



Republic of mozambique
The House of Assembly

Electoral Law

(Law nr 18 /2007)

Law n. ° 18/2007
18 of July
(Establishes the juridical board for the holding
of the Municipal Organs Elections)

Having the need to proceed with the revision of the law n 19/2002, October 10 on the Organs of Municipal Elections. In terms of the law 4, article 135 and the line d) of the law 2, article 179 from the constitution the House of the Assembly determines as follows:

CHAPTER 1
General dispositions

Article 1
(Extension of the law)

The present law establishes the juridical board for the accomplishment of the Municipal Organs Elections.

Article 2
(The election of the Municipal organs)

1. The Chairman's of the Councils and the Assembly are elected by universal suffrage, direct, equal, secret, personal and periodic.
2. The announcement of the electoral results entries the proportional representational system in accordance with the rules established in this present law.
3. The Council members are designated in the terms of the local Municipal laws.

ARTICLE 3
(Suffrage right)

1. The suffrage is an inalienable right for a citizen

The electoral census is an indispensable condition for the accomplishment of the voting right.

CHAPTER II

Active electoral capacity

ARTICLE 4

(Electoral Citizens)

The electing are Mozambican citizens who at the election date are already subscribed in the territorial circumscription of the local municipality and who are not incapable by in the terms of the foreseen regulations of this document to participate.

ARTICLE 5

(Active Electoral Incapacity)

The following entities can not participate in the suffrage:

- a) Sentenced Individuals
- b) Those notable recognized as demented, even if not interdicted by the justice, when in a psychiatry or declared by a Medical Council.
- c) Those with a prison penalty due to minor or major offences and whose penalty hasn't yet came to terms, those who are juridical forbidden to exercise their political rights.
- d) Citizens under preventive imprisonment by juridical decision.

CHAPTER III

Passive electoral capacity

ARTICLE 6

(Eligible Citizens)

Are those citizens who at the date of the elections are living in the local municipality during at least 6 months and have no any passive electoral inability foreseen in this present law.

ARTICLE 7

(Ineligibility)

1. The following people can not be elected:

- a) Judicial Magistrates and those from the Public prosecution Service, High rank Justice and financial officers in activity.
- b) Members of the Army and militarized forces or armed forces in activity.
- c) Those bankrupted or insolvent, unless if rehabilitate by law.
- d) Municipal debtors and the guarantor
- e) The members of a social board as well as the administrators of societies and entrepreneurial without permanent contract with local Municipal or those with continuing exercise.

2. The Judicial or Public Persecution Services Magistrates, High rank Justice and Financial officers in activity, Members of the Army and militarized forces or armed forces in activity who in the terms of this present law are intending to compete in the municipal organs elections, should apply the suspension of their functions at the time of the subscription of their candidature.

ARTICLE 8

(Right to dismissal)

From the beginning of the electoral campaign up to the end of the voting the accepted candidates have the right for dismissal from their functions in the public or private entities, including the time spent within this period as productive with the right for remuneration.

ARTICLE 9

(Immunity)

1. None of the candidates should be subject to protective custody, only in case of fragrant committed by criminal offence subject to life imprisonment.

2. After criminal proceeding against a candidate who is not under a protective custody regime and denounced by court order or equivalent, the dossier can only precedes after the announcement of the elections results.

Title II

General proceedings

ARTICLE 10

ELECTIONS DATE

(Competences)

The Municipal Elections will be marked by Ordinance from The Ministry Council under proposal of the National Commission of Elections with an antecedence of hundred and twenty days before the termination of the ceasing mandate.

ARTICLE

11 (Date)

The municipal elections take place, simultaneously in one day within the thirty days before the ceasing of the previous mandate.

Simultaneity of the elections

The elections for the Municipal Mayor of for the members (population) of the municipal Assembly are made simultaneously.

CHAPTER II

(Candidatures)

SECTION 1

(Presentation of the candidatures)

ARTICLE 13

Reception and period

1. The candidature is presented to the Technical Secretariat of the Electoral administration.
2. The candidature must be presented seventy five days before the date of the elections.
3. After the termination of the period referred in number one the technical Secretariat of the electoral administration prepares all the candidates dossiers to submit to the National Commission of Elections who decides on the regularity of the dossiers.

ARTICLE 14

(Exclusivity of the candidatures)

1. None of the political parties, coalitions or electing citizens groups should present more than one list for the election of the local Municipal Organs.
2. No one should compete simultaneously to two or more of the different Municipal organs for elections
3. No one must integrate more Than one list of candidate to the same municipal organ.

ARTICLE 15 (Requirements

and forms of presentation)

1. The presentation of the candidates is the deliverance of a list with the names and other identity forms of the members and a signed declaration (attached or separated) confirming their acceptance of the candidates and declaration, under a honor compromises that there are not under any incapacity for thr electoral process.

2. The above motioned presentation must be with the following documents for each candidate:
 - a) Identity photocopy authenticated or the Identity waiting pass.
 - b) Criminal record
 - c) Comproivative certificate of subscription on thr electoral census
 - d) Voters card photocopy authenticated

ARTICLE 16

(Mandatory of the Candidatures)

1. The candidates must indicate among them or among the subscribed voters in the Municipal Elections one mandatory to represent them in all operations and proceeding of the elections.
2. The residence of the mandatory is indicated in the process of the candidates for cases of notification.

ARTICLE 17

In the case of elections the political parties, coalitions and electing citizen groups nominated must subscribe in the National Commissions of elections having to present the statutes and the subscription documents.

SESSION II

(Appreciation of the Candidates)

ARTICLE 18

(Verification of the Candidates)

After the termination of the period for candidatures presentation, the national commission of elections verifies within sixty days before the commencing of the elections, the regularities of the respective dossiers, the authenticity of the documents and the eligibility of the candidates.

CHAPTER 19

(Formal Irregularities)

1. If formal irregularities are registered, the mandatory of the referred candidate is immediately notified by the National Commission of elections to put into effect the respective supplement within a period of five days.
2. If not covered any formal irregularity foreseen on the previous number it implies the candidature nullity.
3. The mandatory of the invalidated candidature is immediately notified to proceed, if willing, the substitution within a period of three days. If it not occurs, the invalidated candidature is occupied by the first substitute whose dossier fills the requirements.
4. The candidates are definitely invalidated if in case of the lack of substitutes, is not been able to gather the number of the effective legal candidates.

ARTICLE 21

(Resource to the Constitutional Council)

After the deliberation of the National Commission of election the appeal must be made to the Constitutional Council which is the sole instance.

ARTICLE 22

(Divuligation of the definitive list)

1. The National Commission of Elections precedes the divuligation of the definitive list within thirty days before the Elections commencing.
2. The copies of the lists referred in the nr. 1 must be affixed in a board in front of the National Commission of Elections, in the administrative electoral organs at central, provincial, district or local level and delivered to the mandatory of the lists.

ARTICLE 23

(Draw of the lists presented)

1. Three days after the divuligation of the definitive lists, the National Commission of Elections proceeds with the draw before the mandatory in order to be given a choice in the voting bulletins.

2. The organization of the draw is defined by the National Commission of Elections.
3. From the draw referred in nr. 1 of this present article it will be registered and the results obtained communicated to the Technical Secretariat of Electoral Administration.

ARTICLE 24

(Legitimacy)

The mandatory, political parties, coalitions, electing citizens groups proposing their candidates have the legitimacy to appeal for whom they are representing.

ARTICLE 24

(Interposition and deliverance of the appeal)

1. The petition for the appeal which has its arguments is delivered to the electoral organ appealed attached to other evidences.
2. For being an appeal for the admission of any candidate, the Constitutional Council notifies immediately the mandatory of the respective list to respond, if willing, within five days.
3. In case of an appeal against the admission of any candidate, the Constitutional Council notifies immediately the mandatory of the lists who have impugned his admission, if this is the case, to respond, if willing within a period of five days.

ARTICLE 26

(Deliberation)

1. The Constitutional Council deliberates within a period of ten days counting from the period mentioned in the previous article.
2. The deliberation is immediately communicated, by any available mean to the electoral organ appealed.

