punished with a fine of 120,000.00MT to 280,000.00MT.

PART IX

FINAL PROVISIONS

ARTICLE 271 (References to the law)

References to articles without mentioning the respective statute, shall be deemed provisions of the present law.

ARTICLE 272 (Exemptions and issue of certificates)

1. Documents necessary for complying with the prescriptions of the present law shall be exempted from any taxes, emoluments, stamp taxes or court taxes, for example:
 - a) certificates needed for electoral registration;
 - b) documents necessary for the submission of any complaints or appeals provided for in the present law;
 - c) notarizations for registration purposes.
2. Certificates necessary for the purpose or by reason of electoral registration, shall compulsorily be issued at the request of any interested party, within a maximum period of five days.

ARTICLE 273 (Conservation of electoral documentation)

All documentation relating to a candidature shall be kept for a period of five years after the date of investiture of an elected candidate, after which date a copy of this documentation shall be transferred to the Historical Archives of Mozambique.

ARTICLE 274 (Swearing in of the President of the Republic)

The President of the Republic shall take office within eight days after the investiture of the elected Assembly of the Republic, the determination of the precise date being incumbent upon the National Electoral Commission.

ARTICLE 275 (Investiture of deputies)

The deputies to the Assembly of the Republic, elected in the first multiparty general elections, shall be sworn in within fifteen days after the publication of the final results of the counting of the votes, the determination of the precise date being incumbent upon the National Electoral Commission.

ARTICLE 276 (Repeal of legislation)

All legislation contrary to the present law is repealed.

ARTICLE 277 (Entry into force)

The present law enters immediately into force.

Approved by the Assembly of the Republic.

The President of the Assembly of the Republic, *Marcelino dos Santos*.

Promulgated on the 28th of December 1993.

For publication.

The President of the Republic, JOAQUIM ALBERTO CHISSANO

ANNEX I

(referred to in article 2)

GLOSSARY OF LEGAL TERMS USED IN THE ELECTORAL LAW *

A

ABUSE OF PUBLIC OR COMPARABLE DUTIES - Action of a civil servant or agent of the State or other corporate body, or a dignitary of a religious faith, who in that capacity forces or induces a voter to vote for a particular list.

AUDIT - Verification and control of the candidates' sources of financing and electoral expenditure.

B

BALLOT BOX - Special box in which the voters deposit their ballot papers.

BALLOT PAPER - Sheet of printed paper of appropriate format, on which the voter expresses by means of a "X" mark her/his will concerning the selection of deputies to the Assembly of the Republic and the President of the Republic.

BLANK VOTE - Name used for a ballot paper which, although deposited in the ballot box by a voter, does not contain any indication of that voter's choice.

BOARD OF THE POLLING STATION - Group of persons responsible for directing operations in each polling station, from the beginning of the vote until its conclusion and the final count.

BROADCASTING RIGHT - Right of access of the competing candidates, political parties and coalitions of parties to radio and television for the purposes of their election campaign.

BROADCASTING TIME - Period of time attributed to the various candidates in the election campaign, during which they may use the state radio and television stations for making their political propaganda.

BUDGET - Financial resources allocated for the execution of the various phases of the electoral process and the payment of expenses.

C

CANDIDATE - Citizen nominated for election.

CANDIDATURE - Proposal of one or more citizens as candidates for deputy or President of the Republic, presented by political parties, a coalition of political parties or groups of citizens.

CASTING OF VOTES - Act of introducing the ballot paper into the ballot box.

CHART OF THE ELECTION RESULTS - Document in which the election results are summarized and which must contain the total number of voters, of those who voted, of abstentions, invalid or blank votes, and of valid votes; the total number of votes obtained by each candidature or coalition and the seats obtained by each; all the data must be given by constituency, if there are several. The chart must also include the names of the elected candidates and their respective electoral symbol or party.

* Note: Appendix I contains a bilingual English - Portuguese list of these terms.

CIVIC EDUCATION - Information for citizens about the objectives of the elections, the electoral process and how each voter casts her/his vote.

COALITION OF PARTIES - Association of two or more parties which constitute an alliance, joining forces for electoral purposes.

COMPLAINT OR APPEAL IN BAD FAITH - Situation in which the complainant or appellant manifests disagreement knowing that s/he has no grounds.

CONSTITUENCY - One of the geographical areas into which the national territory is organized so that the voters can elect a certain number of deputies.

CONSTITUENCY OF MOZAMBICAN ELECTORS RESIDING ABROAD - Geographical area into which foreign territory is organized so that the Mozambican electors living there can elect a certain number of deputies.

CONTESTATION - Action of raising objections, in terms of the electoral law.

COUNT - Act of counting the votes deposited in the ballot boxes by the voters, in order to determine the results of the election.

COUNTER-PROTEST - Process of expressing disagreement with a protest submitted in relation to any operation or measure adopted in the framework of the electoral process.

