



Republic of mozambique
The House of Assembly

Electoral Law

(Law nr 7/2007)

Law n. ° 7/2007
February 26

Having the need to proceed with the revision of the Law number 7 /2002, 17 October related to the President of the Republic and the deputies of the House of Assembly Election, in terms of the law nr. 4, article 135 and line d) of the law 2, article 179, both from the Constitution, the House of Assembly determines:

Title
General Dispositions

Chapter I
Main principles

Article I
(Extension of the law)

The present law enacts the juridical board for the election of the President of the Republic and the deputies of the House of Assembly.

Article 2
(Definitions)

The meanings of the expressions used in this present law are in the glossary, attached as part of the document.

Article 3
(Electoral principle)

The president of the Republic and the deputies of the House of Assembly are elected by Universal suffrage, direct, equal, secret, personal and periodical by the Mozambican citizens in terms of this present law.

Article 4 (Right to the suffrage)

1. The suffrage constitutes an individual and inalienable right for a citizen.
2. The electoral census is an indispensable condition for the exercising of the voting right.

Chapter 5 (Freedom and equality)

The electoral process presupposes equal freedom on advertisement for all the candidates.

Article 6 (The commencement of the elections date)

1. The commencement of the legislative and presidential elections date is previously issued by the president of the Republic, corresponding to hundred eighty days before its commencing under a decree proposed by the National commission of Elections.
2. The Elections take place simultaneously within one day at national level.

Article 7 (Supervision of the electoral process)

1. The supervision of the Electoral Process is under the responsibility of the National Commission of Election.
2. Without prejudicing the competences of the Constitutional Council, the verification of the regularity and the validity of the electoral processes are under the responsibility of the National Commission of Elections.

Chapter 8 (Jurisdictional Responsibility)

It is the responsibility of the Constitutional Council to appreciate as the final institution, the reclamations and the electoral litigation.

Article 9

(Observation of the Elections)

The acts referred to the electoral process are objects of observation by the national or international entities under the terms to be established by the National Commission of Elections.

CHAPTER II

Article 10

Active Electoral Capacity

(Voters)

1. The voters are Mozambicans who at the date of elections have completed the age of eighteen, who are registered in the census books and without having any incapacity as foreseen in this present law.
2. The Mozambicans registered in foreign countries enjoy active voting capacity for the elections as foreseen in the present law.

Article 11 (Mozambicans

living in foreign countries)

The Mozambicans resident in foreign countries who have been registered during the electoral census will exercise the voting right at the embassy or Consulate of the Republic of Mozambique.

ARTICLE 12

(Active electoral incapacity)

Non voters are as follows:

- a) Those interdict due to sentence or waiting for a trial
- b) Those notable recognized as demented, even if not interdicted by the justice, when in a psychiatry or declared by a Medical Council.
- c) Criminals condemned to imprisonment due to fraudulent crime, if the penalty hasn't yet come to terms.

TITLE II

Statute of the Candidates

Chapter I

Article 13

(The right for exoneration duties)

Within the previous forty eight days to the elections, the presidential candidate and the deputies have the right to exonerate from performing their duties, may it be private or public, counting this time for all the effects, including the right for payment as if they were in time of effective service.

ARTICLE 14

(Suspension for performing duties and the passing to reserve)

1. The judicial Magistrates from the Public prosecution services and the diplomats in mission who, in terms of the present law intends to compete in the presidential or legislative elections should request the exoneration from performing duties from the moment of subscription of the candidature.
1. The period in which the suspension will run will be for all the effects counted as time of effective service.
2. The military police and the paramilitary police in active service, who intend to compete for presidential elections or parliamentary elections, should present a document of his passing to the reserve or retirement.
3. The organs from which the military and paramilitary forces referred in the previous number represent must issue the respective authorization whenever they are requested.

ARTICLE 15

(Immunity)

1. The Presidential candidates and deputies of the House of assembly are not subject to any protective custody, only in case of flagrant offense as a result of fraudulent crime subject to life imprisonment.

2. After initiation of criminal proceedings against any candidate who is not in prison, accusing him through an order of pronounces or equivalent, the process can only follow its terms after the announcement of the elections results.

CHAPTER II

Verification and publication of the candidature

Article 16

(Legitimacy and formal presentation of the candidature)

The legitimacy and formal presentation of the candidature are ruled under the disposed in the titles V and VI of the present Law.

ARTICLE 17

(Candidates representatives)

1. The candidates may designate among the voters, one representative to represent him in all operations of the electoral process, this representation must be permitted in terms of the present law.
2. The address of the representative should be indicated in the candidature process for future notifications.

TITLE III

Electoral propaganda and campaign

CHAPTER I

Electoral campaign

ARTICLE 18

(Commencement and ending of the electoral campaign)

The electoral campaign commences forty five days before the date of the elections and terminates forty eight hours before the voting day.

ARTICLE 19

(Promotion and accomplishment)

The accomplishment of the electoral campaign is under the responsibility of the candidates', political parties,' coalitions and the proponent electing citizens groups in the list, without impediment of active participation of the voters in general.

ARTICLE 20

(Extension)

Any candidate, political party's' coalitions and proponent electing citizens groups can freely accomplish the electoral campaign in any place of the territory of the Republic of Mozambique.

ARTICLE 21

(Equality of opportunities of the candidates)

The candidates, political party's or coalitions, as well as the proponent electing citizens groups have the right to be equally treated by the public and private entities in order to accomplish their electoral campaign in a free environment and good conditions.

ARTICLE 22

(Freedom of expression and information)

1. During the electoral campaign may not be imposed any limitations to free political, economical, socials and cultural expressions.
2. During the electoral campaign may not be imposed any restrictions over the medias or their agents due to acts related to the electoral campaign.

ARTICLE 23

(Freedom for demonstration and meetings)

1. During the electoral campaign the freedom to have meetings and demonstration for electoral purposes is under the law nr. 9/91, 18 July and law nr. 7/2001, 7 July, 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 demonstration 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 hours.

ARTICLE 24

(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 25

(Locals where is interdicted the use of advertisement)

1. 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.

Article 26

(The usage of places and public buildings)

1. Venues and public property utilization for electoral purposes must be equally shared among the different candidates under the regulations to be made by the National Commission of Elections, without prejudicing the internal regulations of this institution
2. The local state organs and the Municipal authorities must insure the availability of buildings and enclosures private or public to be used for electoral campaign by the different candidates as referred in terms of the number 1 of the present article.

CHAPTER II

Electoral advertising and Civic education

Article 27

(Electoral advertising)

It is understood by Electoral advertising the activity which directly or indirectly intends to promote candidates, political parties, coalitions or their representatives or any other individual by means of meetings, demonstrations, and publication of essays or images or producing the contents of their activities.

ARTICLE 28

(Objectives)

1. The electoral advertisement has as objective the development of activities aimed at obtaining voters through explanation of the their ideological principles, Political, social and economic programs, governing platforms, the titles of the organs that is proposed, their representatives or any other persons.
2. All the electoral advertisement must identify its acronym or any other sign that demonstrate its identity.

Article 29

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

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

Article 30

(Resonant Advertisement)

1. The utilization of propaganda using resonant devices neither does nor requires authorization or presentation to the authorities from 7 am to 9 pm.

Article 31

(Graphic propaganda)

1. The affixation of cartoons does not require authorization from the authorities neither is it necessary to inform them.
2. It's not allowed the affixation of cartoons or paintings in the national monuments, temples and religious buildings, states organs and headquarters at central or local levels, in places where polling stations are designated, in the traffic symbols, railways symbols, inside public and private departments without authorization.

Article 32

(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 previous number includes electoral material in their publications they must adopt criteria's of rigor and absolute exemption, avoiding the disturbance of the published articles and discrimination of different 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 previous numbers of the present article.

Article 33

(Common utilization or exchange)

The candidates can agree on the common usage or exchange among themselves the space of publicity or utilization of the venues in their turn.

Article 34

(Electoral campaign after the stated period)

Within the forty eight hours before the commencing of the voting or during the voting its no allowed any electoral propaganda.

Chapter III

Electoral financing

Article 35

(Financing of the electoral Campaign)

1. The electoral campaign is financed by:
 - a) Contributions made by the citizens and the political parties or coalitions of parties.
 - b) Voluntary contributions from national or foreign citizens.
 - c) Products resulted from the electoral campaign.
 - d) Contributions from national or foreign friendly party's.
 - e) Contributions from national or international non governmental organizations.
2. The State Budget must foresee a budget for the financing of the electoral campaign.
3. It's not permitted the financing of a candidate, political party or coalition by a foreign government, governmental organizations or by public institutions or companies.
4. The referred entities in the previous number may contribute to finance or reinforce the state budget foresee for the effect of electoral campaign.

Article 36

(Financing made by the State)

It is the responsibility of the National Commission of Elections to approve the distribution of the funds from the public financing for the presidential and legislative elections, having for the second case in mind the parliamentary representation and the balance of the candidates subscribed for the elections in accordance with the seats to be filled.

Article 37

(Accounting of the expenses and revenue)

1. The candidatures must record all the revenue and expenses made during the electoral campaign and inform the National Commission of Elections within a period of sixty days after the official announcements of the elections results.
2. All the amounts attributed by the State, referred in the previous article, which may not be spent or used for other purposes different from those foreseen in this present law, must be returned to the National Commission of Elections.