CHAPTER III

Electoral Campaign and propaganda

ARTICLE 27

(Electoral Campaign)

It is understood by Electoral Campaign the activity which directly or indirectly intends to promote and divulgate articles, images or sounds of the candidates which express or produces the contents of their activities.

ARTICLE 28

(Period)

The electoral campaign commences fifteen days before the date of the elections and terminates two days before the voting.

ARTICLE 29

(Promotion and realization)

The promotion and realization of the electoral campaign are under the responsibility of the candidates, political parties, coalitions or electing citizens' groups proponents of the lists, with no boycott of the active participation of the citizens in general.

ARTICLE 30

(Extension)

Any candidate, political party, coalitions or electing citizen group's proponents of the list can carry out freely the electoral campaign in any municipal or national territory.

ARTICLE 31

(Equality of opportunity for the candidates)

The candidates, political parties, coalitions or electing citizens' groups' proponents have equal right of treatment from the public and private entities in order for them to effectuate freely and in better conditions their electoral campaign.

ARTICLE 32

(Freedom of expression information)

1. During the electoral campaign limitations to free political, economical, social and cultural expressions may not be imposed.
2. During the electoral campaign sanctions to the companies exploiting any mean of social communication and its agents may not be applicable.

ARTICLE 33

Freedom to manifestations and meetings

1. During the electoral campaign the freedom to have meetings and manifestation for electoral purposes is under the law nr. 9/91, 18 October and law nr. 7/2001, 7 October, with constant adaptation of the followings numbers.
2. The processions and marching can take place in any day and hour, respecting the limitations imposed by the maintenance of public order, automobile traffic and the resting hours of the citizens.
3. The presence of the order and authorities agents in these organized meetings and manifestations may only be solicited by its competent members, being the organizational entity responsible for the maintenance of order when solicitation of the agents of the order is not required.
4. The period applied for the notice referred in the article nr. 10 of the law nr. 9/91, 18 July, for the effectiveness of this present law is reduced to one day.
5. The period applied for the notice referred in the nr. 1, article 11 of the law nr. 9/91, 18 July, for the effectiveness of this present law is fixed to twelve days.

ARTICLE 34

(Prohibition of the divulgation of the electoral survey)

It's prohibited the divulgation of the results from surveyed sources or voters sample surveys about the competing candidates from the beginning of the electoral campaign to the announcement of the results effectuated by the National Commission of Elections.

ARTICLE 35

(Press publications)

The publications from the national Medias including material concerning to the electoral campaign must contain a journalistic treatment not discriminatory about the several candidates.

ARTICLE 36

(Rooms of spectacle)

1. The proprietors of the rooms of spectacle or other enclosures of normal public use in conditions to be used in the electoral campaign must put them in the disposition of the National Commission of Elections until twenty days before the commencing of the electoral campaign, indicating the dates and hours used.
2. In case it's proved the need of more places, the national commission of elections can request other pavilions and enclosures without prejudicing its normal activities.
3. The period destined to the electoral campaign , under the terms of the previous number its equally shared amount the parties, coalitions and electing citizens groups proponents in the list of candidates for the municipal elections.

CHAPTER 37

(Utilization costing)

1. The proprietors of the rooms of spectacle or the exploiters, in case of the nr.1 of the previous article, or when it's previously requested indicates the cost for the utilization after previous negotiation with the candidates interested.
2. The prices stipulated and other conditions of the utilization are the same for all the interested candidates.

ARTICLE 38

(Utilization of public buildings and places)

1. The candidates can use during the electoral campaign public buildings owned by the state or by other collective individuals of public right, under the terms to be regulated by the National Commission of Elections, without prejudicing the internal regulations of this institutions.

2. It is interdicted for effects of electoral campaign the following places:
 - a) Military units and militarized forces.
 - b) State and Municipal repartitions
 - c) Other working centers during normal working hours.
 - d) Scholar Institutions during normal learning periods
 - e) Religious temples
 - f) Other places with military or paramilitary objectives
 - g) Health centers
3. The utilization of the public places for the electoral campaign is not chargeable but may not prejudice the occurrence of its normal services.

ARTICLE 39

(The right for a specific time on TV and radio)

The municipal candidates, the political parties, coalitions and other electing citizens groups competing on the elections, have the right to use public broadcasting services and public television during the electoral campaign in accordance with the terms defined by the regulations of the national Commission of Elections.

ARTICLE 40

(Resonant propaganda)

The utilization of propaganda using resonant devices neither does nor requires authorization or presentation to the administrative authorities before 7 am and after 8 pm.

ARTICLE 41

(Graphic propaganda)

1. The affixation of cartoons does not require authorization from the administrative authorities nor is necessary to inform them.

2. It's not allowed the fixation of cartoons or paintings in the national monuments, temples and religious buildings, states organs headquarters at central or local levels, in the rooms where the voting assemblies will work, in the traffic symbols, railways symbols. In the interior of the state and private departments without authorization.

ARTICLE 42

(The responsibility of the public press)

1. The national press must include in their publication electoral material.
2. Whenever the national press referred in the nr. 1 includes electoral material in their publications they must adopt criteria's of rigor and absolute exemption, avoiding the deturpation of the published articles and discrimination of the candidates.
3. The press companies owned or controlled by the state must include obligatorily material concerning to the electoral procedures in all the serials published during the electoral campaign using the principles referred in the anterior numbers of this present article.

ARTICLE 43

(Common utilization or exchange)

The political parties, coalitions, electing citizens group's proponents in the candidates lists can agree on the common utilization or exchange among themselves of their space of publicity or utilization of the rooms to them attributed.

ARTICLE 44

(Prohibition of the utilization of the public assets on the electoral campaigns)

1. Its is expressively forbidden the utilization by the political parties, coalitions or by other candidates in the electoral campaign to use State assets, municipal assets, autonomous institutes, estate companies, public companies or societies of exclusive capitals or major state shares.

CHAPTER IV

Voting assemblies

SECTION 1

Organization of the Polling Stations

ARTICLE 45

(Training)

1. In each table of the Polling Station has only one census book.
2. Twenty five days before the elections the administrative organs of the elections divulgate in the headquarters, in the Medias and others place of easy public access a definitive map the Polling Station.

ARTICLE 46

(Locals of operation)

1. The Polling Station is located in public buildings with easy access and safety conditions.
2. In case of lack of an adequate public building, private buildings can be requested for this purpose.
3. The locals where the Polling Station operates should if possible be the same place where the electoral census operated.
4. Its not allowed the establishment of the Polling Station in the following places:
 - a) Police stations
 - b) Military places
 - c) Religious temples
 - d) Buildings owned by political parties, coalitions, proponent electing citizens and associations affiliated to political parties.
 - e) Locals where alcoholic beverages 's are sold
 - f) Locals destined to religious cults
 - g) Health posts

ARTICLE 47

(Announcement of the date, hour and local)

The National Commission of Elections will publicly announce in each place the date, hour and locals where the voting assembly will operate.

ARTICLE 48

(Relation of the Candidates)

The Technical Secretariat of Electoral Administration when preceding the distribution of the voting bulletins, deliveries to the chairman of the Polling Stations the relation of all the accepted candidates containing their full identification in order to affix them where the assembly of voting operates.

ARTICLE 49

(Operability of the Polling Stations)

The Polling Stations operates at the same time in all the country in the date marked for the elections.

ARTICLE 50

(Assembly of voting table)

1. In each Polling Station there is a desk or desks with the responsibilities of promoting the act and orientating the votation and the announcements of the final results of the elections.
2. The desk of the Polling Stations is constituted by five members, the chairman, the co-chairman, one secretary and two scrutinizers who also have the responsibility of zealing for the organization of the electors during the voting act.
3. The table members must be literate, having a liable educational degree to read and write Portuguese to be able to understand the complexity of the task.
4. Where the Polling Station is located at least two Polling Officials must speak the local language.
5. It is the responsibility of the Technical Secretariat of Electoral Administration to indicate the names of the officials in the Polling Station and train them for the accomplishment of this task after listening to the agents of each candidate.

6. The responsibility of the members of the Polling Stations chosen is obligatory, save in case of major forces or fair reasons, they are incompatible with the function of a candidate mandatory or delegate.