D

DELEGATE OF A LIST - Person designated and duly accredited by a contestant to represent her/him at the polling station, with the objective of monitoring and verifying the operations relating to the vote and the count.

DELEGATE OF A PROPONENT - Person designated and accredited by a party, coalition of parties or electors proposing a candidature to represent them.

DEPUTY - Citizen elected as a deputy to the Assembly of the Republic through universal, direct, equal and secret suffrage.

DETERMINATION OF THE NATIONAL RESULTS - Determination of the results of the count at national level with the aim of announcing the general results obtained and the corresponding distribution of seats, as well as the determination of the presidential candidate with the highest number of votes.

DETERMINATION OF THE PROVINCIAL RESULTS - Counting at provincial constituency level of the votes deposited in the ballot boxes by the voters when choosing deputies to the Assembly of the Republic and the President of the Republic.

DRAWING LISTS BY LOT - Act of drawing by lot the lists of candidates in order to establish which one shall figure in the first place and which in the other positions on the ballot paper.

E

ELECTION AGENT OF A LIST - Individual who represents the interests of a particular candidate at the elections, monitoring the electoral operations at which her/his presence is permitted by law.

ELECTION CAMPAIGN - Activities organized by the competitors in elections with a view to attracting votes, taking place in a more or less organized manner.

ELECTION PROPAGANDA - Action by which the political parties and candidates make public and explain their political objectives, programmes and opinions during the election campaign, with the aim of winning votes.

ELECTIONS - Set of activities and processes for the selection, from among various candidates, of deputies to the Assembly of the Republic or the President of the Republic.

ELECTORAL CAPACITY - Right of a citizen to vote and choose the candidates or candidate of her/his preference to be deputy or President of the Republic respectively.

ELECTORAL COERCION - Act of intimidating a voter to vote for a specific candidate, by using violence or threats or any other fraudulent means.

ELECTORAL COMMISSIONS - Organs established to organize and conduct the electoral process; they can be at national, provincial or district level.

ELECTORAL CORRUPTION - Persuasion by means of bribery of a voter with a view to altering her/his will in the free choice of the candidate or candidates of her/his preference.

ELECTORAL DISPUTE - Process of resolving differences in relation to the interpretation or implementation of the rules governing the electoral process.

ELECTORAL EQUALITY - Existence of equal conditions between the competitors in the elections, in relation to the possibility of making propaganda and receiving non-discriminatory treatment from public and private bodies.

ELECTORAL FINANCING - Allocation of financial resources to candidates or political parties for payment of the expenses pertaining to the election campaign.

ELECTORAL FRAUD - Act aimed at altering the results of an election.

ELECTORAL INCAPACITY - Situation which is subdivided into incapacity to elect (active), or to be elected (passive). In either case, the restriction is the result of a clinical condition or the practice of antisocial acts, typified remissively by the electoral law.

ELECTORAL OFFENCE - Set of infringements of the electoral rules laid down in the electoral law.

ELECTORAL PROCESS - Set of actions laid down in the law as necessary to elect the President of the Republic and the deputies to the Assembly of the Republic.

ELECTORAL REGISTER - Set of appropriate sheets, duly numbered and initialled, with the characteristics of an official book, containing an opening and closing statement and the names of the citizens registered as voters.

ELECTORAL REGISTRATION - Action through which citizens with the right to vote are registered in special registration books, called electoral registers.

ELECTORAL REGISTRATION BRIGADE - Organic unit formed by electoral officials, through which the electoral registration of citizens of voting age is carried out. The brigade can be fixed or mobile.

ELIGIBILITY - Right of a citizen to be a candidate for deputy or for President of the Republic.

ETHICAL NORMS - Set of norms with special relevance for the psychological phase of the election campaign; they prohibit the use of expressions which tarnish the reputation of any other citizen or candidate or which foment individual or collective violence.

F

FULL CANDIDATE - Person in relation to whom the vote of the electorate is exercised, whether in the presidential or parliamentary elections.

I

IMMUNITY OF THE DELEGATES OF CANDIDATURES AND THE CANDIDATES -

Prerogatives of delegates and candidates making it impossible for them to be detained during the operation of the relevant polling station, even when caught in the act of committing a crime punishable by imprisonment of not more than two years for the delegates, and imprisonment for over two years for the candidates.

INCOMPATIBILITY - Situation arising from the exercise of a public or private office considered irreconcilable with that of deputy.

INDIVIDUAL VOTE - Principle stating that a voter may not delegate another person to vote in her/his place.

INELIGIBILITY - Unsuitability to be a candidate, caused by an electoral incapacity or a citizen having been resident in the country for less than six months prior to polling day, or being a magistrate of the Judiciary or the Department of Public Prosecution, or a professional member of the military or a career diplomat on active duty.

INTERNATIONAL OBSERVATION - Group of persons indicated by various international and foreign organizations, whose task is to verify the activities relating to the electoral process in order to conclude whether or not fraud has been committed.