Chapter 38

(The responsibility for the accounts)

The candidates, political party's or coalitions according to the case, are responsible for the remittance of the accounts of their electoral campaign.

Article 39

(Accounts rendered and appreciation)

1. The National Commission of Elections proceeds with the appreciation of the submitted accounts of the revenues and expenses within a period of sixty days, having to publish the conclusions taken in one of the most famous newspaper and in the government gazette.
2. In case of verifying any irregularities in the accounts, the National Commission of Elections will notify the party, coalition or candidate to proceed with the rectification of the accounting process within a period of fifteen days.

3. If the competitive entities do not submit their accounts within the period established in the number 1 of the Article 37 of the present law, or if do not proceed with the presentation of the new accounts in terms of the number 2 of the present article or if its concluded that there was an infraction to the disposed in the article 37 of the present law, the National Commission of Elections will communicate to the Public Persecution Service to apply the procedures under the accordance of the Law.

Article 40

(Prohibition of the usage of public assets during the electoral campaign)

1. It is extremely forbidden the usage of public property, local municipalities, autonomous institutes, public companies or public and private joint stock companies in which the government is the major shareholder by the candidates, political party's or coalitions.
2. Except for the disposed in the previous number, the public property referred in the article 26 and 29 of the present law.

TITLE IV

Electoral process

Chapter I

Organization of the Polling Stations

Article 41

Organization of the Polling Stations

(Training)

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

ARTICLE 42

(Locals of operation)

1. The Polling Station is located in public buildings with easy access and safety conditions, preferable school.
2. In case of lack of an adequate public building, private buildings can be requested for this purpose.
3. The polling stations settled in foreign countries operates in venues proposed by the embassy, consulates or by any other governmental representation in foreign countries.
4. Its not permitted 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
5. The locals where the Polling Station operates should if possible be the same place where the electoral census operated.

ARTICLE 43 (Announcement

of the date, hour and local)

The National Commission of Elections will publicly announce date, hour and local where the polling station will operate, using for the purpose efficient means.

ARTICLE 44

(Relation of the Candidates)

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

ARTICLE 45

(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 46

(Polling Stations)

1. In each Polling Station there is a desk or desks with the responsibilities of promoting the act and orientating the voting 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 vice-chairman, one secretary and two scrutinizers who also have the responsibility of watching over for the organization of voters during the voting act.
3. The desk 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. 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 polling officials and train them for the accomplishment of this task after listening to the candidate's representatives.
6. The chosen polling officials responsibility is compulsory, in case of anything major occurs; they are incompatible with the function of a candidate mandatory or delegate.

ARTICLE 47

(Recruitment of the polling 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 48

(Constitution of the desks)

1. The Polling stations desks are constituted at the time of commencement of its operation in the places previously established by the National Commission of Elections and its supporting organs.
2. The constitution of the Polling Stations outside the locals previously indicated implies the nullity and void of the electoral procedures, in case of anything major occurs, properly justified and approved by the national commission of Elections.
3. The polling station officials must be present at the local Polling Stations two hours before the commencement of voting.
4. If the Technical Secretariat of Electoral Administration verifies a problem one hour before the commencing of the voting due to the absence of an indispensable official will designate after agreement with the present candidates' delegates, a substitute among the electing citizens, a person with recognized suitability, considering with no effect the designation of those who had been absent.
5. The designated officials are exonerated from their working place.
6. The exoneration referred in the previous number does not affect the rights and privileges they are entitled for, having, nevertheless to prove the efficiency of the polling officials.

ARTICLE 49

(Inalterability of the desks)

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

ARTICLE 50

(Polling Station Voting Material)

1. The technical Secretariat of Electoral Administration must assure at the right time the supply of necessary material to the polling station, as follows:
 - a) Authenticated copy of the census books containing the subscription of the voters for that Polling Station.
 - b) The electoral summary documents 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 ballot papers
 - 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 State Administrative Organs to assure the necessary indispensable conditions for the storage, conservation, safety and inviolability of the material referred in the previous numbers.

ARTICLE 51

(The types of the ballot boxes)

The ballot boxes used must be translucent.

Article 52

Delegates and candidates

(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 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 53

(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 Polling Station desk, submitting their names to the provincials, districts and locals or cities Commission for accreditation.
2. The supporting organs of the National Commission of Elections at a district or city level must submit credentials for what refers to the previous number of the present article and proceed with the remittance to the interested entities within forty eight hours before the suffrage.

ARTICLE 54

(Candidates representative's rights and obligations)

1. The listed 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 polling station 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 supervision 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 desk.

ARTICLE 55

(Immunity of the candidate's representatives)

The candidates representatives may not be arrested during the polling station operations, unless in case of criminal offence punishable by a penalty of two years imprisonment.

SECTION II

Ballot Papers

ARTICLE 56

(Main characteristics)

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

ARTICLE 57

(Other components)

1. In each ballot paper are placed the candidates identification elements, the candidates are horizontally positioned, and one below the other, separated 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 presidential Elections the identity elements are the full names of the candidates, their pictures and the respective electoral symbols.
5. 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 58

(Color and other characteristics)

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

ARTICLE 59

(Topographic examination of the ballot papers)

Before the definitive printing of the ballot papers, 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 in a perfect order, in the same order when presenting the candidatures to the National Commission of Elections.

ARTICLE 60

The production of the ballot papers

The ballot papers are produced in serial sequentially numbered.

CHAPTER III

Elections

SECTION I

ARTICLE 61

(Individuality, presence and the particularity of the voting)

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

ARTICLE 62

(The voting right)

1. The act of voting constitutes a right of all citizens.
2. The public and private entities and other employers must give to their public officers and employees a time off to exercise their voting right.

ARTICLE 63

(Locations of the voting procedures)

The right of voting is exercised at 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 64

(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 Polling Station or outside no one should reveal the candidate to who is voting or is going to vote.

ARTICLE 65

(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 73 of this present law.

ARTICLE 66

(The opening of the Polling Station)

1. The Polling Station will open in all the country at 7 am and closes at 6 pm.
2. TheChairmanopensthePollingStationandproceedswiththesupervision of the voting booth and other working documents of the respective desk together with other officials 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 67

(The reason for not opening the Polling Stations)

1. 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 disturbance during the previous day or in the voting day.

ARTICLE 68

(Irregularities and its suppressing)

1. If verified any irregularity impeding the voting process, the officials 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 though the Technical Secretariat of Electoral Administration.

ARTICLE 76

(Interruption of the electoral operations)

1. The electoral operation will be interrupted and subject the nullity in the following cases:
 - a) Occurrence of disturbance in the municipal territory, calamities or public disturbances which can affect the accomplishment of the voting act.
 - b) Occurrence of any disturbance or turmoil at the Polling Station.
2. The electoral operations 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 considered 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 70

(The presence of non voters)

1. Without prejudicing the exposed in the number 58 of this present law, it's not permitted the presence at the Polling Station of the following individuals:
 - a) Non voting citizens
 - b) Citizens who have already voted
2. It's permitted the presence of the Medias, if properly authorized by the National Commission of Elections, having to:
 - a) To present the identification and credentials to the Polling Station officials.
 - b) Avoiding of taking photographs or filming the voting booths, ballot boxes and avoiding getting information's from the voters three hundred meters radius the Polling Stations.

ARTICLE 71

(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 enacted 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 voting.

SECTION III

General form of voting

ARTICLE 72

(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 representatives 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 voters:
 - a) Presidential candidates
 - 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 73

(Votes from voters not subscribed at the local Polling Station)

1. The Polling Station Officials, police officers and journalists accredited can exercise their voting right at the Polling Station where they are working, even if not subscribed in the census book of the referred Polling Station.
2. The ballot papers 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.

(Module of voting)

ARTICLE 74

1. When presenting before the Polling Station, the voter shows his hand to the Polling officers and gives his voter's card to the Chairman.
2. After he has identified and verified his subscription, the chairman gives him a ballot paper.
3. Then the voter goes to the voting booth, where he votes by putting an X in the blank square or presses the fingerprint over the rectangular space of his voting candidate and folds the ballot paper.
4. Back to the desk the voter introduces the ballot papers into the ballot boxes and then presses 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 by mistake the voter spoils one ballot paper, he must ask the chairman of the Polling Station for another one and returning the spoiled one, which will be signed by the Chairman and kept.
6. In case foreseen in the previous number the chairman nullifies the ballot paper, signs and keeps as exposed in the article 96 of the present Law.
7. After exercising the voting right the voter receives the voting card and goes away.

ARTICLE 75

(Handicapped voters)

1. The blind and the disabled 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 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 76

(Illiterate voters)

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 pressing the fingers in the appropriated ink placed in the voting booth.

ARTICLE 77

(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 representatives, having for this effect to present their identity, passport or other document containing a photograph, generally used for the identification.

SECTION IV

Guarantee of voting freedom

ARTICLE 78

(Doubts, complaints and protests)

1. Besides the candidate's representatives, any voter is liable to question or present, in writing, complaints and protests concerning to the electoral operations of the respective Polling Station, having to furnish with the necessary proofs.
2. The officials 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 officials, 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 officials concerning to this issue will be taking by the number of the votes of the members present, having the chairman and his substitute a special vote (vote of quality), in case of equality can be material to appeal to the respective Commission.

ARTICLE 79

(Maintenance of order and discipline)

1. It is the responsibility of the chairman of the Polling Station assisted by his officials to assure freedom of the voters and keep order and discipline, taking for the effect the respective providences.
2. It is not permitted at the Polling Station drunkards, drug consumers, individuals in possession of any arm, insane people, those who in some way disturbs public order and discipline; they will be taking out by the ordinance of the chairman of the Polling Station.