ARTICLE 51

(Recruitment of voter's officials)

For the constitution of the Polling Stations, the technical Secretariat of Electoral Administration recruits through a public bidding board of curricular evaluation a Mozambican citizens over eighteen years old technically skilled for the accomplishment of the task.

ARTICLE 52

(Constitution of the desks)

1. The desks of the Polling stations are constituted at the time marked for the commencing of its operation and in the foreseen locals previously established for the purpose by the National Commission of Elections its supporting organs.
2. The constitution of the Polling Stations out of the locals previously indicated implies the nullity of the electoral procedures practicable in such circumstances, unless in case of major force, properly justified and approved by the national commission of Elections.
3. The members of the Polling Station desks must be present in the locals of operation of the Polling Stations two hours before the commencing of voting.
4. If the Technical Secretariat of Electoral Administration verifies that there is a problem of constituting the Polling Station one hour before the commencing of the voting due to the absences of the indispensable members will designate after agreement with the delegates of the candidates presents, substitutes of the absent members among electing citizens of recognized suitability, considering with no effect the designation of those who had not made their presence.
5. The designated members to integrate the Polling Station are released from their duty of going to their working place.

6. The dismissal referred in the previous number does not affect the rights and privileges they are entitled for, having, nevertheless to prove the quality of the assembly of voting table member.

ARTICLE 53

(Inalterability of the tables)

1. After constituting the Polling Station desks it may not be altered, unless in case of major forces, having the national Commission of Election to put this fact into public knowledge.
2. The effective presence of the chairman or the co-chairman with two other members is enough to consider validate the voting and the scrutiny.

ARTICLE 54

(Polling Station Voting Material)

1. The technical Secretariat of Electoral Administration must assure in a right time the supply in each Polling Station all the necessary material, as follows:
 - a) Authenticated copy of the census books containing the subscription of the voters for that Polling Station.
 - b) The ballot papers and announcements books for the electoral operations duly signed in all the pages and with the opening and closing terms.
 - c) The printed papers, maps and the models of registers and information necessary to the electoral operations.
 - d) The voting's bulletins
 - e) The ballot box properly numbered at national level
 - f) The voting Booths
 - g) The seals, sealing waxes and envelopes for the voting.
 - h) Pencil, pens and rubbers
 - i) The sponge and the ink for the fingerprinting and the indelible ink.

- j) The stamp and its sponge
 - k) The devices for the illumination
 - l) The calculators machines
2. It is the responsibility of the local Administrative Organs of the Estate to assure the necessary indispensable conditions for the storage, conservation, safety and inviolability of the material referred in the previous numbers.

ARTICLE 55

(The types of the ballot boxes)

The ballot boxes used must be transparent.

SECTION II

Delegates and candidates

ARTICLE 56

(Designations of the candidate's delegates)

1. The candidate has the right to designate one effective delegate and a substitute for each Polling Station.
2. The delegates can be designated for other Polling Stations of voting different from those where they are subscribed as voters as long as if it is from the same electoral census territory.
3. The lack of designation or absences of any delegate will not affect the occurrence of the electoral process.

ARTICLE 57

(Procedures s and designations)

1. Until the twentieth day before the suffrage, the political parties, coalitions and the proponent electing citizens will designate their respective delegates for each table of the Polling Station, submitting their names to the provincials, districts and locals or cities Commission for accreditation.

2. The supporting organs of the CNE at a district or city level must submit credentials for what refers to the previous number of the present article and proceeds with the remittance to the interested entities within forty eighth days before the suffrage.

ARTICLE 58

(Candidates delegates rights and obligations)

1. The lists delegates have the following rights:
 - a) To be present in the locals where the Polling Stations operates and stays in the most adequate position to supervise all the electoral procedures.
 - b) To verify before the commencing of the voting the ballot boxes and the booths.
 - c) To solicit explanations from the Polling Stations Officials. To obtain information's on the electoral procedures and to present complaints.
 - d) To be listened in all the questions that may occur during the assembly of voting operations, voting or during the scrutiny.
 - e) To make observation about the ballot papers, if necessary sign them, having in case of refusal state the respective reasons.
 - f) To sign all the documents related to the electoral operations.
 - g) To consult every time the electoral census books.
 - h) To receive the original copies of the ballot paper and the announcements duly signed and stamped.
2. The listed delegates have the following obligations:
 - a) To exercise a conscious and objective fiscalization of the Polling Stations activities.
 - b) To cooperate for the normal development of the voting, the scrutiny and the normal operations of the Polling Stations.

- c) To avoid unjustifiable interference or perturbation of the normal activities of the Polling Stations.
 - d) Not to permit deletions in any of the documents during the elections operations.
3. If not exercised any of the rights and obligations foreseen in this present article it does not affect the validity of the electoral act.
 4. If proved the impediment of the Polling Stations activities according to the rights and obligations foreseen in this present article, it affects the validity of the electoral act in that specific table.

ARTICLE 59

(Immunity of the candidate's delegates)

The candidates delegates may not be arrested during the operation of the assembly of voting, unless in case of criminal offence punishable by a penalty of two years imprisonment.

SECTION III

Voting bulletins

ARTICLE 60

(Fundamental characteristics)

1. Voting Bulletin is a printed paper to be defined by the National Commission of Elections under the proposal of the Technical Secretariat of Electoral administration.
2. The voting billeting has a rectangular form with proper dimension to accommodate all the candidates submitted for voting in each electoral circle.

ARTICLE 61

(Other components)

1. In each bulletin are placed the elements of identification of the candidates, they are horizontally positioned, one bellow the other, separarated by a strip.

2. The draw of the candidates and list is made in the National Commission of Elections.
3. The elements of identification are the denominations, the acronym and flags or symbols of the competing candidates, who in the case of political parties or coalition reproduces the ones existing in their processes in the Constitutional Council or in the electoral organs.
4. For the voting of the Municipal Mayor or population the elements of identification are the full names of the candidates, their pictures and respective electoral symbols.
4. In the rectangular area corresponding to each candidate is placed a square in which the voters must make a cross or place his fingerprint.

ARTICLE 62

(Color and other characteristics)

The color and other characteristics of the bulletins of voting are made by the National Commission of elections under the proposal of the Technical Secretariat of Electoral Administration.

ARTICLE 63

(Topographic examination of the bulletins of voting)

Before the definitive printing of the bulletins of voting, the political parties, coalitions and other proponent electing citizens or their legal representatives are notified to verify (if willing) within a period established by the National Commission of elections if the photography's, denominations, symbols and the acronym are imperfect order, in the same order when presenting the candidatures to the National Commission of Elections.

ARTICLE 64

The production of the bulletins of voting

The bulletins of voting are produced in serial, sequentially numbered.

ARTICLE 65

Individuality of the voting

1. The right to the suffrage is directly exercised by the individuals voters citizens
2. The right to the suffrage is never subject to representation.

ARTICLE 66

(Permission for voting)

The Voters has the right of voting only once each representative of the Municipal organs.

ARTICLE 68

(The voting right)

1. The act of voting constitutes a right of all citizens.
2. The public and private entities, the companies and other employer entities must give to their public officers and employees dispense within the necessary time to accomplish the voting right.

ARTICLE 69

(Locations of the voting procedures)

The right of voting is exercised in the Polling Stations corresponding to the place where the voters are subscribed, unless if verified the exposed in the article 79 of this present law.

ARTICLE 70

(Freedom and confidentiality of the voting)

1. The voting is free and secret.
2. Nobody should, by no excuse, be obliged or oblige others to reveal the meaning of the voting.
3. Inside the assembly of voting or outside no one should reveal the candidate to who is voting or is going to vote.

ARTICLE 71

(Requirements for the exercising of the voting right)

For the effects of admission to the voting process the name of the voters must be writing in the census books and the identity recognized by the respective desk, unless if verified the exposed in the article 70 of this present law.

ARTICLE 72

(The opening of the Polling Station)

1. The Polling Station will open in all the country at 7 am and close at 6 pm.
2. The Chairman opens the Polling Station and proceeds with the supervision of the voting booth and other working documents of the respective desk together with other members and candidate representatives.
3. The chairman opens the empty ballot boxes before other Polling Officials, Candidates representatives and the present observers and proceeds with the sealing of the ballot boxes and writes the respective report.