INVALID VOTE - A ballot paper is considered invalid for counting purposes, when the voter's choice is not clearly indicated, which can happen if s/he has put a mark in more than one square or outside the squares. In addition, a ballot paper on which the voter has drawn or written something, is also invalid.

INVESTITURE - Act or ceremony of swearing in, which makes it legally possible to take up duties; in the case of the electoral law, it applies to the president and members of the National Electoral Commission, the chairpersons of the district and provincial electoral commissions.

INVESTITURE OF THE DEPUTIES - Act of swearing in deputies, enabling them to take up their functions, which must take place within 30 days from the publication of the final results of the count.

J

JUDICIAL SUPERVISION - Legal power to resolve conflicts or irregularities by applying the law.

L

LEGITIMACY - Recognition of a lawful interest which makes it possible to perform acts related to the elections.

LIST OF CANDIDATES - Document submitted by the parties to the competent body, containing the party's roll of candidates for each constituency.

M

METHOD OF D'HONDT - Method for distributing the votes, in which, if they do not correspond to the necessary minimum for establishing a mandate, they are added, after various processes of equitable distribution, to the list which has obtained the fewest votes.

MINIMUM NUMBER OF VOTES - Minimum number of votes cast in a constituency required for a party list contesting the elections to qualify for the determination of the number of seats obtained; in the terms of the electoral law, this number equals 5% of the total number of votes cast there.

MONITORING - Verification and control of the electoral acts in order to assess their observance of the legal norms during the electoral process.

MULTIPLE CANDIDATURE - Fact that a citizen is a candidate for more than one list. Prohibited by rule, multiple candidature may lead to the ineligibility of the citizen proposed.

MULTIPLE VOTING - Situation in which it is discovered that a voter has voted more than once in the same election. Multiple voting is an electoral offence.

N

NEUTRALITY - Attitude which must be adopted by all the participants in the electoral process and by the public authorities, which consists in not showing through words or deeds any preference for any candidate or party in the election contest.

O

OBSTRUCTION OF REGISTRATION - Action of preventing a potential elector from registering or from registering within the established period, with the aim of removing her/him from the electoral process.

OPENING OF THE POLLING STATION - Procedure through which the presiding officer of a polling station, in compliance with the directives of the National Electoral Commission, verifies the conditions in relation to the time, the ballot boxes and the necessary materials for the vote, normally exhibiting the empty ballot box and examining the voting booth.

OPINION POLL - Inquiry into the preferences of the voters in the elections, research carried out on the basis of questioning citizens of different social categories.

P

PERSONAL VOTE - Principle stating that, in order to vote, a voter must come personally to the place indicated for voting.

POLLING STATION - Place where the voter casts her/his vote.

PROPORTIONAL REPRESENTATION - Electoral system in which the number of candidates elected as deputies is calculated in proportion to the number of votes received.

PROTEST - Manner in which a candidate, a political party or a citizen manifest their disagreement with any irregularity.

PUBLIC PLACES - Buildings or enclosed spaces belonging to the public domain of the State or the local administrative bodies.

R

RECORD OF THE POLLING PROCESS - Document for recording the holding of the vote, the manner in which it took place and the essential information for the count, such as the polling station officers, number of registered electors, names of the delegates of the candidatures, total number of voters and of those who did not vote, number of invalid or blank votes and other events relevant to the vote. The record is a printed document of a model to be approved by the National Electoral Commission.

REGISTRATION CENTRE - Place where citizens with the right to vote go to be registered in registration books, called electoral registers.

REGISTRATION FORM - Printed form of a previously approved model, by means of which a citizen proceeds to the electoral registration, qualifying her/himself to cast her/his vote.

REVIEW OF ACCOUNTS - Analysis by the National Electoral Commission of the accounts submitted by each candidature, in order to determine whether both sources of funding and expenses are in accordance with the law.

RIGHT TO VOTE - Right to vote of a citizen with electoral capacity; it is personal, unalienable and can not be abdicated.

S

SCRUTINEER - Person entrusted by the polling station board to count the votes.

SINGLE REGISTRATION - Principle according to which citizens must only register once, and in consequence must only be listed once in the electoral registers.

SUBMISSION OF ACCOUNTS - Information that each candidature submits to the National Electoral Commission on the funds received and the way they were used.

SUBSTITUTE CANDIDATE - Person who has been accepted by the National Electoral Commission, but on whom the vote of the electorate shall only be exercised when a full candidate for deputy to the Assembly of the Republic is absent or incapacitated.

SUFFRAGE - Action by which, through voting, electors choose the President of the Republic and their deputies to the Assembly of the Republic.

SUSPENSION OF POLITICAL RIGHTS - Period of time in which, by virtue of a court sentence, a citizen may not exercise her/his political rights, the most important of which are the right to vote and to be elected.