ARTICLE 80

(Propaganda prohibition)

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

CHAPTER 81

(Prohibition of armed forces presence)

1. At the polling stations and in its radius (three hundred meters) is forbidden the presence of armed forces, excepting the exposed in the following numbers.
2. If necessary to stagnate turmoil's, oppose aggressions or violence at the Polling Station or in its proximity, or in case if disobedience to its orders, the chairman can, after listened, request the presence of the armed forces to maintain public order, if he mentions in the announcements the reasons and the period during which the armed force were 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 desk.

ARTICLE 82

(Especial duties of the journalist)

The Medias professionals during the exercise of their professional duty at 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 III

The counting

SECTION 1

Article 83 (The partial counting)

1. After closing the voting process, the Chairman of the Polling Station proceeds with the counting of the ballot papers not used and filled by the voters, closing them with a note in two especial subscripsts, one for the election of the President of the Republic and other for the deputes of the House of the Assembly , closing and sealing. Then he locks the lists of the voters signed by all the polling officials and candidate's representatives sending them to the respective district or city Commission.
2. All the foreseen operations in this section are effectuated at the Polling Station.

ARTICLE 84

(The counting of the voters and the ballot papers used)

1. After terminating with the partial operation, the Chairman proceeds on the counting of the number of the voters who had voted in accordance with the census book.
2. Thereafter, the chairman orders to open the ballot boxes one by one in order to check the number of the entries of the ballot papers, count them, deposit them to the ballot boxes and sealed.
3. From the number of ballot papers counted is made immediate announcement to the public through the original announcements which the Chairman read out loudly and orders to affix at the Polling Station.

ARTICLE 85

(Suppressing the differences on counting)

1. In case of differences between the existing ballots papers in the ballot boxes and the existing voters, will be validated for effect of announcement the number of the ballot papers in the ballot boxes if there not more than the number of the voters.
2. In case the number of the voting papers in the ballot boxes are superior to the number of the subscribed voters the voting is considered null and void and the announcement of the new date of elections will be under the stipulated in the number 2, article 186 of the present Law.

ARTICLE 86

(Votes counting)

1. After the reopening of the ballot boxes the Chairman of the table orders to proceeds with the counting of the ballot papers guided by the following rules:
 - a) The chairman opens, displays the ballot papers and announces out loudly the voted candidate and the list.
 - b) The secretary or his 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 chairman proceeds with the confrontation between the number of the existing votes in the ballot boxes and the number of votes in each pack.

ARTICLE 87

(Blank votes)

It is a blank vote when the ballot paper is not used.

ARTICLE 88

(Null votes)

1. Invalid vote is when the ballot papers entails the following circumstances:
- a) When more than a blank square has been used.
 - b) When there is a doubt about the square or rectangle used.
 - c) When square or the rectangle used corresponds to a renounced candidate.
 - d) When a cut, drawing or erasure is made in the ballot paper.
 - e) When any word written.
2. Is not considered invalid vote the ballot paper 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 89

(Candidate's delegates intervention)

1. After concluding the operation referred in the number 84 and 86 of this present law, the candidate's representative can check the ballot papers packs in a separated way, without changing its composition, in case of doubt or objection in relation to the counting or qualification given to any ballot paper they can request for explanation or present complains or protests to the chairman of the polling station.
2. In case the complaints are not attended by the Polling Station, the ballot papers 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.
3. The complaints or protests not attended do not impede the counting of the ballot papers for the effect of partial counting.

ARTICLE 90

(Announcement of the partial counting)

1. The partial counting is immediately announced through the original announcement papers 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 counting can only be announced after the stipulated closing hour of the voting at national level.
3. The electoral summary documents and the partial counting are affixed at the Polling Station, at a local of public access.

ARTICLE 91

(Communication effect for provisional votes counting)

The chairman of the Polling Station informs immediately the district or city Commission of Election about the information in the ballot papers and, in its turn, they inform the provincial Commission of Elections who also informs the National Commission of Elections.

ARTICLE 92

(Destiny of the protested and complained ballot papers)

1. The protested, complained and nullified ballot papers after signed by the chairman or his substitute are put in packs, sealed and send to the district or city commission of elections within a period of twenty four hours counted from the closing hour of the voting.
2. Within forty eight hours from the closing hours of the voting in the respective polling station, the votes referred in the previous number must be submitted to the Provincial Commission of Elections which submits to National Commission of Elections.

ARTICLE 93

(Destiny of the rest of the ballot papers)

1. The remaining valid and blank ballot papers are placed in packs, sealed and kept in custody of the district or city commission of elections.
2. After the deadline for the appealing to the electoral litigation or after it has been definitely decided, the chairman of commission referred in the previous number orders the destruction of the ballot papers.

ARTICLE 94

(Electoral Summary documents and announcements of the electoral operations)

1. It is the responsibility of the secretary of the Polling Station to elaborate the electoral summary document and announcements of the voting process and the partial announcements.
2. The electoral summary documents 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 Polling Station venue
 - c) The opening and closing hours of the Polling Station.
 - d) The desk deliberations 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 ballot papers
- i) The counting differences in case existing and the specifications found.
- j) The number of complaints and protest attached to the electoral summary document
- k) Other occurrences seen as necessary by the desks
- l) Signature of the Polling Station Officials

ARTICLE 95

(Copies of the electoral summary document and the announcements)

The chairman of the Polling Station distributes the original copies of the electoral summary document and the announcements, duly signed and stamped to the candidate's representatives, coalitions and the proponent electing citizens groups.

ARTICLE 96

(The remittance of the partial announcement)

1. In the next twenty four hours after the closing of the voting, the chairman's of the polling station submit personally or send via a most safe way, against the reception of a receipt, electoral summary document, 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 city or District Commission of elections must submit within a period of twenty four hours, counted from the closing period of the general voting, in the respective Polling Station, all the material referred in the number 1 of the present article, via a most safe way and against the reception of a receipt of the related documents to the District or city Commission of Election through the Technical Secretariat of Electoral Administration.

3. The candidate's representatives and the observers can follow the documents and must be advised about the departure of the transport loaded with them, as referred in the number 1 of the present article.

Article 97

Section II

(The counting at the district or city level)

1. The counting at district or city level is done by the National Commission of Elections of the city or district.
2. The city or district Commission of elections gathers the results obtained from each desk of the polling stations constituted within the territorial limits of its jurisdiction and proceed with the counting of the electoral results at the district or city level.

Article 98

(Preliminary operations)

At the beginning of the work, the district or city commission of Elections decides on the complained or protested ballot papers, verifies those considered nulls in order to make a second appreciation using for the effect the uniform criteria, this operation may result on the correction of the partial counting in each polling station. Without prejudging the aspect related to appealing.

ARTICLE 99

(Contents of the announcement)

1. The announcements of the voting referred in the previous article consist in:
 - a) Verifying the total number of the subscribed voters.
 - b) Verifying the total number of voters who have voted and not within the area in which the announcements is referred, with the respective percentages relative to the total number of the subscribed voters.

- c) Verifying the total number of blank, null and valid votes and the percentages relative to the total number of the subscribed voters.
- d) Verifying the total number of the votes obtained by each candidate, and if is the case, each coalitions with the respective percentages relative to the total number of the voters.

ARTICLE 100

(Summary of the city and district results)

1. The district of city commission of elections elaborates a summary of the global voting results obtained at the polling stations of a determined geographic area, which may contain the following:
 - a) Total number of the registered voters
 - b) The total number of registered voters who had voted and not voted with the respective percentages.
 - c) The total number of blank, null and valid votes with the respective percentages relative to the total number of voters.
 - d) The total number of votes obtained by each candidate, with the respective percentages relative to the total number of voters.

Article 101 (Elements

of the announcements)

1. The announcements is made based on the electoral summary document and the polling stations announcements papers, the voting books and other documents submitted to the district o City Commission of Elections.
2. The lack of elements in some of the polling stations is not an impediment for the announcement of the results which may start with the existing elements, having the chairman of the National Commission at that level to call for a new meeting in order to finish with the works within the next twenty four hours taking necessary attention to solve the problem of the missing elements.

ARTICLE 102

(The City and District electoral summary documents and the announcements)

1. After the District or city 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. Two copies of the electoral summary documents and announcements are immediately send by the district of city commission of election for announcement purposes to the National Commission of Elections through the provincial commission of elections which also keep a copy of the referred documents.
3. One copy of the electoral summary documents and the announcement is given to the district Administrator and other to the Mayor, who will have a responsibility of keeping.

ARTICLE 103

(Original copies of the electoral summary documents and the announcements of the district or city)

To the candidates representatives, observers and journalist are given the electoral summary documents and the announcements of the district or city signed and stamped by the district or city commission of elections.

ARTICLE 104

(Announcements of the results)

The announcements of the district or city results are published in a solemn and public act by the chairman of the district or city within a maximum period of three days counted from the closing date of the elections, through announcement in the medias and by affixing the original announcements at the entrance hall of the district or city Commission of elections and in the State buildings.

Article 105

(The delivery of the district or city announcement material)

1. In the next twenty four hours after the announcement of the district or city counting, the chairman of the district or city commission of elections gives personally against reception of a receipt, electoral summary documents, announcements, the voting books and the related documents to the district of city chairman of the provincial commission of elections.
2. The candidate's representatives and the elections observers may follow the documents transportation procedures as referred in the number 1 of the present article and they must be advised about the time of departure of the respective transport.