ARTICLE 73

(The reason for not opening the Polling Stations)

The opening of the Polling Stations will not occur if:

- a) The impossibility of constituting the respective Polling Officials
- b) The occurrence of perturbation in the surrounding areas, calamities or public order perturbation during the previous day or in the day of the voting.

ARTICLE 74

(Irregularities and its suppressing)

1. If verified any irregularity impeding the voting process, the table will proceed with its suppressing within two hours after the verification.

2. In the impossibility of suppressing the irregularities within the period foreseen in the previous number, the chairman declares closed the Polling Station and informs the fact to the National Commission of Elections to decide through the Technical Secretariat of Electoral Administration.

ARTICLE 75

(Continuity of the electoral operations)

The voting process will occur uninterruptedly, substitution of the Polling Station Officials will take place, if necessary.

ARTICLE 76

(Interruption of the elections operations)

1. The electoral operation will be interrupted and subject the nullity in the following cases:
 - a) Occurrence of perturbations in the municipal territory, calamities or public order perturbation which can affect the realization of the voting act.
 - b) Occurrence of any perturbation or turmoil in the Polling Station.
2. The electoral elections will continue if the chairman of the Polling Station verifies that the causes which determined the interruption are eliminated.
3. In the cases referred in the nr. 1 of the present article , whenever is put in cause the integrity of the electoral operations and the ballot boxes, the electoral operations must be repeated considering with no effect any act that was eventually practiced.
4. In case of the impossibility to repeat the electoral operations referred in the number 3 of this present article, the elections will take place during the first Sunday after the realization of the referred elections.

ARTICLE 77

(The presence of non voters)

1. Without prejudicing the exposed in the number 58 of this present law, it's not allowed the presence in the Polling Station of the following individuals:

- a) Non voting citizens
 - b) Citizens who have already voted
2. It's allowed the presence of the organs of the social communication (Medias), if properly authorized by the National Commission of Elections, having to:
- a) Shows the identification to the chairman of the Polling Station and to present the authorization.
 - b) Avoids getting images from the places close to the voting booths, ballot boxes and avoiding get information's from the voters three hundred meters inside the Polling Stations.
3. The National Commission of Elections allows the presence of observers designated by non political organizations.

ARTICLE 78

(Voting order)

1. The voters will vote according to the order of their arrival.
2. Without prejudicing the exposed in the previous number, the chairman of the Polling Station, other members, the candidate's delegates who are subscribed in the census books of the Polling Station they supervise, will be the first to vote.
3. The chairman's of the Polling Station will prioritize the following electors:
- a) Municipal Mayor candidate
 - b) Those in duty to protect and insure the safety of the Polling Station.
 - c) Sick people
 - d) Disabled people
 - e) Pregnant woman
 - f) Old aged people
 - g) Medical and paramedical people

ARTICLE 79

(Votes from electors not subscribed in the local Polling Station)

1. The Polling Station Officials, police officers and journalists accredited can exercise their voting right in the Polling Station where they are working, even if not subscribed in the census book of the referred Polling Station.
2. The bulleting of voting correspondent to the voters referred in the previous number are processed separately and must be mentioned in the announcements.
3. Before the voting, the name, the card number of the referred people in the previous number is registered in a proper printed paper and will be attached in the announcements elaborated by the desk.

ARTICLE 80

(The closing of the voting)

1. The Polls chairman declares closed the voting after all the subscribed people and the Polling Station Officials have voted until 6 pm of the closing date of the elections.
2. In case of impossibility to fulfill the established time for the election, is the responsibility of the National Commission of Election to decide on the eventual alteration of the period foreseen for the termination of the scrutiny.

SECTION III

Module of voting

ARTICLE 81

1. When presenting before the Polling Station, the voter shows his hand to the Polling officers and delivery his voter's card to the Chairman.
2. After he has identified and verified his subscription, the chairman gives him the voting bulletins.
3. Soon afterwards the voter directs himself to the voting booth, where alone signs or makes a cross in the blank square or presses the fingerprint over the rectangular space of his voting candidate, bend each voting bulletin four times.

4. Back to the desk the voter introduces the voting bulleting in the ballot boxes and then dive his finger into the indelible ink while the scrutinizers registers the voting and sign in the census book, in the line corresponding to the voter.
5. If the voter does not express his will to vote to any of the organs by not receiving or delivering the respective bulletin, this fact will contain in the announcements.
6. If by inadvertence the elector damage one bulletin, he must ask the chairmen of the Polling Station other one, returning the damaged one, which will be signed by the Chairman and kept.
7. After exercising the voting right, the voter is given back is card and goes away.

ARTICLE 82

(Disabled people votes)

1. The blind voters and the affected by notable physical deficiencies, who are confirmed by the polling officers as incapable to vote, as described in the previous article, shall practice their voting right if accompanied by other voter freely chosen by himself , who can insure the voting secrecy expression.
2. If the polling officers do not confirm an individual as being disabled , will request within the act of voting a document issued by the competent entity confirming the incapacity of this individual in practicing the acts referred in the previous article.

ARTICLE 83

(Votes of the illiterate)

Those who cannot read or write, incapable to make a cross in the blank square will vote by placing a fingers in the blank square or rectangular corresponding the candidate they chose, after having dive the fingers in the appropriated ink placed in the voting booth.

ARTICLE 84

Stolen Voter's card

The voters whose card has been stolen after the established period for remission, fixed by the electoral organs, can only vote if their names exist in the electoral books, after being confirmed by the candidate's delegates, having for this effect to present their identity, passport or other document containing a photograph, generally used for the identification.

SECTION IV

Guarantees of voting freedom

ARTICLE 85

(Doubts, complaints and protests)

1. Besides the delegates of the candidates, any Polling Station voter is liable to question or present, in writing , complaints and protest concerning the electoral operations of his Polling Station, having to furnish the necessary proves.
2. The desk can deny the reception of the complaints and protests, having to sign and attach them to the announcements.
3. The complaints and protests have to be object of deliberation from the Polling Station desks, which must be solved at the end of the voting if it does not affect the course of the process.
4. All the deliberation from the Polling Station desks concerning to this issue will be taking by the number of the votes of the members present, having the chairman (president) and his substitute a special vote (vote of quality), in case of equality can be material to appeal to the respective Commission.

ARTICLE 86

(Maintenance of order and discipline)

1. It is the responsibility of the chairman (president) of the Polling Station helped by the members of the respective desk to assure freedom of the voters and keep order and discipline, taking for the effect the respective providences.

2. Is not allowed in the Polling Station drunkards, drug consumers, individuals in possession of any arm, demented, those who in same way disturbs public order and discipline, they will be taking out by the ordinance of the chairman (president) of the Polling Station.

ARTICLE 87
(Propaganda prohibition)

1. Is prohibited any propaganda inside, outside the Polling Station and in the surrounding areas, covering a distance of three hundred meters to the location.
2. The exposed in the previous number is also applicable to the exhibition of symbols, distinctive and signals of the candidates, political parties, coalitions or proponent electing citizens.

ARTICLE 88
(Prohibition of armed forces presence)

1. In the locals where the assembled of voting is placed and in its surroundings (three hundred meters) is forbidden the presence of armed forces, excepting the exposed in the following numbers.
2. If necessary stagnate turmoil's, oppose aggressions or violence in the locations of the Polling Station or in its proximity, or in case if disobedience to its ordinances. The chairman (president) of the Polling Station can, after listened, request the presence of the armed forces for the maintenance of the public order, if mention in the announcements the reasons and the period during which the armed force was present
3. If the public order forces commandant verifies physical or psychological coercion over the members of the Polling Station which impedes the respective chairman to request protection will intervene, having to withdraw if the chairman so determines or if their presence is no longer justified.
4. The forces of maintenance of public order must in order to terminate turmoil's, aggressions or violence resort to permissible forms of actuation stated by law.

5. In the cases foreseen in the numbers 2 and 3, the electoral operations are immediately suspended until the chairman considers the conditions good to proceed with the operations, under possibilities of nullity of the process related to the respective table.