U

UNIVERSALITY - Principle according to which all citizens of Mozambican nationality who on polling day are 18 years of age may and must register for the elections, whether they reside on Mozambican territory or abroad.

V

VOTER'S CARD - Personal identity document specifically for electoral purposes, issued to every registered elector, which certifies the status of voter of the bearer and which s/he must present when voting.

VOTING BOOTH - Secluded compartment, located near the ballot box, in which the voter, by putting a mark, freely and secretly expresses her/his will concerning the selection of a candidate or candidates.

VOTING BY THE DISABLED - Special process designed to permit a voter with a clear physical disability which prevents her/him from voting autonomously, to be accompanied by a suitable person whom s/he has chosen for the purpose of casting her/his vote; this person shall be pledged to secrecy and honesty in casting the vote.

VOTING BY THE ILLITERATE - Manner for expressing the choice of the illiterate voter, consisting in marking the ballot paper in the appropriate place with a fingerprint instead of the "X"-sign.

ANNEX II

(Credentials referred to in article 51, paragraph 4)

CREDENTIALS

POLITICAL PARTY MONITOR

I certify that holder of ID-card No. of .../.../..., issued by the
identification service of is a monitor for the party:
at the ELECTORAL REGISTRATION.

.....,(day)(month)(year)

THE ELECTORAL COMMISSION OF

.....
Signature and stamp

.....
(name and function of signatory)

ANNEX III

(Registration form referred to in article 60)

REPUBLIC OF MOZAMBIQUE

ELECTORAL REGISTRATION

REGISTRATION FORM No. _____

PHOTOGRAPH

IDENTIFICATION OF ELECTOR

FULL NAME: _____
DATE OF BIRTH: ____/____/____ SEX: _____
PLACE OF BIRTH: PROVINCE: _____ DISTRICT: _____
ADMINISTRATIVE POST: _____ LOCALITY: _____
OR NEIGHBOURHOOD: _____
RESIDENCE: _____

DOCUMENTATION PRESENTED

TYPE OF DOCUMENT: _____ No. _____
PLACE OF ISSUE: _____ DATE OF ISSUE: ____/____/____
ISSUED BY: _____

PARENTAGE

FATHER'S NAME: _____
MOTHER'S NAME: _____

WITNESSES (if elector has no documentation)

NAME: _____ REGISTRATION No. _____
NAME: _____ REGISTRATION No. _____

ELECTOR'S SIGNATURE:

DATE OF REGISTRATTION: ____/____/____

SERIAL No. OF CARD: _____

FINGER
PRINT

PLACE OF REGISTRATION: PROVINCE: _____
DISTRICT: _____ ADMINISTRATIVE POST: _____
LOCALITY: _____ REGISTER No. _____

OBSERVATIONS:

CERTIFICATION

ANNEX IV

(Voter's Card referred to in article 61)

REPUBLIC OF MOZAMBIQUE VOTER's CARD	
Number: _____	
<div>Name: _____ _____ _____ Date of birth: __/__/__ Place of birth: _____ _____</div>	PHOTOGRAPH
Signature: _____	

Finger print	
<div>IDENTITY DOCUMENT: Type: _____ No: _____ Date of issue: __/__/__ Place of issue: _____ _____</div>	Right index finger
<div>PLACE OF REGISTRATION: Province: _____ District: _____ Administrative post: _____ Locality: _____ Electoral register No: _____</div>	Certification Date: __/__/__
Serial number 00.000.000	

Note: the serial number is printed in advance

ANNEX V

(Electoral register referred to in article 63)

**ELECTORAL REGISTRATION**

REGISTRATION CENTRE:

PROVINCE: _____ DISTRICT: _____

ADMINISTRATIVE POST: _____ LOCALITY: _____

ELECTORAL REGISTER N^o: _____ (Printed in advance)**OPENING STATEMENT**

This register shall be used to register citizens who, according to the law, have the right to vote, and shall be used for the election of the President of the Republic and the Assembly of the Republic.

_____ (day) _____ (month) 19 _____

Registration Brigade

(signature)
(name and function of signatory)

THE YEAR 19 _____

This register contains pages, duly numbered and initialled by the Registration Brigade.
voters have been registered in it, ranging from number to number.....

The Registration Brigade
 (signature)

_____, _____ (day) _____ (month) 19 _____

 (name and function of signatory)

THE YEAR 19 _____

This register contains pages, duly numbered and initialled by the Registration Brigade.
voters have been registered in it, ranging from number to number.....

The Registration Brigade
 (signature)

_____, _____ (day) _____ (month) 19 _____

 (name and function of signatory)

THE YEAR 19 _____

This register contains pages, duly numbered and initialled by the Registration Brigade.
voters have been registered in it, ranging from number to number.....