SECTION III

(Provincial announcements)

Article 106

(Announcement at provincial level)

1. The announcement of the results at electoral circle is made by the provincial commission of election.
2. The provincial Commission of elections centralizes all the results obtained by each district with the information's from the electoral summary documents and announcements of the respective districts and proceeds with the provincial announcements of the results.

Article 107

(Summary of the city and district results)

The Provincial Commission of elections elaborates a summary of the global voting results obtained from the polling stations of each district in which may contain the following:

- a) Total number of the registered voters
- b) The total number of registered voters who had voted and not voted with the percentages relative to the total number of voters.

- c) The total number of blank, null and valid votes with the percentages relative to the total number of voters.
- d) The total number of votes obtained by each candidate, with the respective percentages relative to the total number of valid votes.

ARTICLE 108

(Contents of the announcement of the voting)

The 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 voters who have voted and not within the area in which the announcements is referred, with the respective percentages relative to the total number of the subscribed voters.
- c) Verifying the total number of blank, null and valid votes and the percentages relative to the total number of the subscribed voters.
- d) Verifying the total number of the votes obtained by each candidate, and if is the case, each coalitions with the respective percentages relative to the total number of the voters.
- e) Verifying the distribution of mandates obtained by the different candidates.
- f) Verifying the determination of the elected candidates
- g) Verifying the results obtained by each district.

Article 109 (Elements

of the announcements)

1. The announcements are made based on the electoral summary documents and the announcements papers of the polling stations of the district or city.

2. The lack of elements in some of the polling stations is not an impediment for the announcement of the results which may start with the existing elements, having the chairman of the Commission at that level to call for a new meeting in order to finish with the works within the next twenty four hours taking necessary attention to solve the problem of the missing elements.

Article 110

(Reclamations and protests)

The ballot papers on which have complaints, or protest and null and void ones must be submitted by the Provincial Commission of Elections to the National Commission of elections within the next twenty four hours.

ARTICLE 111

(The Provincial counting electoral summary documents and announcements)

1. After the provincial 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 copy of the electoral summary documents and announcement is immediately sent by the Chairman of the Provincial Commission to the National Commission of Election.
3. Other copy is given to the Provincial Governor who also keeps under is responsibility.

ARTICLE 112

(Publication of the announcements)

The results of the provincial elections are announced by the Chairman of the Provincial Commission of Elections within a maximum period of five days to count from the day of the closing of the voting. For this effect is used the media and by affixing the originals electoral summary documents at the entrance hall of the Provincial Commission of elections headquarters and in the provincial government building.

ARTICLE 113
(The original copies of the electoral summary documents and the announcements)

The chairman of the Polling Station distributes the original copies of the electoral summary documents and the announcements, duly signed and stamped to the candidate's delegates, coalitions and the proponent electing citizens groups. This copy can also be given to the team of observers and journalists if requested.

ARTICLE 114
(Remittance of the electoral documents)

The electoral census books and all other documents must be remitted to the National Commission of Elections by the Provincial Commission of Elections within a period of forty five days after the publication of the official schedules of the elections. The National Commission of Election keeps the documents under their guard and responsibility.

SECTION IV
(General Counting and the centralization)

Article 115
(The competent entity responsible for the general announcements)

It's under the responsibility of the National Commission of Elections to centralize and announce the results obtained in each province by the presidential elections candidate, the counting, and the general announcement of the legislative elections and the distribution of the mandates.

Article 116
(General announcements elements)

1. The general announcement is made with the information's from the electoral summary documents and the announcements.

2. The centralized information and the overall counting initiates immediately after the reception of the electoral summary documents and the announcements from the provincial commissions and it's continuously counted without interruption until its conclusion.
3. In case of missing the electoral summary documents or announcements papers from the provincial counting the conclusion of the overall counting at national level, the chairman of the National Commission of elections must take necessary measures in order to solve the missing document problem within a period not superior to twenty four hours.

Article 117 (Appreciation of previous questions)

At the beginning of the work the National Commission of Election decides on the complained or protested ballot papers, 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.

CHAPTER 118 (Operations of the overall announcements and the centralization)

The overall announcements consist in:

- a) Verification of the total number of voters subscribed and the number of those who have voted and the percentages related to the first.
- b) Verification of the total number of votes obtained by each presidential candidate and each list, number of blank and null votes.
- c) Determination of the presidential candidate elected.
- d) Verifying if there is any need for a second round election for the presidential.
- e) Distribution of the mandates for the parliament members from each electoral constituency.
- f) Determination of the elected candidates from each list.

Article 119

(Electoral summary documents and announcements from the national centralized information and the global announcements)

1. After the national centralization and the overall announcements a signed and stamped registry of the electoral summary documents and the announcements 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. Thereafter the copies of the electoral summary documents and the announcements referred in the previous number are sent to the Constitutional Council, to the President of the Republic and to the Speaker of the House of Assembly, with regard to the Legislatives.

Article 120

(Publication of the Results from the National Centralized information's and the overall Announcements)

The Chairman of the National Commission of Elections within fifteen days counted from the closing date of the voting announces from the National Centralized information the overall results, ordering to publish it through the National Medias and affixing at the entrance of the National Commission of Election.

ARTICLE 121

(Original copies of the electoral summary documents and announcements of the overall Announcement)

To the candidates and their representatives is given a copy of the electoral summary documents and the overall announcements issued by the National Commission of Election, signed and stamped. These copies can also be given to the observers and journalists upon request.

Article 122

(Destiny of the Documentation)

The electoral summary documents and the announcements from the Provincial Commissions and from the National Announcement remain on custody and Conservation of the National Commission of Elections.

Article 123

(Official schedule of the Elections Results)

1. The National Commission of Elections elaborates two official schedules with the legislatives and presidential results, which may contain as follows:
 - a) The numbers of the subscribed voters.
 - b) The number of the voters who have voted and not with the respective percentages relative to the total number of the subscribed voters.
 - c) The total number of blank, null and valid votes and the percentages relative to the total number of the subscribed voters.
 - d) The total number of the votes obtained by each candidate with the percentages relative to the total number of voters.
 - e) The total number of mandates attributed to each candidature.
 - f) The names of the elected candidates, with nomination from the respective candidature or political party's in case of coalitions.
2. By electing the members of the parliament, besides the elements referred in the previous number must be certain the elements referred to each electoral constituency.

Article 124

(Validation and proclamation of the electoral results)

The Constitutional Council after deliberating on the appealing and complaints proceeds with the appreciation of the electoral summary documents and announcements from the national centralized information for the presidential and legislative elections for validation and proclamation.

TITLE V
The President of the Republic Elections

CHAPTER I
(Passive Electoral Capacity)

Article 125

The Mandate term for the President of the Republic

1. The president of the Republic is elected by Universal Suffrage, direct, equal, secret, personal and periodic.
2. The presidential candidate is elected for a term of five years.

**Article 126 (Passive
electoral capacity)**

1. To the position of the president of the republic are eligible Mozambican citizens of original nationality who may at the period of subscription be above 35 years of age.
2. State Officials and other public, collective entities may not require authorization to subscribe their candidature for the position of president of the Republic.

Article 127
(Ineligibility)

The following citizens are not eligible for the position of President of the Republic:

- a) Those who do not enjoy active electoral capacity.
- b) Those condemned for life imprisonment for major crime.
- c) Those condemned due to larceny, robbery, breach of trust, falsification or crime committed by public officer, habitual criminals if decided in court.
- d) Those who are not residents in the country for more than 12 months before the commencement of the elections.

Article 128

(Electoral Constituency)

The electoral constituency is the territory of the Republic of Mozambique.

CHAPTER II

The Elections Regime

Article 129 (The Election method)

The President of the Republic is elected by uninominal list, presented according to the terms of the articles 132, 133 and 134 of the present Law.

Article 130

(Elections criteria)

1. The elected President of the Republic is the candidate who obtains more than half of the valid votes, the null and blank votes are not considered.
2. If none of the candidates obtains that majority, a second round will take place where only two candidates are permitted to compete.
3. In the second round it's considered elected the candidate who obtains larger number of valid votes.

Article 131

(The Election Day)

The election occurs in the same day in all the electoral territory.

CHAPTER III

Candidature

(Submission of candidature)

Article 132

1. The presidential candidature is presented by the political party's or coalitions statutorily competent, supported by a minimum number of ten thousand citizens properly identified.

2. The presidential candidature can also be presented by groups of citizens if supported by ten thousand signatures.
3. Each voter (citizen) can only be proponent to only one Presidential candidature.

Article 133

(Presentation of the candidates)

1. The candidature submission is done before a Constitutional Council up to sixty days prior to the commencement of the elections.
2. The candidature is submitted by the candidate or by a representative.
3. After the closing period for submission, the Constitutional Council chairman affixes the announcements at the entrance of the institution and at the National Commission of election a list with the names of the candidates.

Article 134

(Formal requirements for presenting a candidature)

1. The presentation of a candidature is made by delivering a declaration to the Constitutional Council.
2. The candidates declaration presented must contains the details as follows:
 - a) A complete identity of the candidate; in which is obligatorily stated the age, profession, residence, ID number and validation.
 - b) Documented proofs that the person is subscribed in the updated census book.
 - c) The candidate Criminal Record.
 - d) Declaration of acceptance of the candidature.
 - e) The candidate declaration in which is stating as not being under any criminal illegality.
 - f) A deposit fee of 100.000,00 MT.