ARTICLE 89

(Especial duties of the journalist)

The Medias professionals during the exercise of their profession in the Polling Station may not act in a way to compromise the voting process or disturb the electoral procedure, and they must publish the news with impartiality.

CHAPTER VI

ARTICLE 90

(The counting)

SECTION 1

(The partial counting)

1. After closing the voting process, the Chairman of the Polling Station proceeds with the counting of the bulletins not used and filled by the voters, closing them with a note in two especial subscripts, one for the election of the mayor and other for the election of the municipal members, closing and seal. Soon afterwards locks the lists of the voters signed by all the Polling Officials and the candidate's delegates to be sent to the respective Commission of the district or city.
2. All the foreseen operations in this section are effectuated in the Polling Station.

ARTICLE 91

(The counting of the voters and the bulletins used)

1. After terminating with the partial operation, the Chairman orders to count the number of the voters thought the registry (balance) made in the census book.

2. Afterwards, the chairman of the desk orders to open the ballot boxes one by one in order to check the number of the entries of the voting bulletins, count, put them back to the ballot boxes and seal.
3. From the number of bulletins counted is made immediate announcement to the public through the original announcements which the Chairman (president) read out loudly and orders to affix in the Polling Station.

ARTICLE 92

(Suppressing the divergences on counting)

1. In case of divergence on the counting between the number of the voters announced and the voting bulletins, in the terms of the nr. 1 of the previous article will remain for the announcement, the second of this number if not superior to the number of the electors subscribed.
2. In case the number of the voting papers in the ballot boxes is superior to the number of the subscribed electors the voting is considered invalid and the respective elections operations will be repeated in the second sunday posterior to the elections.

ARTICLE 93

(Votes counting)

1. After the reopening of the ballot boxes the Chairman of the table orders to proceeds with the counting of the voting bulletins of the municipal organ separated and guided by the following rules:
 - a) The chairman opens, displays the bulletin and announces out loudly the voted candidate and the list.
 - b) The table secretary or the substitute registers the votes on behalf of the candidates or list chosen in two separated blank papers or in a big board, in case of existing.
 - c) The second scrutinizer places separately and by packs, after displaying, the votes already read out corresponding to each candidate or list and the blank or invalid votes

- d) The first and the second scrutinizer proceed with the counting of the voting and the chairman announces the number of voting made to each candidate.
2. After terminating the operation referred in the previous number, the table chairman proceeds with the confrontation between the number of the existing votes in the ballot boxes and the number of votes in each pack
3. Soon afterward are affixed the announcement of the partial results in the assembly of voting, in a place of easy public access,

ARTICLE 94

(The original and the copies of the announcements)

The table Chairman distributes the copies and the original of the announcements of the voting referred in the nr. 3 of the previous article duly signed and stamped to the candidates delegates, political parties and the proponent electing citizens.

ARTICLE 95

(Blank votes)

It is a blank vote when the bulletin of voting has no any sign.

ARTICLE 96

(Null votes)

1. Invalid vote is when the bulleting of voting entails the following circumstances:
 - a) When more than a blank square is signed
 - b) When there is a doubt about the square or rectangle signed
 - c) When signed in the square or the rectangle corresponding to a candidate who has renounced
 - d) When a cut, drawing or deletion is made in the bulletin
2. Is not considered invalid vote the voting bulleting in which the cross or fingerprint hasn't been perfectly made or placed, or if exceeding the limit of its margins by voters mistake.

ARTICLE 97

(Candidate's delegates intervention)

1. After concluding the operation referred in the number 91 and 93 of this present law, the candidate's delegates can check the voting bulletins packs in a separated way, without changing its composition.
2. If there is any doubt or complaint regarding to the counting or qualification given to a determined vote, they must present it to the table chairman.
2. In case the complaints are not attended by the Polling Station, the voting bulleting and the objects of complaints are separated, marked in the back together with the qualification given by the desks and signed by the chairman and the candidate delegates.

ARTICLE 98

(Destiny of the protested and complained voting bulletins)

1. After the chairman or his substitute signs, the complained or protested bulletins are remitted to the district or city Commission of Elections.

ARTICLE 100

(Ballot papers and announcements of the electoral operations)

1. It is the responsibility of the secretary of the Polling Station to elaborate the ballot papers and announcements of the voting process and the partial announcements.
2. The ballot papers are constituted by the following:
 - a) The number of subscription in the electoral census, the names of the Polling Station members and candidate's delegates.
 - b) The location of the Polling Station
 - c) The hour of opening and closing of the Polling Station.
 - d) The deliberations made by the desk during the electoral process.

- e) The total number of the voters subscribed, voters and non voters.
- f) The number of votes obtained by each candidate
- g) The number of blank and null votes
- h) The number of protested bulletins of voting
- i) The counting divergences in case of existing with the specifications of the differences found.
- j) The number of complaints and protest attached to the ballot papers
- k) Other occurrences the tables regard necessary
- l) Signature of the Polling Station Officials

ARTICLE 101 **(Publication of the partial announcements)**

1. The partial announcement is immediately published through the original ballot papers and announcements duly signed and stamped in the Polling Station operations, in which is writing the number of each candidate votes, the number of null and blank votes.
2. The partial announcement can only be published after the established hour programmed for the closing of the voting at national level.
3. The ballot papers and the partial announcements are affixed in the Polling Station, in a place of easy public access.

ARTICLE 102 (Communication for partial counting of votes)

The chairman of the Polling Station informs immediately the district or city Commission of Election about the data's in the ballot papers and, in turn, they inform the provincial Commission of Elections who also informs the National Commission of Elections, according to what is foreseen in the previous number.

ARTICLE 103
**(The original and copies of the ballot papers
and the announcements)**

The chairman of the Polling Station distributes the original copies of the ballot papers and the announcements, duly signed and stamped to the candidate's delegates, coalitions and the proponent electing citizens groups, as stated in the number 1 of the article 90.

SECTION II
(Intermediate municipal announcements)

ARTICLE 104
(Competences)

Intermediate municipal announcements in each municipal territory are under the responsibility of the District or City Commission of Elections.

ARTICLE 105
**(The remittance of the Polling Station voting
material of intermediate announcement)**

1. Until twelve o'clock of the next day after the partial announcements, the chairman's of the assembly of voting table will delivery personally or send through a most safe way, against the reception of a receipt, the ballot papers, the books and other documents related to the elections to the District or city Commission of Election through the Technical Secretariat of Electoral Administration.
2. The candidate's delegates and the observers can follow and must be advised about the hour of the departure of the material referred in the number 1 of the present Article.

ARTICLE 106
(Intermediate announcement)

1. The district or city Commission gathers all the electoral announcements obtained in the Polling Stations of a determined Municipal Jurisdiction and proceeds with the intermediates announcements of the results of the elections of each autarchy.

2. In case of doubt on the existence of any desk a checking is made to find out the truth.
3. In case of illegality, the announcements in that specific table will be invalidated and with no effect.

ARTICLE 107

(Contents of the intermediate announcement)

The intermediate announcements of the voting referred in the previous article consist in:

- a) Verifying the total numbers of the subscribed voters.
- b) Verifying the total number of the electors who have voted and not within the area in which the announcements is referred.
- c) Verifying the total number of blank, null and valid votes and makes the percentages...
- d) Verifying the total number of the votes obtained by each candidate and make the percentages of the total numbers of the valid votes

ARTICLE 108

(The ballot papers and announcements of the intermediate announcements)

1. After the intermediate announcements a registry is immediately done in which is put the results announced, complaints, protests and the contra- protests presented as well as the decisions taken for its resolution.
2. One exemplar of the ballot paper and announcement is immediately sent by the Chairman of the district or city Commission to the National Commission of Election through the Provincial Commission of Election which also keeps a copy of the referred announcement.
3. Other copy is given to the District Administrator who also keeps under is responsibility.

ARTICLE 109

(Original copies of the ballot papers and announcements of the Intermediate announcement)

To the representatives of the candidates, political parties, coalitions and the proponent electing citizens is given an original copy of the ballots papers and announcements referred in the previous article duly signed and stamped.