The Registration Brigade
 (signature)

_____, _____ (day) _____ (month) 19 _____

 (name and function of signatory)

THE YEAR 19 _____

This register contains pages, duly numbered and initialled by the Registration Brigade.
voters have been registered in it, ranging from number to number.....

The Registration Brigade
 (signature)

_____, _____ (day) _____ (month) 19 _____

 (name and function of signatory)

THE YEAR 19 _____

This register contains pages, duly numbered and initialled by the Registration Brigade.
voters have been registered in it, ranging from number to number.....

The Registration Brigade
 (signature)

_____, _____ (day) _____ (month) 19 _____

 (name and function of signatory)

ANNEX VI

(Credentials referred to in article 119)

CREDENTIALS

DELEGATE OF LIST

I certify that holder of ID-card No. of .../.../...and registered
in the electoral registration under no. is a delegate for the list
..... at the board of the POLLING STATION(S)
.....

.....,(day)(month)(year)

THE ELECTORAL COMMISSION OF

.....
Signature and stamp

.....
(name and function of signatory)

ANNEX VII

(Ballot paper referred to in articles 123 and 182)

NATIONAL ELECTORAL COMMISSION ELECTION OF THE PRESIDENT OF THE REPUBLIC

NAME OF CANDIDATE

3.8 cm

3.5 cm

Passport
Size
Photograph

3 cm

X or
Finger
print

3 cm

Space 0.5 cm

NAME OF CANDIDATE

Passport
Size
Photograph

X or
Finger
print

NAME OF CANDIDATE

Passport
Size
Photograph

X or
Finger
print

NAME OF CANDIDATE

Passport
Size
Photograph

X or
Finger
print

ANNEX VIII

(Ballot paper referred to in articles 123 and 202)

NATIONAL ELECTORAL COMMISSION ELECTIONS FOR THE ASSEMBLY OF THE REPUBLIC

11.5 cm	3 cm	3 cm	2.5 cm
Name of Party 3cm	Abbreviation	Symbol	X or Fingerprint

Space 0.5 cm

Name of Party	Abbreviation	Symbol	X or Fingerprint
---------------	--------------	--------	---------------------

Name of Party	Abbreviation	Symbol	X or Fingerprint
---------------	--------------	--------	---------------------

Name of Party	Abbreviation	Symbol	X or Fingerprint
---------------	--------------	--------	---------------------

Name of Party	Abbreviation	Symbol	X or Fingerprint
---------------	--------------	--------	---------------------

Name of Party	Abbreviation	Symbol	X or Fingerprint
---------------	--------------	--------	---------------------

ANNEX IX

(Record of the Polling Process referred to in article 164)

Election of the President of the Republic

RECORD OF THE POLLING PROCESS

Province: District: Date:.....

Administrative post: Locality: /.../19....

Polling station:

OPENING STATEMENT

This register shall be used to draw up the record of the polling process and contains numbered pages, initialled by me according to the provisions of article of law no.

The Presiding officer of the polling station

.....

Opening time

Closing time

Number of electors registered to vote

Place of operation:

.....

ELECTION OF THE PRESIDENT OF THE REPUBLIC

SUMMARY RECORD

Number of ballot papers received by the board
 Number of unused ballot papers
 Number of ballot papers spoilt or deteriorated by voters
 Number of abstentions

1. Number of votes obtained by each candidate:

Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....
Candidate	Votes.....

Total.....

Note: The order of the candidates is that of the ballot paper.

- 2. Number of blank votes
- 3. Number of invalid votes
- 4. Number of votes subject to complaint or protest and not allocated to
any candidate (invalid votes)
- 5. Number of ballot papers counted (must equal the sum of parts 1, 2, 3 and 4)
- 6. Number of voters counted (according to the entries in the electoral register).....

(The numbers in parts 5 and 6 must be equal. In case of discrepancy the number of ballot papers counted shall prevail).

- 7. Number of ballot papers subject to complaint or protest and allocated to candidates
- 8. Total number of ballot papers subject to complaint or protest.....

(The number in part 8 must be equal to the sum of the numbers in parts 7 and 4).

SIGNATURES

Of the members of the board:

.....

Of the delegates of candidatures:

.....

NAMES OF THE MEMBERS OF THE BOARD

Presiding officer Registration no.
 Deputy presiding officer Registration no.
 Scrutineer Registration no.
 Scrutineer Registration no.
 Scrutineer Registration no.

Delegates of lists and substitutes

List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.

Decisions taken by the board during the polling process

(The subject of each discussion shall be underlined)

Record of any other event which the board considers should be mentioned

List of complaints, protests and counter-protests attached to the record

NOTE:

Any observation for which there are no pages provided in this record (or for which there is not sufficient space on the available pages) shall be recorded on a sheet or sheets of paper which, duly certified with the initials of the members of the polling station board, shall be attached and mentioned in an appropriate manner in the record itself.

ANNEX X

(Record of the Polling Process referred to in article 164)

Election of the Assembly of the Republic

RECORD OF THE POLLING PROCESS

Province: District: Date:.....