3. The proponent electing citizens must do a subscription proofs and the signatures are certified in the registry.
4. The decision referred in the line d) and e) from the number 2 of the present article are certified in the registry.

Article 135 **(Procedural Irregularities)**

If verified procedural irregularities, the chairman of the Constitutional Council orders immediately to notify the candidate representative to solve the verified problem within a period of five days.

Article 136 **(Rejection of Candidatures)**

It's rejected the ineligible candidate, in terms of the article 127 of the present law.

Article 137 **(Candidature Draw)**

1. In the following three days after the closing date of the presentation of the candidates the National Commission of Elections, before the presence of the candidates or their representatives, proceeds with the draw of the candidates to give them a lined order in the ballot papers, this act is certified by the registry.
2. The Draw result is affixed at the entrance hall of the National Commission of Elections and ordered its publication in the Republic Gazette and in the main Media.

CHAPTER IV

Death or desistence of the candidate

ARTICLE 138

(Desistence of the candidates)

1. Any candidate can give up within fifteen days before the commencement of the electoral process, against presentation of a written declaration certified by the registry and submitted to the Constitutional Council.
2. After the verification of the renouncement declaration, the chairman of the Constitutional Council orders to affix a copy of the letter at headquarters and at the entrance hall of the National Commission of Election and informs the occurrence to the public through the main Medias.

ARTICLE 139

(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.

Article 140
(Publication)

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

CHAPTER V
(Second Round Elections)

Article 141
(Admission to the second round elections)

1. In the second round competes the two most voted candidates.
2. In case of death, incapacity or desistance of one of the most voted candidates, the chairman of the Constitutional Council calls by order of the voting the remaining candidates until 6 pm of the fifth day after the publication of the first elections announcements, for them to declare in public their expressing will to compete or not in the second round elections.
3. After finding the second round competitors, in accordance with the previous numbers, the Chairman of the Constitutional Council communicates immediately to the President of the Republic and orders to affix the announcement at the entrance of the Constitutional Council and the National Commission of Elections, insuring its publication in the serial 1 of the *Republic Gazette* up to 6 pm of the fifth day after the announcement of the first round elections results.
4. In case, as foreseen in the number 2 of the present article, of incapability to call on the second most voted candidate, the second round elections will not take place and the remaining candidate will be elected.

Article 142
(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 on the twentieth first day after the announcement of the first round elections.

2. The electoral campaign of the second elections will have a duration of ten days and terminates twenty four hours before the commencing day of the elections.

CHAPTER VI

The National Counting

Article 143 (The national counting)

The national counting and the proclamation of the elected candidate or the designation of the two candidates who will compete in the second round, according to the article 141 and the subsequent of the present law, is made by a National assembly of counting which commences its work on the second day after the reception of the electoral summary documents and the announcements from the centralized information.

Article 144 (National Assembly of Counting)

1. The National Assembly of Counting is constituted by the plenary of the National Commission of Elections.
2. The candidates and their representatives can observe the work of the National Assembly of Counting.
3. The candidates and their representatives can during the counting present their complaints, protests or contra-protests on which the assembly deliberates.

Article 145 (The National Counting Operations)

The National counting consists on the verification of the elements referred in the article number 188 of the present law and in the determination of the elected candidate.

Article 146
(Electoral summary documents and announcements
of the National Counting)

1. After the National Counting a certification 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. Thereafter is elaborated the electoral summary documents and overall announcement duly signed and stamped which is sent and affixed at the entrance hall of the National Commission headquarters, in a place of easy public access.

Article 147
(Copies of the electoral summary documents and the
National announcements)

To the candidates and their representatives is given original copies of the electoral summary document and the announcements of the National counting, signed and stamped, issued by the National Commission of Election, against a reception of a receipt. These copies can also be given to the team of observers and the journalist upon request.

Article 148
(Proclamation, validation and publication of the results)

1. The National results are validated by the Constitutional Council.
2. The proclamation of the results is under the responsibility of the Chairman of the Constitutional Council.

Article 149
(Publication of the National Results)

In the following days after the validation and proclamation of the electoral results, the chairman of the Constitutional Council orders its publication in the *government gazette* and send a copy to the National commission of Elections and to the president of the Republic.

TITLE VI

(Legislative Elections)

CHAPTER I

Mandate and Composition of the House of Assembly

Article 150

(Composition of the House of the assembly)

The House of Assembly is constituted by two hundred and fifty deputies.

Article 151

(Mandate of the House of Assembly)

The House of Assembly deputies are elected for a mandate term of five years.

Article 152

(Type of Mandate)

The House of Assembly deputies represent the all country and not only the constituency they were elected for.

CHAPTER II

Passive electoral capacity

Article 153 (Passive

electoral Capacity)

The eligible deputies of the House of Assembly are the Mozambicans citizens.

Article 154 (Passive electoral incapacity)

The following are those under the passive electoral incapacity:

- a) Those who do not enjoy an active electoral capacity.
- b) Those condemned due to larceny, robbery, breach of trust, falsification or crime committed by public officer.
- c) Those judicially declared habitual criminals.

Article 155 (Incompatibilities)

1. The mandate of the depute of the House of Assembly is incompatible with the following duties:
 - a) Government official.
 - b) Current Diplomat in government service.
 - c) Solders and policeman's in active service.
 - d) Provincial governor and districts administrators
 - e) Municipal Mayor
2. The entities referred in the previous number who are elected deutes of the House of Assembly are exonerated in the terms of the article 182 of the present Law.
3. The deputies mentioned in the previous number resume his duties in the parliament, in case he is exonerated from the duties as referred in nr. 1 of the present article.
4. The mandate of the deputies is also incompatible with other jobs remunerated by any foreign government or by any international organizations.

Article 156
(General ineligibility)

The ineligible to the parliament are the following citizens:

- a) Magistrates in government services
- b) The soldiers or elements of armed units who are part of the permanent board
- c) Career diplomats in government service
- d) The members of the National Commission of Elections and its supporting organs, members of the Technical Secretariat of the electoral Administration and its representatives at provincial, district or city levels.

Article 157
(Civil Servants)

The Civil servants or others from other collective public entities may not need authorization to submit their candidature for the position of deputies of the House of Assembly.

CHAPTER III
Organization of the electoral constituencies

Article 158
(Electoral Constituency)

1. The electoral territory is organized for the effect of the election of the deputies of the Parliament in the electoral constituency.
2. The electoral constituencies are the same as administrative provincial's and Maputo city. They are designated by the same names having the headquarters in their respective capitals.
3. For the voter's resident in foreign countries are constituted two electoral constituencies, one referring for those countries in Africa regions and other for other continents, both with headquarters in Maputo city.

(Article 159)
(Distribution of the deutes in constituencies)

1. The total numbers of deputies from all the electoral constituencies at national level are two hundred forty eight, proportionally distributed to the total number of each electoral constituency.
2. To find out the number of deutes to be elected in each electoral constituency at national level proceeds as the following form:
 - a) Taken the total number of registered voters at National level.
 - b) It's divided the total number of the registered voters at national level by two hundred and forty eighty so is obtained the quotient of each mandate.
 - c) Obtain the total number of registered voters for each constituency at national level.
 - d) It's divided the total number of the registered voters in each constituency by the approved quotient from line b of this number.
3. The rest of the division referred in line d of the previous number, if superior to half of the quotient, gives to the respective constituency the right to elect one more delegate.
4. Each constituency outside the country correspond to one deute.

Article 160
(Publication of the distribution diagram)

1. The national commission of Elections orders to publish a diagram with the number of the deputies and its distribution over the electoral constituency in the serial 1 of the government gazette until hundred and twenty days before the elections.
2. The diagram referred in the previous number based on the electoral census

CHAPTER IV

Regime of elections

Article 161

(Form of election)

1. The deputies of the House of Assembly are elected from a multinomial list in each electoral constituency, having the voter the right of a single vote on the list.
2. The lists are presented to the voters by the proponents during the electoral campaign.

Article 162

(Organization of the lists)

1. The proposed lists should indicate permanent candidates in the same number of the mandates attributed to each electoral constituency and also of the substitute's deputies and these may not be superior to the number of the permanent deputies.
2. Each candidate from the lists may be considered ordered according to the sequence of the respective candidate declaration.

Article 163 (Distribution of the seats from the lists)

1. The mandates in the list are given in accordance to the precedence's stated in the respective list.
2. The existing incompatibilities between the functions of the candidate and the position of deputies may not impede the attribution of the mandate.
3. In case of candidate's death or illness which may determine his physical or psychological incapacity, the mandate will be conferred to the next immediate candidate referred according to the precedence's.

Article 164

(Criteria of election)

The conversion of votes into mandates is made in accordance to the method of proportional representation and in accordance with the method of high Hondt media, obeying the following rules.

- a) Its counted in a separated way the number of votes received by each list of the respective electoral constituency.
- b) The number of votes counted from each list is successively divided by 1,2,3,4,5,6,8 etc, the quotients are lined in a decreasing order from its greatness in a serial of many terms in regarding to the mandates attributed to the respective electoral constituency.
- c) The mandates belong to the lists from which are corresponding the terms of the established serials of the previous rules, receiving each list as many mandates as the terms of the serial.
- d) In case of remaining only one mandate to distribute and equals to the different lists and the following terms of the serial, the mandate will be conferred to the list which might have obtained minor number of votes.