ARTICLE 110

(Publication of results of the intermediate announcements)

The results of the intermediate announcements are announced by the Chairman of the District or City Commission within the period of seventy two hours counted from the Closing moment of the voting and affixed at the entrance building of the District or City Commission of Election and in the Building of the District administration.

SECTION III

General announcement

ARTICLE 111

(Competences)

The Global announcement for each municipal territory and the proclamation of the elected candidate is made by the National Commission of Elections.

ARTICLE 112

(General announcements elements)

1. The general announcement is made with data's from the ballot papers and the announcements.
2. The lack of some of the documents of the intermediate announcement does not impede the general announcement which starts with the announcement of the existing material. Having the Chairman of the respective Commission to organize a meeting within the following twenty four hours in order to finish with the works, tanking the necessary providences to overcome the problem of the missing document.

ARTICLE 113

(Appreciation of previous questions)

In the beginning of the works the National Commission of Election decides on the complained or protested bulletins of voting, verifies the votes considered null for reconsideration using a uniform criteria, this operation can culminate on the correction of the results announced by the District or City Commission, without prejudicing the exposed referred to the right for appealing.

ARTICLE 114

(Operations of the Global announcements)

The global announcements consist in:

- a) Verification of the total number of voters subscribed, abstentions in the territory of the respective local Municipal.
- b) Verification of the total number of votes obtained by each list, number of blank and null votes.
- c) Distribution of the mandates of the different lists
- d) Determination of the candidates elected in each list

ARTICLE 115

(Ballot papers and announcements of the global announcements)

1. After the global announcements a registry is immediately done in which is put the results announced, complaints, protests and the contra- protests presented as well as the decisions taken for its resolution.
2. Soon afterwards is elaborated a document containing the data's of the global announcement which is send and affixed at the entrance of the National Commission headquarters.

ARTICLE 116

(National Publication of the Global announcement)

1. The Chairman (president) of the National Commission of Elections within fifteen days counted from the date of the closing of the voting, announces from the National Centralized data's the global results, ordering to publish it through the National Medias and affixing at the entrance of the National Commission of Election.
2. One exemplar of the document and the announcements is sent to the Constitutional Council within a period of five days for the proclamation and validation of the electoral results.

ARTICLE 117

(Original copies of the ballot papers and announcements of the Global Announcement)

To the candidates and the representatives of each list proposed for municipal election is given a copy of the ballot paper and the global announcements issued by the National Commission of Election. These copies can also be given to any political party, on their request even if they haven't presented a candidate. Equal treatment is given to the observers and journalists.

ARTICLE 118

(Proclamation, validation and publication of the results)

1. The final results are proclaimed and validated by the Constitutional Council followed by the affixation of the results at the entrance of its Headquarters, at the National Commission of Elections and at the Technical Secretariat of Electoral Administration or in any likewise location.
2. The divulgation of the global results occurs up to fifteen days after the closing of the elections.

ARTICLE 119

(Publication of the general results of the elections)

After the proclamation and the validation of the general results of the Elections, the Constitutional Council orders its publication, in the Serial 1 of the *Bulletin of the Republic*, within a period of five days, containing the following information:

- a) Number of voters subscribed in each Municipal territory.
- b) Number of voters, and the abstentions in each Municipal territory.
- c) Number of blank and null votes in each Municipal territory.
- d) Number and percentage of the votes attributed to each candidate in relation to the two Municipal organs.
- e) Number of mandates attributed to each candidate in relation to the two Municipal organs.
- f) The names of the elected and the substitutes of the lists in relation to the two municipal organs.

TITLE III

The Elections For Municipal Mayor

CHAPTER I

(Electoral organization)

ARTICLE 120

(The Mandate)

The Municipal Mayor is elected for a mandate term of five years.

ARTICLE 121

(The voting principle)

The Municipal Mayor is elected through universal suffrage, direct, equal, secret, individual and periodic.

ARTICLE 122

(Uninominal list)

The Municipal Mayor is presented to the electorate in a uninominal list.

CHAPTER II

ARTICLE 123

(The right to present a candidature)

1. The Municipal Mayoral candidates can be presented by the following entities:

- a) By the political parties organs or coalitions statutorily competent, supported by one percent of signatures relative to the universe of subscribed citizens in the census of the respective autarchy.
 - b) By the electing citizen groups subscribed in the respective municipal area with a minimum of one percent of signatures relative to the universe of subscribed citizens in the census.
- 2. No political party, coalition or proponent electing citizens groups can present more than one list for the election of each Municipal organ.
 - 3. The signatures are presented in a specific paper prepared by the electoral organ and deposited in the respective Technical Secretariat of the Electoral Administration.

ARTICLE 124

(Desistence of the candidates)

- 1. Any candidate can give up within ten days before the commencing of the electoral procedure, against presentation of a written declaration recognized by the registry s and delivered in the National Commission of Elections.
- 2. After the verification of the desistence declaration, immediately the National Commission of Elections affixes a copy at its headquarters entrance and informs the occurrence to the public through the Medias.

ARTICLE 125

(Death or incapacity of the candidates)

- 1. In case of death of a candidate or occurrence of any circumstance which determines his incapacity to continue in the competition for Municipal Elections, the fact must be communicated to the Technical Secretariat of Electoral Administration within a period of one day with the indication, if is the case, of the substitute, without prejudicing the normal functioning of the electoral campaign, having the respective electoral organ to inform to the public.
- 2. In case of intention to make the substitution of the candidate, the Technical Secretariat of Electoral Administration gives three days to

present a new candidate and communicates to the National Commission of Elections which in turn informs the Ministry Council to put into effect the exposed in the nr. 4 of the present article.

3. The National Commission of Elections has two days to make the appreciation and decides on the acceptance of the candidate substitute.
4. The Ministry Council, under proposal of the National Commission of Elections establishes a new date for the Municipal Elections not exceeding a period of thirty days counted from the date initially foreseen for the elections.
5. If there is no intention of substituting the candidate, the elections will take place in the day previously marked.

CHAPTER III

(Elections regime)

ARTICLE 126

(First round Elections)

It's soon elected the candidate who obtains more than half of the valid votes, not counting the blank and null votes and the abstentions.

ARTICLE 127

(The need for a second round)

1. If none of the candidates obtains that majority a second scrutiny will take place where only two candidates are permitted to compete.

ARTICLE 128

(Equality)

In the case of equality of votes between the candidates, the Ministry Council under proposal of the National Commission establishes second round elections where only two candidates (with equal number of votes) will compete.

CHAPTER IV

Second Round

ARTICLE 129

(Date establishment)

The date of the second round is marked by the Ministry Council under proposal of the National Commission of Elections.

ARTICLE 130

(Date)

The second round elections take place thirty days after the announcement of the Electoral Results

ARTICLE 131

(Death or incapacity of the candidates)

In case of death or incapacity of one of the candidates most voted, the National Commission of Elections proclaims the nullity of the process and submits to the Ministry Council a proposal for new elections.

ARTICLE 132

(Electoral campaign)

The electoral campaign in the second round elections has the duration of ten days and terminates one day before the commencing of the elections.

ARTICLE 133

(The voting and the announcement)

In the second round will be applied the dispositions that regulates the election and the announcements with its proper adaptations.

TITULO IV

THE ELECTION OF THE MEMBERS OF THE MUNICIPAL ASSEMBLY

CHAPTER 1

(Electoral organization)

ARTICLE 134

(Mandate)

The mandate of the members of the Municipal Assembly is a term of five years

ARTICLE 135

(Number of members to be elected)

The number of the members to be voted in each local Municipal is announced by the National Commission of Election through the ballot papers, announcement papers and the Medias with a minimal antecedence of thirty days before the elections.

CHAPTER II

Candidatures

ARTICLE 136

(The right to present a candidature)

The candidatures for Municipal Assembly can be presented by political parties' organs or coalitions statutorily competent, supported by one percent of signatures relative to the universe of subscribed citizens in the census of the respective Municipal.

CHAPTER 137

(Collation of political parties for electoral purposes)

1. It's allowed two or more parties to join and present a list attached to the list of the Municipal Assembly members elections, if this coalition, after been accepted by their competent organs presents themselves to the public until the commencing of the candidature presentation.