Administrative post: Locality: /.../19...

Polling station:

OPENING STATEMENT

This register shall be used to draw up the record of the polling process and contains numbered pages, initialled by me according to the provisions of article of law no.

The Presiding officer of the polling station

.....

Opening time

Closing time

Number of electors registered to vote

Place of operation:

.....

ELECTION OF THE ASSEMBLY OF THE REPUBLIC

SUMMARY RECORD

Number of ballot papers received by the board
 Number of unused ballot papers
 Number of ballot papers spoilt or deteriorated by voters
 Number of abstentions.....

1. Number of votes obtained by each list:

List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....
List	Votes.....

Note:

The order of the lists is
 that of the ballot paper.

Total.....

2. Number of blank votes.....
3. Number of invalid votes.....
4. Number of votes subject to complaint or protest and not allocated to
 any list (invalid votes).....
5. Number of ballot papers counted (must equal the sum of parts 1, 2, 3 and 4).....
6. Number of voters counted (according to the entries in the electoral register).....

The numbers in parts 5 and 6 must be equal. In case of discrepancy the number of ballot papers counted shall prevail).

7. Number of ballot papers subject to complaint or protest and allocated to lists.....
8. Total number of ballots subject to complaint or protest

(The number in part 8 must be equal to the sum of the numbers in parts 7 and 4).

SIGNATURES

Of the members of the board:

.....

Of the delegates of lists:

.....

NAMES OF THE MEMBERS OF THE BOARD

Presiding officer Registration no.
 Deputy presiding officer Registration no.
 Scrutineer Registration no.
 Scrutineer Registration no.
 Scrutineer Registration no.

Delegates of lists and substitutes

List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.
List.....	Delegate.....	Registration no.
	Substitute.....	Registration no.

Decisions taken by the board during the polling process

(The subject of each discussion shall be underlined)

.....

.....

.....

.....

.....

.....

**Record of any other event which the board considers
should be mentioned**

.....

.....

.....

.....

.....

.....

**List of complaints, protests and counter-protests
attached to the record**

.....

.....

.....

.....

.....

.....

NOTE:
Any observation for which there are no pages provided in this record (or for which there is not sufficient space on the available pages) shall be recorded on a sheet or sheets of paper which, duly certified with the initials of the members of the polling station board, shall be attached and mentioned in an appropriate manner in the record itself.

APPENDIX I

BILINGUAL LIST OF LEGAL TERMS USED IN THE ELECTORAL LAW

Note: This Appendix does not constitute a part of the Electoral Law. It has been added to the English edition for ease of cross-reference between the English translation and the original Portuguese text. The meaning of the terms in this list is given in Annex I.

i) English - Portuguese

A

Abuse of public or comparable duties - Abuso de funções públicas ou equiparadas

Audit - Fiscalização de contas

B

Ballot box - Urna de voto

Ballot paper - Boletim de voto

Blank vote - Voto em branco

Board of the polling station - Mesa de assembleia de voto

Broadcasting right - Direito de antena

Broadcasting time - Tempo de antena

Budget - Orçamento

C

Candidate - Candidato

Candidature - Candidatura

Casting of votes - Votação

Chart of the election results - Mapa de apuramento

Civic education - Educação cívica

Coalition of parties - Coligação de partidos

Complaint or appeal in bad faith - Reclamação ou recurso de má fé

Constituency - Círculo eleitoral

Constituency of Mozambican electors residing abroad - Círculo de cidadãos eleitores moçambicanos no exterior do país

Contestation - Impugnação

Count - Escrutínio

Counter-protest - Contraprotesto

D

Delegate of a list - Delegado de lista

Delegate of a proponent - Delegado do proponente

Deputy - Deputado

Determination of the national results - Apuramento nacional

Determination of the provincial results - Apuramento provincial

Drawing lists by lot - Sorteio de listas

E

Election agent of a list - Mandatário de lista

Election campaign - Campanha eleitoral

Election propaganda - Propaganda eleitoral

Elections - Eleições

Electoral capacity - Capacidade eleitoral activa

Electoral coercion - Coacção eleitoral

Electoral commissions - Comissões eleitorais

Electoral corruption - Corrupção eleitoral

Electoral dispute - Contencioso eleitoral

Electoral equality - Igualdade eleitoral

Electoral financing - Financiamento eleitoral

Electoral fraud - Fraude eleitoral

Electoral incapacity - Incapacidade eleitoral

Electoral offence - Ilícito eleitoral

Electoral process - Processo eleitoral

Electoral register - Caderno de recenseamento eleitoral

Electoral registration - Recenseamento eleitoral

Electoral registration brigade - Brigada do recenseamento eleitoral

Eligibility - Capacidade eleitoral passiva

Ethical norms - Normas éticas

F

Full candidate - Candidato efectivo

I

Immunity of the delegates of candidatures and the candidates - Imunidade dos delegados das candidaturas e dos candidatos

