



Republic of mozambique
The House of Assembly

Electoral Law

(Law nr 15 /2009)

Government Gazette Supplementary

Summary

The House of Assembly Law nr. 15/2009

It enacts the juridical board for the holding simultaneously for presidential, legislative and the provincial assembly elections of 2009.

THE HOUSE OF ASSEMBLY Law number 15/2009 of 9 of April

Having the need to enact the juridical board which harmonize the holding of the presidential, legislative and provincial assembly regulated respectively by the Law number 7/2007, 26 of February and by the Law number 10/2007, 5 June in extension with the line d) of the number 2 of article 179 of the Constitution, the House of Assembly determines as follows:

Article I (Simultaneously)

The presidential, legislative and provincial assembly elections will take place during the year of 2009 being held simultaneously in one day at the same time in all polling stations at national level.

Article 2 (Registration)

1. The political party's, party's coalitions and the proponent electing citizens do the registration for elections at the National Commission of Elections.
2. The registration referred in the number 1 of the present article is made without prejudicing the exposed in the especial regulations upon presentation of process consisting in the following documents.

- a) Statute of the Political party, party coalition an equivalent document in regard to the proponent electing citizens.
 - b) Symbol
 - c) Denomination
 - d) Acronyms
 - e) Registration Certificate
1. The registration of the proponent electing citizens is made in order to run for presidential, legislative, provincial assembly's elections.
 2. The group of the proponent electing citizen must be both at provincial or national levels.

Article 3

(Candidate's representatives)

1. The political party's, party's coalition and the electing citizens groups designate among the voters one representative to represent them in the entire election process.
2. The presentation referred in the previous number regarding to simultaneously for presidential, legislative and provincial elections.
3. Each political party, party's coalitions and the group of the proponent electing citizens designate one permanent representative and one substitute.
4. The representatives pointed must present to the national commission of election the following documents for their accreditation.
 - a) The competent board of the party, party coalitions or the proponent electing citizens deliberation.
 - b) The form for the candidates representatives
 - c) Certified Photocopy of the ID
 - d) Photocopy of the voters card to prove as a registered voter and
 - e) Criminal record

Article 4

(Temporary mandate)

1. The National Commission of Elections affixes temporarily the numbers of the permanents and substitutes deputies for each electoral constituency calculated in terms of the law based on the total number of registered voters within one hundred and twenty days before election date.
2. The number of voters from which the National Commission of Election makes the calculations of the mandates is immediately based on the total number of the registered voters.

Article 5

(Presentation of the Candidature)

1. It is the initiative of the political party's and coalition to present their candidature for presidential and provincial assembly.
2. The initiative of presenting a candidature is under the responsibility of the political party's and coalitions of party's.
3. The candidatures are presented by the candidate representative or by self.
4. The presentation of the candidatures is done until 90 days before the elections day before :
 - a) The Constitutional Council in case of presidential candidacy.
 - b) To the National Commission of Elections in case of National and provincial House of Assembly deputies candidates.
5. The provincial assembly candidature are presented by the political party's, party's coalition or groups of the proponent electing citizens by each electoral constituency if registered until the commencing of the period for the presentation of the candidatures and the lists can integrate citizens non political party's members.

Article 6

(The formal requirements for presentation)

1. The presentation of the candidatures is effectuated by submission of the candidate's process to the National Commission of Election.

2. Relatively each candidates process must contain:
 - a) Complete identification of the candidates in which contains the age, profession, residence, parents name, ID number, date of issue and validity.
 - b) Copy of voter's card or certified document from the census registration.
 - c) Certified Criminal record
 - d) Candidature acceptance declaration of the candidate and the representative
 - e) Candidate's declaration in which he declares as not being under any ineligibility.
3. The proponents must issue a proof of registration in the electoral census and certify signature in the registry.
4. The declaration referred by lines d) and e) of the number 2 of the present article are certified by the registry.

Article 7

(Verification of the candidature and the publication of the lists)

1. Within the sixty days prior to the date of voting, the National Commission of elections verifies the legality of the process and the authenticity of the documents which integrates in the suitability of the candidates.
2. Eight days after the ending period of the verification of the regularities of the candidatures list, the Chairman of National Commission of elections affixes the copies at the entrance of its headquarters.