2. For electoral purposes the political parties coalition are constituted under the terms foreseen in the law number 7/91, 23 of January.
3. The political parties which makes coalitions for electoral purposes must communicate this fact against presentation of registry proves to the National Commission of Elections until the date settled for the presentation of the candidate attached with a document signed by the competent organs of all the parties.
4. The presentation foreseen in the previous number must have the following matters:
 - a) Definition of the objectives of the coalition
 - b) Indication of the domination, acronym and symbols of the coalition
 - c) Recognizable documents of the approval of the joined parties.

ARTICLE 138

(Substitution of the candidates)

1. Situations imposing changing of candidates can occur, its only permitted twenty days before the commencing of the electoral process in the following circumstances:
 - a) Posterior rejection of the candidate due to supervening ineligibility.
 - b) Death or physical or psychological incapacity as a result of disease.
 - c) Candidate desistence
2. It's necessary to publish the altered new list.

ARTICLE 139 (Desistence

of the candidate and list)

1. It is permitted the desistence of the candidate until the fifth day before the commencing of the electoral process.
2. The declaration of desistence presented to the National Commission of Elections is subscribed by the respective representative.

3. It's also permissible the desistence of any candidate against presentation of a declaration signed by him and recognized by the registry before submitting to the National Commission of Elections, during that period.

CHAPTER III

ARTICLE 140

(Closed Multinomial lists)

1. The municipal members are elected in a multinomial list.
2. It's no permissible the transference of candidates to one list to another or the exchange of the respective position.

ARTICLE 141

(Permanent candidates and substitutes)

1. The lists for the election of the municipal member indicate who the permanent members are and how many mandates they are to fulfill.
2. The lists for the election of the municipal member must have at least half of the numbers of the candidates substitutes

ARTICLE 142

Candidate's lists sequence

In each list the candidates are organized according to what is declared in the candidate's subscription.

ARTICLE 143

(Distribution of mandates terms in the list)

The mandates in the list are attributed according to the order of precedence's

ARTICLE 144

(Impediment, Incompatibility or death)

1. The existence of incompatibility in the functions exercised by the candidate and the position of Municipal assembly member does not impede the attribution of the mandate.

2. In case of death, physical or psychological incapability the mandate is attributed to the very next candidate, according to the order of the precedence's mentioned.
3. There are no vacancies procedures in case of scarcity of permanent members or their substitutes.

CHAPTER IV

Electoral Regime

ARTICLE 145

(Elections principles)

The members of the municipal Assembly are elected by a universal suffrage, direct, equal, secret, personal and periodical.

ARTICLE 146

(Single vote and list)

Each ordinary citizen has one vote from the list

ARTICLE 147

(Conversion of votes into mandate)

This conversion is made by the proportional representational method, under the procedures of Hondt variable, obeying the following rules:

- a) Counting in a separated way the number of the votes received by candidate in the respective municipal elections.
- b) The number of votes counted for each candidate is successively divided by 1,2,3,4,5 etc and lined the ratios in a decreasing order in a group of several terms referred to the number of the mandates attributed to each municipal electoral organ.
- c) The mandates belongs to the candidates to which corresponds the terms of the group established by the previous order, receiving each candidate as many mandates as the terms in the group.

- d) In case of remaining only one mandate to distribute and the following term being similar and different from the candidates, the mandate will be given to the candidate who has obtained fewer votes.

TITULO V

Electoral litigation and offense

Chapter I

ARTICLE 148

(Reclamations submitted in the National Commissions of Elections)

1. The reclamations that may occur during the voting and the intermediary announcements can be submitted to the National Commission of election in case they had been previously complained or protested within the act in which they were verified, when it was acknowledged.
2. Beside the mandatory complains, the candidates, their representatives and the political parties competing for local elections can appeal as a result of the decision taken on the reclamation or protest to the National Commission of Election and its supporting organs must supply all the necessary documents.
3. In case of electoral litigation on the general announcement, the National Commission of Elections and its supporting organs must facilitate candidates request for appeal.
4. The appeal must be submitted within two days counted from the date of the affixation of the announcements of the results.
5. The National Commission of elections deliberates on the complaints within a period of three days.

ARTICLE 149

(Appealing to the Constitutional Council)

1. After the deliberations made by the National Commission of Elections the Constitutional Council is the remained Institution to which the appealing must be submitted in relation the complaints or protests.

2. The appealing must be submitted within three days counted from the date the National Commission has deliberated on the protest or reclamation presented.
3. Within five days the Constitutional Council judges the appeal and immediately communicates the decision taken to all the interested parties including the electoral organs.

ARTICLE 150

(Nullity of the Elections)

1. The votes in any Polling Station within a Municipal territory can only be considered null if it's discovered illegalities which can influence the global results of the elections for each municipal organ.
2. After has been declared null the elections in one or more Polling Stations, the respective electoral procedures will be repeated until the second Sunday posterior to the decision, in a date pointed by the Ministry Council s under proposal of the National Commission of Election.

CHAPTER II

Electoral Offense

SECTION I

General dispositions

ARTICLE 151

(Capital Crimes, disciplinal responsibilities during the elections)

1. The sanctions comminate in this present law excludes the applications of other capital crimes by the practicing of any crime foreseen by the penal law.
2. The infractions foreseen in this present law also constitutes disciplinal faults when committed by agents subject to these responsibilities.

ARTICLE 152

(Especial aggravating circumstance)

Beside those foreseen in the penal law, the following circumstances constitute especial aggravating circumstances of the penal electoral offense:

- a) If the infraction influences the results
- b) If the person involved makes part of the electoral organ elements
- c) If the person involved is a candidate, candidate representative or a listing mandatory.

ARTICLE 153

(Suspension or substitution of the penalty)

The penalty applied due to electoral offense can not be suspended or substituted by any other.

ARTICLE 154

(Suspension on the political rights)

The condemnation on electoral offense foreseen in this present law is accompanied by a prohibition of exercising political rights during the same period of time.

ARTICLE 155

(Prescriptions)

The criminal proceeding related to electoral operations come to terms after one year counting from the date of the elections.

SECTION II

(Infraction related to the presentation of the candidatures)

ARTICLE 156

(Ineligible candidates)

Those who not having a passive electoral capacity and accepting their candidature will be punished with a prison penalty of six months and a payment of a fee equal to two national minimum salaries.

ARTICLE 157

(More than one candidate)

Those who intentionally subscribe more than one list for the Mayoral candidate or for members of the Municipal Assembly are punished with a fee of two to five national minimum salaries.

ARTICLE 158

(Violations of the neutrality and impartiality)

The violation of the impartiality and neutrality right of the candidates is punishable by one year imprisonment and a payment of two national minimum salaries fees.

ARTICLE 159

(Incorrect use of the denominations, acronyms or symbols)

Those who during the electoral campaign uses the acronym or symbols belonging to a political party, coalition or to proponent electing citizens groups with the intention of harming or insulting will be punished with a penalty up to one year and one and half national minimum salary fee.

ARTICLE 160

(Violation of the right to make electoral meetings)

Those who prevent the conduct or proceeding of a meeting, processions or marching of electoral campaign will be punished by a prison penalty from six to one year imprisonment and a payment of one or two minimum national wage fee.

ARTICLE 161

(Robbery of the electoral propaganda material)

Anyone who steals keeps or prevents the delivery of cartoons, memorandums or any electoral propaganda material to the respective recipient will be punished by a maximum imprisonment penalty of one year and two minimum national salaries fee.

ARTICLE 162

(Propaganda after the electoral campaign)

1. Anyone who at the date of the elections or in the previous day remains doing electoral campaign through any means will be punished by a prison penalty up to six months imprisonment and a payment of one and half minimum salary fees.
2. Anyone who at the date of the elections or in the previous day remains doing electoral campaign in the Polling Station or on its proximities (around three hundred meters) will be punished by a maximum imprisonment penalty of one year and one and half minimum national Salary fee.

ARTICLE 163

(Announcements of the surveyed results)

Anyone who announces the surveyed results or surveyed result from voters opinion concerning to the elections of the members of the Municipal organs within a period of seven days will be punished to a prison penalty up to one year imprisonment and one to five minimum national salary fee.