Incompatibility - Incompatibilidade

Individual vote - Pessoaalidade do voto

Ineligibility - Inelegibilidade

International observation - Observação internacional

Invalid vote - Voto nulo

Investiture - Investidura

Investiture of the deputies - Investidura dos deputados

J

Judicial supervision - Tutela jurisdicional

L

Legitimacy - Legitimidade

List of candidates - Lista de candidatos

M

Method of d'Hondt - Método de d'Hondt

Minimum number of votes - Limite de número de votos

Monitoring - Fiscalização

Multiple candidature - Candidatura plúrima

Multiple voting - Voto plúrimo

N

Neutrality - Neutralidade

O

Obstruction of registration - Obstrução à inscrição

Opening of the polling station - Abertura da assembleia de voto

Opinion poll - Sondagem

P

Personal vote - Presencialidade do voto

Polling station - Assembleia de voto

Proportional representation - Representação proporcional

Protest - Protesto

Public places - Lugares públicos

R

Record of the polling process - Acta das operações eleitorais

Registration centre - Posto de recenseamento

Registration form - Boletim de inscrição

Review of accounts - Apreciação de contas

Right to vote - Direito de sufrágio

S

Scrutineer - Escrutinador

Single registration - Unicidade de inscrição

Submission of accounts - Prestação de contas

Substitute candidate - Candidato suplente

Suffrage - Sufrágio

Suspension of political rights - Suspensão de direitos políticos

U

Universality - Universalidade

V

Voter's card - Cartão de eleitor

Voting booth - Cabine de voto

Voting by the disabled - Voto de deficiente

Voting by the illiterate - Voto de analfabeto

ii) Portuguese - English

A

Abertura da assembleia de voto - Opening of the polling station

Abuso de funções públicas ou equiparadas - Abuse of public or comparable duties

Acta das operações eleitorais - Record of the polling process

Apreciação de contas - Review of accounts

Apuramento nacional - Determination of the national results

Apuramento provincial - Determination of the provincial results

Assembleia de voto - Polling station

B

Boletim de inscrição - Registration form

Boletim de voto - Ballot paper

Brigada do recenseamento eleitoral - Electoral registration brigade

C

Cabine de voto - Voting booth

Caderno de recenseamento eleitoral - Electoral register

Campanha eleitoral - Election campaign

Candidato - Candidate

Candidato efectivo - Full candidate

Candidato suplente - Substitute candidate

Candidatura - Candidature

Candidatura plúrima - Multiple candidature

Capacidade eleitoral activa - Electoral capacity

Capacidade eleitoral passiva - Eligibility

Cartão de eleitor - Voter's card

Círculo eleitoral - Constituency

Círculo de cidadãos eleitores moçambicanos no exterior do país - Constituency of Mozambican electors residing abroad

Coacção eleitoral - Electoral coercion
Coligação de partidos - Coalition of parties
Comissões eleitorais - Electoral commissions
Contencioso eleitoral - Electoral dispute
Contraprotesto - Counter-protest
Corrupção eleitoral - Electoral corruption

D

Delegado de lista - Delegate of a list
Delegado do proponente - Delegate of a proponent
Deputado - Deputy
Direito de antena - Broadcasting right
Direito de sufrágio - Right to vote

E

Educação cívica - Civic education
Eleições - Elections
Escrutinador - Scrutineer
Escrutínio - Count

F

Financiamento eleitoral - Electoral financing
Fiscalização - Monitoring
Fiscalização de contas - Audit
Fraude eleitoral - Electoral fraud

I

Igualdade eleitoral - Electoral equality
Ilícito eleitoral - Electoral offence
Impugnação - Contestation
Imunidade dos delegados das candidaturas e dos candidatos - Immunity of the delegates of candidatures and the candidates
Incapacidade eleitoral - Electoral incapacity
Incompatibilidade - Incompatibility
Inelegibilidade - Ineligibility
Investidura - Investiture
Investidura dos deputados - Investiture of the deputies

L

Legitimidade - Legitimacy
Limite de número de votos - Minimum number of votes
Lista de candidatos - List of candidates