Article 8

(Procedural irregularities)

1. Having verified the procedural irregularities, the chairman of the National Commission of Elections immediately notifies the candidate's representatives to solve the issue within five days.

2. If the procedural irregularity is not solved within the foreseen period of the previous number implies the nullity of the candidature, if the notification occurs after the ending period of the presentation of the candidatures.
3. The candidate representative process nullified is immediately notified to proceed if willing to change it within five days.
4. If not succeed the candidature is nullified on the list immediately by the following candidate.

Article 9

Desistence of the candidate

Any candidate can quit from his candidature within thirty days before the commencement of the elections by a written declaration duly signed and presented to the Constitutional Council.

Article 10

(Death or incapacity of the candidates)

1. In case of a candidate death or occurrence of any circumstance which determines his incapacity to continue in the competition, the fact must be communicated to the chairman of the Constitutional Council within a period of twenty four hours.
2. In case of intention to make substitution of a candidate, the chairman of the Constitutional Council gives five days to present a new candidate and immediately communicates to the President of the Republic for the effect of the foreseen in the number 4 of the present article.
3. The Constitutional Council decides in forty eight hours the substitution of the candidate.
4. The president of the Republic makes an announcement of the date of elections within the next forty four hours after the reception of the Constitutional Council decision, which will take place up to thirty days counted from the date initially, foresee for the commencing of the elections.

5. If there is no intention of substituting the candidate, the elections will take place in the day previously announced.
6. During the subscription for the new candidate there will be the request for new signatures.
7. In the second candidature presentation act, the presentation of the new signature is not compulsory.

Article 11

(Publication)

All situations of desistance or incapacity decided by the Constitutional Council are published in the *Government Gazette*, within a period of forty eight hours.

Article 12

(Date and the second Round Elections campaign)

1. The president of the Republic will announce under proposal of the National Commission of Elections, the date of the second round election which will take place until thirty days after the announcement of the first round elections by the Constitutional Council.
2. The electoral campaign of the second elections will have duration of ten days and terminates twenty four hours before the commencing day of the elections.

Article 13

(Electoral Funding)

1. The government budgets foresee a budget for the electoral campaign.
2. The National Commission of Election approves the criteria of disbursement of the fund for elections campaigning for the presidential candidate, political party's, coalitions of party's and the group of proponent electing citizens.

Article 14 (Theatre Halls)

1. The theatre halls owners and venues of normal public use which may have the conditions to be used for elections purposes should give to the National Commission of Elections twenty days before the commencement period of electoral campaign with the indication of the time and date of which the halls can be used.
2. In case proofed insufficiency of places for the election purpose the National Commission of Election can request without prejudicing the normal activities of this places.
3. The time foreseen for the electoral campaign in accordance with the previous number is equally shared by the political party's, party's coalitions, groups of proponent electing citizens who may desired to present or presented a candidature for elections.

Article 15 (Publications of Journalistic character)

The news from the government publication which contains electoral information must have an impartial journalistic view non discriminatory to many candidates.

Article 16 (Organization of the Polling Stations)

1. In each polling Station desk there is one census book for the three kinds of elections.
2. The National Commission of election send thirty days before the commencement of the elections the following:
 - a) Announces and distributes the list of candidates transmitted through the Medias.
 - b) Affixes the definitive statements of the polling stations and their locations.

Article 17

(The Polling Station Desks)

1. In each Polling station there are one or more officials whose duty is to promote and lead the voting procedures and announce the partial results of the elections.
2. The Polling station desks consist of seven officials, one being the chairman, vice-chairman, secretary and four officials who also control and organize the voting process.

Article 18

(Ballot Boxes)

1. In each polling station desk there are three translucent ballot boxes, each being for different elections.

Article 19

(Exemptions)

1. Are exempted from any taxes, fees according to the case, the documents destined to the accomplishment of the laws for elections regarding the contracted Civil servants in the extension of the fulfillment of the electoral census and the electoral duties.
2. Are exempted from previous supervision in the act of contracting the team members of the electoral census, the electoral education and civic agents and the polling station officials.

(Enforcement of the Law)

The present Law is enforced from the day of the publication of this document. Approved by the House of Assembly, 8 of April, 2009.

The speaker of the House of Assembly, the honorable, Mr. Eduardo Joaquim Mulembwe.

Promulgated, 9 of April, 2009 by the president of the Republic
ARMANDO EMILIO GUEBUZA.