Article 165

(Election of Mozambique community in foreign countries constituency)

The election of the two deutes who may represent Mozambican communities in foreign countries is made in accordance with the principle of the election from the majority.

CHAPTER V

The presentation of the candidatures

Article 166 (The legitimacy presentation)

1. The candidatures are presented by the political party's separately or by the coalitions if already registered until the commencing period of the presentation of the candidatures, the lists can also integrate citizens not registered in their respective party's.
2. The political party's and coalition may not present more than one list of candidates within the same electoral constituency.

Article 167 (Prohibition of multiple candidates)

Nobody can be a deputy candidate for more than one seat, which may be under ineligibility.

Article 168 (Coalition for the effect of elections)

1. The political party's which make coalition for electoral purposes should communicate the fact to the National Commission of elections for the registration of the document, jointly signed by the respective organs.
2. The communication foreseen in the previous number may contain the following:
 - a) The foreseen definition in the extension of the coalition.
 - b) The indication of the denomination, acronym and symbols of the coalition.
 - c) The designation of the directive board members or coordinators of the coalition.
 - d) A proof document approved by the convention of a coalition.

Article 169

(Inscription)

For the effect of elections the Political party's and coalition must register with the National Commission of Elections, attaching the statutes, certificate of registration, acronym, symbols and the domination to the subscription process.

Article 170

(Appreciation of the denominations, acronyms and symbols)

1. Twenty four hours after setting the information for registration, the national commission of election checks on the legality of the denomination, acronyms and symbols and the identity or similarities with other partys or coalitions.
2. The decision foreseen in the previous number is immediately published by announcement affixed at the entrance of the National Commission of Elections.
3. Within a period of twenty four hours commencing from the time of the affixation of the announcement, the representatives of any list presented can appeal to the Constitutional Council who decides within a period of forty eight hours.

Article 171

(Candidatures' Presentation)

1. The presentation of candidatures is the responsibility of the political party's or coalitions.
2. The presentation last until ninety days priori to the date foresee for the Elections in the National Commission of Elections.

Article 172

(Presentation requirements)

1. The presentation consists on delivering the request and the list with the names and other identification elements of the candidates and the representative of the list, the candidature declaration and, in case of coalition, the indication of the parties that points the candidates.

2. The candidature declaration is signed by the both party's separately by the candidates, which contain the following:
 - a) Not covered by any ineligibility.
 - b) Don't appear in any other list of candidates
 - c) Accept the candidature presented by the proponent
 - d) Agree with the representative indicated in the list

Article 173

(Publication of the lists and verification of the candidatures)

1. After the termination of the period for the presentation of the lists, the chairman of the National Commission of Elections orders to affix the copies at the entrance of the National Commission of Election hall.
2. Within the next eight days after the closing period of the candidatures presentation, the National Commission of Election verifies the regularity of the process, authenticity of the documents and the illegibility of the candidates.

Article 174

(Procedural Irregularities)

1. If verified procedural irregularities, the Chairman of the National Commission of Election orders and notifies immediately the candidate's representatives to verify the problem within a period of five days.
2. If the problem is not solved within the period foresee in the previous number it will imply the nullity and void of the candidature.
3. The candidate representative is immediately notified to proceed with the corrections, if willing, to change the process, within a period of five days. If that does not occur, the candidature is invalidated and the position will be occupied by the next following candidate.

Article 175

(Candidatures rejection)

1. The ineligible candidates are rejected.

1. The representatives will be immediately notified to proceed with the candidate substitution within a period of ten days.

Article 176

(Publication of the decisions)

The Chairman of the National Commission of Election orders to affix at the entrance of the National Commission of Elections the accepted and rejected lists. After the closing period referred in the article 174 and 175 of the present law, having no alteration in the list,

Article 177

(Complaints)

1. As a result of the rejected and accepted lists the political party's may appeal to the Constitutional Council, within a period of five days after the publication referred in the previous number regarding the candidates, political party's and coalitions competing in the elections.
2. The complaints are observed and submitted to the National Commission of Elections within five days, commencing from the closing period referred in the previous number.

Article 178 (Affixation

of the definitive lists)

After the closing period of the observation of the complaints by the Constitutional Council, the National Commission of Elections orders to affix the definitive lists within the next three days and notifies the candidates, political parties and coalitions competing in the elections.

Article 179

(Draw of the lists)

1. Within the next three days after the publication of the definitive lists, the National Commission of Elections proceeds, before the candidates or representatives present with the draw of the presented lists in order to organize and affix the candidates in the ballot papers according to the order, certifying and registering the act of the draw.

2. The result of the draw is affixed at the entrance hall of the National Commission of Elections and ordered to be published in the government gazette and in the Media.

CHAPTER VI

Substitution and renouncement of the candidates

Article 180

(Substitution of the candidates)

1. Substitution of the candidates may occur prior fifteen days before the commencing of the elections, only in the following circumstances:
 - a) Rejection of the candidate due to ineligibility.
 - b) Death or illness that may result in physical or psychological incapacity.
 - c) Renouncement of the candidate
2. If verified any of the previous cases, a new list must be published.

Article 181

(Renouncement)

1. The renouncement is made up to seventy two hours prior to the commencing of the elections, having the fact being communicated by the respective representative to the National Commission of Elections.
2. The referred renouncement in the previous number is made by means of a declaration duly signed and certified by the registry.

Article 182 (Seat

in the parliament)

1. The seats in the House of Assembly will be filled by the first non elected candidate. Obeying the respective order of precedence's of the list from which belonged the one entitled for the vacancy of the mandate who may not be impeded to assume the mandate.
2. There is no vacancy in case of no existence of permanent or substitute's candidates elected in the list for the seat of that mandate.

3. The deputed of the assembly who had been nominated members of the government may not exercise the mandate until the cessation of their function and replacement in terms of the number 1 of the present article.

CHAPTER VII

Article 183 (Appealing for electoral litigation)

1. The irregularities that may occur during the voting and in the partial, general and national announcements might be observed in the appealing for electoral litigation in case they had been object for complaints and protests presented at the moment they were verified.
2. From the decision taken on the complaints the person entitled to make an appealing can be the person who presents the complaints, protests or contra-protest, the candidates and their representatives, the political party's or coalitions in the electoral constituency in which they are competing.
3. The petition specifies the facts and the right for appealing attached to all proofs, including a photocopy of the electoral summary documents from the polling station where the irregularity occurred.

TITLE VII

Electoral litigation and offense

CHAPTER I (Electoral litigation)

Article 184

1. The petition for the appealing specifies the respective bases of the fact and the right with all proofs attached.
2. For the formulation of the appealing, the National Commission of Election and its supporting organs must facilitate the necessary documentations when required by the competitors.

3. The electoral litigation must be submitted to the National Commission of Elections up to two days after the voting counting, having the decision to be taken in the following two days subsequently.
4. Before the decision on the appeal is taken, the National Commission of Election must notify the candidate representative in the terms of the Law, if willing, to make a pronouncement within a period of twenty four hours.
5. The decision referred in the number 2 of the previous article must be notified, using the quickest way to the competitor or competitors.

Article 185 **(Appealing to the Constitutional Council)**

1. After the deliberations made by the National Commission of Elections the Constitutional Council is the final Institution to which the appealing must be submitted in relation the complaints or protests.
2. The appealing must be submitted within three days commencing from the date of notification of the deliberation of the National Commission on the protest or reclamation presented.
3. Within five days the Constitutional Council judges the appealing and immediately communicates the decision taken to all the interested parties including the electoral organs.

Article 186 **(Nullity of the Elections)**

1. The votes at any Polling Station can only be considered null and void if it's discovered irregularities which may substantially influence the elections results.
2. After has been declared null and void the elections in one or more Polling Stations, the respective electoral procedures will be repeated until the second Sunday posterior to the decision.

Article 187 **(Cost exemption and the velocity processes)**

The electoral litigation process is exempted of any costs and has priority over any other dossier.

CHAPTER II

Electoral offense

Section I

General principle

Article 188

(Grave offense and disciplinary responsibilities)

1. The sanctions comminate in this Law does not exclude the enforcement of other serious offenses due to the practicing of any crime foreseen on the legislative penal.
2. The infractions foreseen in this present Law constitutes also disciplinary action when committed by any agent subject to that responsibility.

Article 189

(Especial aggravating circumstances)

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 persons involved are members of the National, Provincial, city or district Commission of Elections, Polling Officials or members of the Technical Secretariat of the Electoral Administration.
- c) If the person involved is a candidate, candidate representative or a listing representative.

Article 190

(Prescriptions)

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

SECTION II

(Infractions related to the presentation of candidates)

Article 191

(Multi candidature)

Those who intentionally register more than one list for the House of Assembly deputies will be punished with an exclusion penalty, being excluded from all the lists used for the subscriptions and a fee payment of four minimal salaries.

SECTION III

Infractions related to electoral campaign

Article 192

(Ethical norms for campaigning)

The practice of disorder, insurrection and instigation to hatred, racism, violence or war will be punished to a life imprisonment of two to eight years if other aggravating circumstances do not occur.

Article 193

(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 fee.