Lugares públicos - Public places

M

Mandatário de lista - Election agent of a list

Mapa de apuramento - Chart of the election results

Mesa de assembleia de voto - Board of the polling station

Método de d'Hondt - Method of d'Hondt

N

Neutralidade - Neutrality

Normas éticas - Ethical norms

O

Observação internacional - International observation

Obstrução à inscrição - Obstruction of registration

Orçamento - Budget

P

Pessoalidade do voto - Individual vote

Posto de recenseamento - Registration centre

Presencialidade do voto - Personal vote

Prestação de contas - Submission of accounts

Processo eleitoral - Electoral process

Propaganda eleitoral - Election propaganda

Protesto - Protest

R

Recenseamento eleitoral - Electoral registration

Reclamação ou recurso de má fé - Complaint or appeal in bad faith

Representação proporcional - Proportional representation

S

Sondagem - Opinion poll

Sorteio de listas - Drawing lists by lot

Sufrágio - Suffrage

Suspensão de direitos políticos - Suspension of political rights

T

Tempo de antena - Broadcasting time

Tutela jurisdicional - Judicial supervision

U

Unicidade de inscrição - Single registration

Universalidade - Universality

Urna de voto - Ballot box

V

Votação - Casting of votes

Voto de analfabeto - Voting by the illiterate

Voto de deficiente - Voting by the disabled

Voto em branco - Blank vote

Voto nulo - Invalid vote

Voto plúrimo - Multiple voting

APPENDIX II

Concise translator's bibliography

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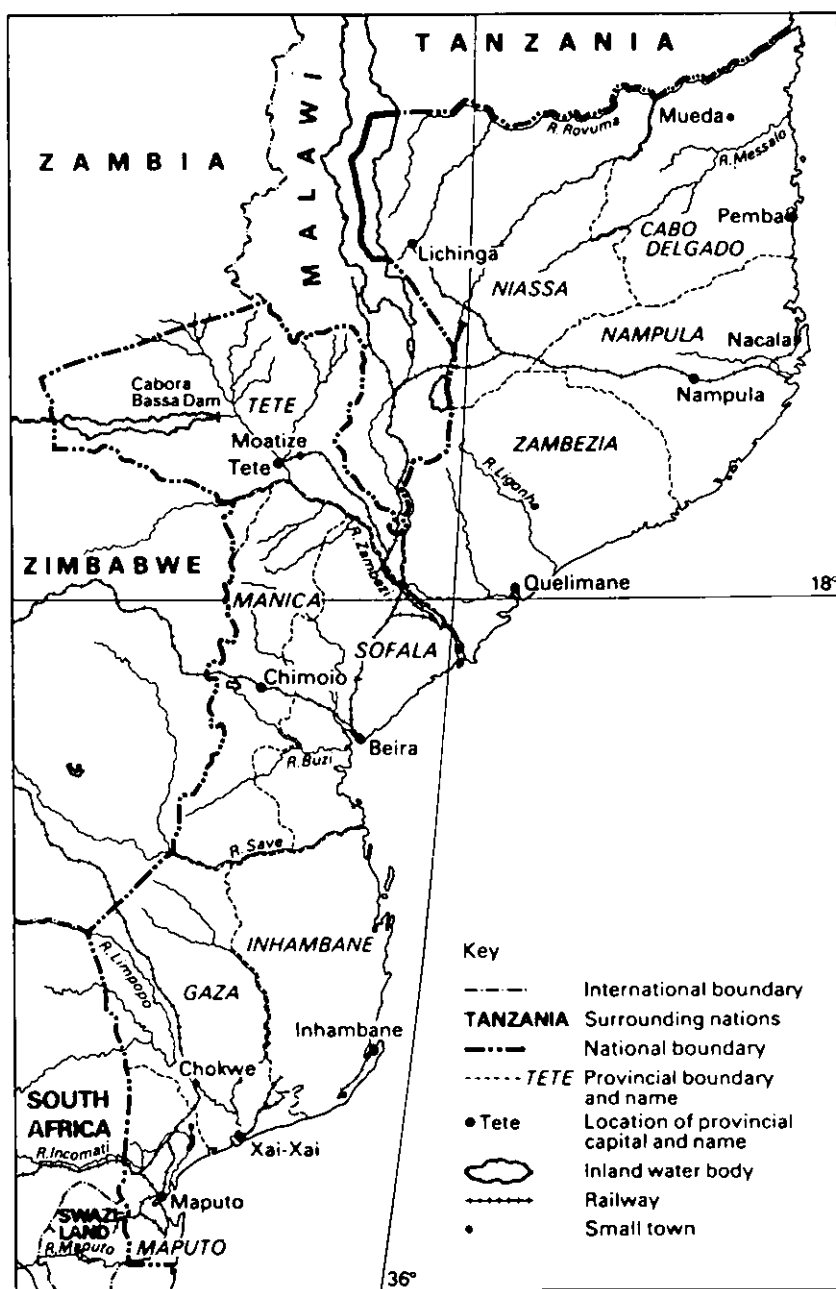
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The Electoral Law (4/93) was approved by the Assembly of the Republic of Mozambique on December 28, 1993. This legislative document resulted from extensive multi-party discussions and contributions from various walks of society. It constitutes an important step in the peace process, leading to the first multi-party elections in the country.

This edition and the Portuguese original constitute part of a series of basic documents on contemporary Southern Africa, published by the African-European Institute. Previous volumes include the Constitution of Namibia, the Constitution of Mozambique (bilingual) and the General Peace Agreement of Mozambique (bilingual).