SECTION IV

(Infraction relatively to Active electoral capacity)

1. Anyone not having active electoral capacity with the intention of voting will be punished by a penalty of one and half minimal national salary fee.
2. The imprisonment penalty up to one year and two minimum salaries will be given to the citizen who not having active electoral capacity had exercised his voting.
3. If when exercising the voting had used other subscribed citizen identity the imprisonment penalty goes up to eighteen months and payment of two to three minimal salaries fee.

ARTICLE 165
(Abusive Admission or Exclusion of voting)

Helping anyone who hasn't got the right to vote in the voting process or on the exclusion of one who has the right to vote or falsely witnesses will be punished with a prison penalty up to eighteen months imprisonment and a payment of three minimum salaries fee.

ARTICLE 166
Impediment to participate in the elections

The law enforcing agent at the date of elections prevents any voter to exercise his voting right will be punished with a prison penalty up to twelve months and a payment of two minimum salaries fee.

ARTICLE 167
(More than one vote)

Anyone who votes or permitted to vote more than once will be punished with six months to one year imprisonment and a payment of one to two minimum salaries fee.

ARTICLE 168
(Unfair Representation)

Anyone representing blind or disabled people who unfairly express his own will, will be punished with a prison penalty of two years imprisonment and a payment of three to four minimum salaries fee.

ARTICLE 169
(Vote secrecy violation)

1. Anyone who at the Polling Station or in its proximities (up to 1000 meters around) tries to persuade the voters to reveal his voted candidate will be punished by a prison penalty up to six months.
2. Anyone who at the Polling Station or in its proximities (up to 1000 meters around) reveals to which party has voted or he is voting for will be punished by a payment of one and half minimum salary fee.

ARTICLE 170

(Coercion and fraudulent attitude over the voters)

1. Anyone who by violent means , threatens or performs fraudulent attitudes or tries to constrain or persuade the voters to vote for a determined candidate or even abstain for voting will be punished by a prison penalty of six months and a payment of two minimum salaries fees.
2. The same penalty is applied to those who having the same disorderly conduct as seen in the previous number tries to force a candidate to give up.
3. The penalty foreseen in the previous number will be worsening, according to the terms of the penal law, if the threat is practiced with the use of a firearm or a weapon or if practiced by two or more people.
4. If this violence is practiced by public high rank officials, public officers, state agents, any cult or sect minister, will be punished with a prison penalty of six months and one to two minimum salaries fees.

ARTICLE 171

(Dismissal or threat to dismissal)

Anyone who dismisses or threatens dismissing a citizen from his working post or impeding or threaten to disturb him of getting a job or applying any other sanction to force him to vote or not to a certain candidate or if has already voted or abstained to vote or participate in the electoral campaign, will be punished with a prison penalty of one and half year imprisonment and a payment of two to five minimum salaries fees.

ARTICLE 172

(Electoral Corruption)

Anyone who persuades voters to vote or note to a determined party or by promising to offer a public or private employment or other things canvassing to one or more voters, by agreement with a third party, even if the promised assets are dissimulated to a tax indemnification given to the voter for travel expenses, renting or food and drinking bills or with the promise of electoral campaign expenses bribe, will be punished with a prison penalty of six to two years imprisonment and one to two minimum salaries fee.

ARTICLE 173

The non exhibition of the ballot boxes

1. The Polling Station Chairman who does not exhibit the ballot box to the voters during the opening of the voting process will be punished with a prison penalty up to six months imprisonment and a payment of one and half minimum salary fee.
2. If discovered that in the non exhibited box were voting papers, the penalty will be up to two years imprisonment and a payment of two minimum salaries fees, without prejudicing what is exposed in the previous number.

ARTICLE 174

(The process of placing the voting bulletins in the Ballot boxes and its robbery)

Anyone who deposits the voting papers before or after the commencing of the voting process or if takes possession of the ballot boxes with the voting papers not counted yet or if takes possession of one voting paper during any moment of the process will be punished with a prison penalty of six to two years imprisonment and one to two minimum wages fee.

ARTICLE 175

(Frauds in the voting bulletins)

The Polling Station officials who deposit or allow to deposit votes of non voters or exchanges during the announcements the voting papers, diminishing or adding votes to one party or by any form falsifying the results, will be punished with a penalty of one to two years imprisonment and one to two minimum salary fee.

ARTICLE 176

(Opposition to Candidate's representative rights for performance)

1. Anyone who impedes the entry or departure of the candidate delegates or opposes against the exercising of the powers they are entitled recognized by this present law, will be punished by a penalty of six months imprisonment.
2. In case of the Polling Station Chairman, the penalty will not be less than one year.

ARTICLE 177
**(Refusal of receiving complaints or protests and
contra-protests)**

The Polling Station Chairman who refuses without justification to receive complaints, protests or contra-protests will be punished by a prison penalty up to six months and a one to two minimal salaries fee.

ARTICLE 178
(Perturbation at the Polling Station)

1. Anyone who disturbs the normal functioning of the Polling Stations by insulting, threatening or using violent manners which may create turmoil will be punished with a prison penalty up to six months imprisonment and one to two minimal salaries fee.
2. Anyone who during the electoral operations introduces himself into the Polling Station without the right to do so and refuses to depart after being intimidated by the Chairman will be punished by a prison penalty of six months imprisonment and payment of three minimum salaries fee.
3. Anyone who comes to the Polling Station with a firearm or weapon will be immediately subjected for apprehension, having a penalty of up to two years imprisonment and one to two minimum salaries fee.

ARTICLE 179
**(Obstruction of the Candidates and
candidate's representatives)**

The Candidates or their representatives who disturb the normal functioning of the electoral operations will be punished with a penalty of up three months imprisonment and a payment of four to five minimum salaries fees.

ARTICLE 180
(Non fulfillment of the task to participate in the electoral process)

Anyone who has been designated to be part of the Polling Station Officers and with no justified reason decides not to accomplish or abandon the tasks will be punished by a payment of one to two minimum salaries fees.

ARTICLE 181

(Falsification of the Electoral documents)

Anyone who falsifies, changes, substitutes or destroys the electoral books, bulletins, announcements or any other electoral document will be punished with a penalty of two to eight years imprisonment and a fee payment of twenty to fifty minimum salaries.

ARTICLE 182

Complaints and misconduct appeal

Anyone who submits an appeal without evidences such as complaints, protests and contra-protests or any reclamation against the decisions taken by the organ will be punished with a penalty of six to twelve minimal salaries fees.

ARTICLE 183

Absence of the police forces

For safety reasons required in the Polling Station a police force does not man the station without justification within a period of twenty four hours, the police force commander will be punished with a penalty of up to six months and payment of two minimum salaries fees.

TITTLE VI

(Final Dispositions and transitory)

ARTICLE 184

The acts related to the Universal Suffrage can be objects of observation by the national and international entities on the terms to be regulated by the National Commission of Elections.

ARTICLE 185

(Certificate issued Exemptions)

All the documents destined to the accomplishment of this present law must be exempted of any charges.

ARTICLE 186

(Electoral Documents Conservation)

1. The candidate's subscription documents are kept and preserved by the Technical Secretariat of Electoral Administration within a period of five years counting from the date of the investiture of the electoral organs. One copy will be kept by the Mozambique Historical Records.
2. All other electoral process documents will be kept and preserved by the Technical Secretariat of Electoral Administration as the law requires.

ARTICLE 187

(Investiture of the electoral organs)

The investiture occurs in the following circumstances:

- a) Twenty days after the announcements of the overall results of the Municipal Mayoral Elections, having the National Commission of Elections to establish the exact date.
- b) Fifteen days after the proclamation of the general results for the Municipal Assembly elections, having the National Commission of Elections to establish the exact date.

Article 188

(Ademption)

The repeal act of law n. ° 19/02, October 10 and other legislation which may contradict the present law.

Article 189

(Enforcement of the law)

The present law is enforced from the day of the publication of this document.

Approved by the House of the Assembly, 11 of April 2007.

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

Promulgated on 11 of July, 2007.

ARMANDO EMILIO GUEBUZA, President of the Republic.