ARTICLE 194

(Incorrect use of the denominations, acronyms or symbols)

Those who during the electoral campaign use the acronym or symbols belonging to the candidates 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 195

(Abusive usage of the time speech given on TV and radio)

1. The political party's or coalitions and the respective members who using the radio or TV on the exercise of the right of speech for electoral campaign instigate to hatred, insurrection, disorder, violence or war will be immediately suspended from the exercise of that right during a period of one day from the days of the campaign period depending on how serious the case is, without prejudicing the civil and criminal responsibility.
2. The suspension covers the right of speech in all the radio and TV stations even if the case had occurred in only one of them.

Article 196

(Misuse of the Public Property)

The political parties or coalitions and other candidates who infringes the exposed in the article 40 of the present law concerning to the usage of the public property during the electoral campaigns such as local Municipal, Autonomous institutes, state owned – companies or companies with major state shareholdings will be punished with a penalty up to one year imprisonment and ten to twenty minimal national salaries fee.

Article 197

(Suspension of the right to speech on the radio and TV)

1. The suspension foreseen in the previous number is determined by the National Commission of elections on their own initiative or through the reception of a request from the people or from any entity or institution.
2. For the effect of the eventual evidences from the broadcastings referred to the candidates, political parties and coalition's speech, the radio and the TV station must record and keep the files until the validation of the elections in order to supply the material to the National Commission of Elections.

3. The National Commission of elections take a decision, expecting for the moment of the next speaking time of the party from which the offender is a member on the radio or TV station, apart if aware of the infraction twenty four hours before, situation from which decides within this period.
4. The decision that the previous numbers refers to is also made after hearing, in writing, from the offender political party, and may be requested, in case of need by means of a written letter sent to the political party or coalition containing a briefing of the infraction and an explanation directing the party or coalition to respond to the document by using the same via within the period stated for the effect.
5. It's only accepted the production of documental evidences which may be delivered at the National Commission of Elections within the period stated for the response.

ARTICLE 198

(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 month imprisonment and a payment of three to six minimum national wage fees.

Article 199

(Illegal processions, marching, assembly or meetings)

Those who during the electoral campaign instigate to the accomplishments of meeting, processions, marching or assemblies without obeying the Law 9/91, 18 of July and the Law 7/2001, 7 of July and the article 21 of the present Law will be punished by a penalty of twenty five to fifty minimal national salaries fee.

Article 200

(Violations on the right of resonant and graphic electoral campaign material)

Those who infringe the exposed in the articles 30 and 31 regarding to the resonant and graphic advertisement will be punished by a payment of three to six minimal national salaries fees.

Article 201

(Damage of the electoral campaign material)

1. Those who steal, damage or destroy partially or totally or delete the electoral campaign material affixed or placing on top of it any other material with the intention of hiding it will be punished by an imprisonment penalty up to six months and six to twelve minimal national salaries fees.
2. The facts foreseen in the previous number are not punishable in case these electoral campaign materials are placed in the house or private establishment without acknowledgement or if not an updated material.

ARTICLE 202

(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 imprisonment penalty up to six months and a payment of three to four minimum national salaries fees.

ARTICLE 203

(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 payment of thirteen to twenty minimum salaries fees.
2. Under the same penalty is anyone who at the date of the elections remains doing electoral campaign in the Polling Station or on its proximities (around three hundred meters).

ARTICLE 204

(Announcements of the surveyed results)

Anyone who announces the surveyed results or voters opinion concerning to the legislative or presidential elections in the period between the commencing of the electoral campaign to the moment of the National Commission of Election results announcements, will be punished by a prison penalty up to one year imprisonment and a five minimal national salaries fees.

Article 205

(No records of the income and expenses)

All those who infringe the disposed in the article 37 will be punished by a penalty of twenty five to fifty minimal national salaries fees.

Article 206

(Non accountability of the incomes and expenses)

1. All those who infringes the exposed in the nr. 1, article 39 of the present Law, will be punished by a penalty of twenty five to fifty minimal national salaries fees and will not be allowed to compete in the elections.
2. The board members of the party's, coalitions, the listed representative and delegates will respond to the payments of the fees.

SECTION III

Infraction related to the elections

Article 207

(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 six months to two years and a payment of two to four minimal salaries fee.

ARTICLE 208

(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 six months imprisonment and a payment of three to four minimum salaries fees.

ARTICLE 209
(Impediment to participate in the elections)

1. Anyone who at the date of elections prevents any voter to exercise his voting right will be punished with a prison penalty up to three months and a payment of four to six minimum salaries fees.
2. The law enforcing agent at the date of elections who prevents any voter to exercise his voting right will be punished with a prison penalty up to twelve months and a payment of six to twelve minimum salaries fees.

ARTICLE 210
(Multi voting)

Anyone who votes or is permitted to vote more than once will be punished by a penalty of three months to one year imprisonment and a payment of four to six minimum salaries fee.

ARTICLE 211
(Unfair Representation)

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

ARTICLE 212
(Vote secrecy violation)

1. Anyone who at the Polling Station or in its proximities, up to 1000 meters radius, 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 radius, 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 213

(Coercive and fraudulent attitude over the voters)

2. 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 ev1 sect minister, will be punished with a prison penalty of six months to one year imprisonment and six to twelve minimum salaries fees.

ARTICLE 214

(Dismissal or threat to dismissal)

Anyone who dismisses or threaten 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 six months and to one year imprisonment and a payment of four to six minimum salaries fees, without prejudicing the nullity of the sanction and the automatically readmission of the employer in case the dismissal had been effectuated.

ARTICLE 215

(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 penalty up to one year imprisonment of and six to twelve minimum salaries fee.

ARTICLE 216

(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 three months imprisonment and a payment of three to four minimum salary fee.

2. If discovered that in the not exhibited box were ballot papers, the penalty will be up to one year, without prejudging the exposed in the next article.

ARTICLE 217

(The process of placing the ballot papers in the Ballot boxes and its robbery)

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

ARTICLE 218

(Fraud during the votes counting)

The Polling Station officials who opposes or allows to place the confirmation of one voter who hasn't voted or exchanges the lists during the announcements or reduces, erases the votes or by any way falsifies the elections results will be punished by a penalty of six to two years imprisonment and four to five minimal national salaries fees.

ARTICLE 219

(Opposition to Candidate's representative rights for performing)

1. Anyone who impedes the entry or departure of the candidate representatives or opposes against the exercising of the responsibilities they are entitled recognized by the present law, will be punished by a penalty of six months imprisonment and four minimal national salaries fees.
2. In case of being the Polling Station Chairman, the penalty will be of one year.

ARTICLE 220

(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 four to five minimal salaries fee.

Article 221
(Refusal to distribute the original electoral summary
documents and the announcements)

All those who having the duty and without justification refuses to distribute the original copies of the electoral summary documents and the announcements duly signed and stamped to the candidates representatives or mandatory, political parties, coalitions or to proponents electing citizens will be punished by a penalty up to four to five minimal national salaries fees.

ARTICLE 222
(Disturbance at the Polling Stations)

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 three months imprisonment and two to six 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 intimated by the Chairman will be punished by a prison penalty of three months imprisonment and payment of three to five minimum salaries fee.
3. Anyone who comes to the Polling Station with a firearm or weapon will be immediately taken off the weapon, having a penalty of up to two years imprisonment and six to twelve minimum salaries fee.

ARTICLE 223
(Disturbance 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 to three months imprisonment and a payment of four to five minimum salaries fees.

Article 224 (Disturbance
to the electoral inspection)

1. Those who obstruct the entry or departure of a candidate representative, mandatory or candidate depute for the House of Assembly, or by

opposing them to accomplish the right they are entitled for by the present law will be punished by a penalty of one year imprisonment and four to five minimal national salaries fee.

2. In case of being the chairman of the polling station doing the obstruction the penalty is not less than six months.

Article 225

(Obstruction to the exercising of the rights)

All those who prevent the National Commissions or its organs members indicated to proceed with the centralization and the counting of the electoral results will be punished by a penalty up to one year imprisonment and five to seven minimal salaries fees.

ARTICLE 226

(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 two to three minimum salaries fees.

ARTICLE 227

(Falsification of the Electoral documents)

Anyone who falsifies, changes, substitutes or destroys the electoral books, electoral summary documents, 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 228

(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 without evidences will be punished with a penalty of six to twelve minimal salaries fees.

ARTICLE 229

(Absence of the police forces)

If for safety reason is required at the Polling Station a police unit and it does not arrive with no justification during a period of twenty four hours, the police force commander will be punished with a penalty of three months imprisonment and payment of six to twelve minimum salaries fees.

Article 230

(Non fulfillment of duties)

Those who do not accomplish any of the tasks imposed by law without justification omitting the practicing of necessary administrative procedures or portraying unjustifiable delaying for its accomplishment will be punished by a payment of five to twelve minimal national salaries fees.

TITLE VIII

Final dispositions

Article 231 (Exemption and certificates issue)

1. The documents destined for the purposes of this law are exempted from the payment of any fees, emolument and taxes. These documents are as follows:
 - a) Necessary certificates for electoral subscription.
 - b) Documents destined to submit any protest, complaints or appealing foreseen in the Law.
 - c) Registry certifications
2. The necessary certificates for the elections subscriptions are obligatorily issued within a period of five days if a petition is made by any interested.

Article 232
**(Rules observed during the fabrication of the electoral
summary documents and the announcements)**

1. The electoral summary documents and the announcements are written in clear and concise style. The corrected, deleted or amended words are observed before it has been signed.
2. The number obtained by each candidate is written in words and in ciphers.

Article 233
**(Preparatory value of the electoral summary
documents and the announcements)**

In case of missing the voting elements contained in the articles 95, 103, 111, and 147 of the present Law due to deviation, or destruction. The electoral summary documents and announcements duly signed and stamped and already given to the political party', coalitions or their representatives, they will be evidences for electoral litigation.

ARTICLE 234
(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 commencing 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 235
(The investiture of the deputies)

The House of Assembly deputies are sworn in within fifteen days after the publication of the final results in the *government gazette*, having the National Commission of Election to state the exactly date.

Article 236
(The President of the Republic Inauguration)

The presidential inauguration will be up to eight days after the House of Assembly deposes investiture. Having the National Commission of Election to state the exact date.

Article 237
(Repeal)

The repeal act of Law number 7/2004, July 17 and other legislation which may contradict the present Law.

Article 238
(Enforcement of the Law)

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

Approved by the House of Assembly, 20 of December 2006.

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

Promulgated on 26 of February 2007.

ARMANDO EMILIO GUEBUZA, President of the Republic.

Traduzido por Paulo Jorge Piloto

Glossary

For the effect of the present law, below are the definitions of some expressions used:

Opening of the Polling Stations: is the procedure by which the chairman of the polling station in accomplishment of the duties given by the National Commission of elections verifies the hour, the conditions of the ballot boxes and the rest of the material for the voting, opening one by one the ballot boxes and inspecting the voting booth.

Abuse from a Civil servant or similar – is the action of a Civil servant, estate officer, collective entity or dignitary of a religion, who due to his position obliges or takes by force the voter to vote in one or other list.

Electoral Summary document – is the document in which is registered the way the voting act has occurred containing the main elements of the voting.

Appreciation of the accounts – is the analyses the National commission of election does on the accounts presented by each candidature as a way of verifying if the money given to the competitors was used in accordance with the Law.

Counting of the voting – is the act of counting the votes on the desks of the polling stations.

National Counting – is the determination of the counting at national level with the objective of announcing the overall results obtained and the distribution of the mandates and also the verification of the presidential candidate most voted.

Partial counting – Is the counting of the votes in each desk of the polling station, the counting of the votes placed in the ballot boxes by the voters when chosen the presidential candidate or the deputed of the House of Assembly.

Provincial counting – is the counting of the votes placed in the ballot boxes by the voters for the presidential or for the deputed of the House of assembly elections at provincial level, after the counting of the votes from the desks of the polling stations, in accordance with the definitive schedule announced by the National Commission of Elections.

Polling station - is the local where the voters exercise their voting right.

B

Ballot paper is the paper with specific format which the voter uses to express his voting will by choosing the deputies of the House of the Assembly or the President of the Republic.

C

Electoral Census Book is an appropriate brochure, with a characteristic of an official book duly numbered and signed with an opening and closing term in which is written the names of the voters.

Voting Booth- is a reserved compartment, localized close to the ballot boxes in which the voters secretly express their voting will, signing the choice made relative to the candidate.

Electoral campaign – Is an organized action made by the competitors aimed at obtaining votes during the voting.

Candidate is the citizen proposed to be elected by the voters.

Effective candidate – Is the one to whom the voters' voting is exercised whether in the presidential or legislative elections.

Candidate substitute is the one accepted by the National Commission of Elections when the voted candidate for the deputies of the House of Assembly is in the impossibility of accomplishing the mandate or in case of his absence.

Candidature is one or more citizen's proposal to presidential or deputy candidacy, which can be made by political parties, coalitions or by proponent electing citizens.

Multiple Candidatures is the act of one citizen by being a candidate for more than one list. It's forbidden by law more than one candidature, this act leads to the ineligibility of the candidature.

Active electoral capacity is the right a citizen has to practice the voting by choosing candidates or candidate of his preference for the presidential or for the deputies of the House of Assembly.

Passive electoral capacity is the right a citizen has to be a candidate for the presidential or legislative elections.

Voter's card – is a document for a voter identification which is issued to all subscribed citizens for electoral purposes, by certifying the right of voting to the polling official to whom they present during the voting act.

Centralized information of the electoral results is the act of counting the polling station desks according to the definitive polling schedule announced by the National Commission of Election, before proceeding with the counting of the votes.

Election of Mozambique community in foreign countries constituency is the geographic area in a foreign country in which is organized a constituency for the Mozambicans citizens exercise their voting right.

Electoral Constituency is the geographic area within the national territory organized for the exercising of the voting right by the citizens.

Electoral coercion is the act of intimidating the voters by violence or threats or any other fraudulent mean in order to force the voters to choose a determined candidate.

Party's coalition is the association of two or more party's which have decided to make an alliance to join forces for the effect of elections.

Electoral Commissions are organs constituted to organize and conduct the electoral process, it can be at provincial, city, district and national level.

Electoral litigation is the process of solving the problems related to the interpretation or application of norms which regulate the electoral process.

Contra protest is the manifestation of disagreement against a presented protest due to any operation or measure taken in the electoral process.

Electoral corruption is the persuasion by bribing the voter with the intention of making him choose the candidate pointed by the briber.

Candidate representative is the person indicated by the competitor as his representative at the polling station in order to follow the procedures and supervising the acts related to the voting.

Denomination is the name or designation by which the political party's and party's coalitions competing in the election are known in accordance with their statutes.

Depute is the citizen elected in the elections, direct, equal, secrete and periodic as depute of the House of assembly.

Right for a specific time on TV or radio is the right the candidates, political party's, coalitions competing in the elections have to utilize public radios and TV for the accomplishment of their electoral campaign.

The voting right is the right the citizens with active electoral capacity have to vote to the candidate they wish, this right is inalienable and without renouncing.

Announcements is the document in which is registered the electoral results of the candidates and affixed in the location where the counting is been made for public knowledge.

Civil education is a set of actions with the objective of training the citizens on the aspects related to the elections, the electoral process and the way how each citizen should vote.

Scrutinizer is the person chosen by the desks officials to proceed with the votes counting and deal with the organization of the voters during the voting process.

Electoral financing is the attribution of the funds to the candidates or political parties to pay the expenses related to the electoral campaign.

Supervision is the supervision of the electoral acts during the electoral process in order to certify if it's being held in accordance with the norms.

Supervision of the expenditures and revenues is the supervision of the sources of financing and the electoral expenses of the candidates.

The armed forces for the maintenance of public order are a police unit of the Republic of Mozambique entrusted to deal with the public order during the electoral act.

Electoral fraud- is an illicit act aimed at changing the elections results is punishable in terms of this Law.

Electoral litigation – Is an infraction of the electoral norms.

Impugnation is the act of complaining, under the terms of the electoral Law.

M

Representative is the person who represents the interests of a determined candidature, having on behalf of that person authority to practice acts related to the elections.

Mandate – Is the political powers which by means of voting which the voters confer to the president of the Republic or the deputies of the House of Assembly.

Announcement schedule is the summary document of the elections results which must cover the total of the voters, the voting's, the abstinences and the null and valid votes for each candidature or coalitions, the mandates obtained by each of them, all this enumerated by each electoral constituency. It must also include the names of the elected candidate and the party electoral symbol respectively.

A summary schedule of the centralized information of the voting district by district , described in written is the document in which is made the summary of the centralized information of the voting obtained in all the polling stations in all the districts, containing the total numbers of the subscribed voters, the number of those who had effectively voted and not and the percentages related to the total number of the subscribed voters, the blank , null and valid votes with the respective percentages and also the total number of the votes obtained by each candidature.

Hondt method is the calculation formula for the mandates according to the principle of proportional representation.

Polling Stations Desks are a group of people who have the responsibility of conducting the elections at each polling station.

Neutrality is the attitude which should be adopted by all participants in the electoral process and by the public authorities, this consist in not showing preferences rather by words or actions to any candidate or political party competing in the elections.

Ethical Norms are the set of principles which prohibits the use of expressions which can insult any citizen or candidate and instigate violence.

National and International Observation is the act of verifying, following and observing the acts related to the electoral process procedures, its accomplished by national and international organizations.

Personal vote is the principle in which the voters can exercise the voting, not delegating other persons this right.

Electoral process is the set of rules enacted by law necessary for presidential and the House of Assembly deutes elections.

Proportional representation is the electoral system in which the number of candidates and deutes are calculated proportionally in according to the votes obtained.

Acronym is an abbreviation of the name and designations of the political parties and political coalitions competing in the elections in according to their statutes.

Symbol is a representative sign or an emblem of a political party or coalition competing in the elections.

Opinion poll is a survey on the voter's preference or opinion.

Draw of list is the act in which is draw the list of the candidates to affix in their order in the ballot paper.

Suffrage is an act of electing the president of Republic and House of Assemble deutes.

Suspension of political right is a period whereby the citizens loses his political right due to judicial sentence, the most important being the right of voting or been voted.

Allocated time on TV and radio station is the period of time allocated to the candidates of different political parties to speech their views on public TV and radios about their electoral campaign.

Judicial responsibility is the legal framework to resolve conflicts or irregularities according to the Law.

Ballot box is the box where voters deposit their votes.

Voting is an act of depositing the ballot paper in the box.

Vote is an expression will of the voter to indicate by putting X or a finger print to a candidate of his choice either the deputies of The House of Assembly or the president of Republic.

Disabled voter is a person accompanied by a respected person in the community chosen by him to exercise his vote.

Multiple votes is the act exercised by a voter to vote more than once. The multiple votes constitute electoral infraction.

