



Republic of mozambique
The House of Assembly

Electoral Law

(Law nr 9 /2007)

Law nr. 9/2007
26 of February
(Related to the institutionalized systematization of the electoral census for the accomplishment of the elections, the repeal act of Law number 18/2002, October 10).

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Having the need to proceed with the revision of the Law 18/2002, October 10 related to the institutionalized systematization of the electoral census for the accomplishment of the elections, on the use of the enacted competences of the number 4, article 135 and the line d) of the article 179 both from the constitution, the House of Assembly determines as follows:

CHAPTER I

Article 1
(General Definitions)

The definitions of the terminologies used in the present law are in the glossary attached to it as part of the law.

ARTICLE 2
(General rules)

The electoral census is an official act, obligatory and unique for all elections by universal suffrage, direct, equal, secret, personal and periodi and for referendums as well.

ARTICLE 3
(Universality)

It's the obligation of all Mozambicans living in the country or abroad to accomplish the subscription of the electoral census and are liable all citizens with eighteen years old completed or to complete on the date of elections.

ARTICLE 4

(Actuality)

The electoral census must correspond the real electoral coverage.

Article 5

(Obligatory and legality)

1. All citizens under the situation exposed in the article number 3 of the present law have the obligation of promoting their subscription on the electoral census and verifying if they are duly subscribed in order to request its ratification in case of error or omission.
2. The subscription in the electoral census is obligatory done by the respective responsible entity.

Article 6

(Only one subscription accepted)

Nobody can be subscribed more than once during the electoral census.

Article 7

(Temporal extension)

1. The validity of the electoral census is for each electoral constituency.
2. The electoral census is updated during the years of the realization of elections.

Article 8 (Effectiveness

of electoral capacity)

1. A citizen subscription in the electoral census book implies the effectiveness of the electoral capacity.
2. The effectiveness referred in the previous number can only be overcome in case of presentation of a proof document of the voters death or a document of change of the voters electoral capacity.

Article 9
(Territorial extension)

1. The electoral census is a national wide operation and it might also occur in foreign territories.
2. The geographic areas for the accomplishment of the electoral census are:
 - a) National wide, districts and the city of Maputo.
 - b) In foreign country, on the areas of embassy control or diplomatic mission.

Article 10
(Creation of electoral census teams)

1. For the accomplishment of the electoral census, the Technical Secretariat of Electoral Administration creates teams.
2. When geographic dispersions of the voters or other especial circumstances have an implication in the process the Technical Secretariat of Electoral Administration can create mobile teams within an extension of roughly ten kilometers.
3. The electoral census teams consist of citizens above eighteen years old, recruited by the Technical Secretariat of electoral administration on a public bidding of curricular evaluation who may have technical capacity to accomplish the act.

Article 11
(Electoral Census center)

1. The voter will registry within his residential.
2. The census centers could be used as a polling station.
3. The census registry of military and law and order maintenance personnel should take place within their unit.
4. It's not allowed the accomplishment of electoral census in the following places:

- a) Police stations
- b) Military units
- c) Religious ministers residence
- d) Buildings owned by political parties, coalition party', proponent citizen groups and associations affiliated to political parties.
- e) Local where alcohol beverages are sold
- f) Religious Buildings.
- g) Health Centers

CHAPTER II

(Organization of the electoral census)

Article 12

(Directorate and supervision of the Census Centers)

The electoral census is coordinated and accomplished by the Technical Secretariat of Electoral Administration under supervision of the National Commission of Election.

Article 13

(Census Centers)

1. The Technical Secretariat of the electoral Administration effectuates the electoral census under the supervision of the National Commission of Elections in all the national territory.
2. In foreign countries the census is effectuated in the areas within the jurisdiction of the consulates and diplomatic missions or other forms of representation made by the teams of the Technical Secretariat of the National Administration under the supervision of the National Commission of Elections.

Article 14

(The collaboration of the political party's)

1. Any political party or coalition of parties legally constituted can collaborate with the Technical Secretariat of the Electoral Administration and with the National Commission of Election on the creation of the centers census.
2. The political party's and coalitions referred in the previous number can also collaborate with the Technical Secretariat of the electoral administration and the National Commission in other activities, having the latter to define the terms of the referred collaboration.
3. The collaboration of the political party's and coalition will take place though elements designated by the respective board and presented to the provincial, district or city level of the Technical Secretariat of the Electoral Administration during the ten days prior to the commencing of the census period.

ARTICLE 15

(Supervision of the electoral census procedures)

1. The political party's and coalitions of party's have the right to supervise the electoral census procedures in order to verify if it is in accordance with the law.
2. The supervision of the electoral census procedures is made by representative designated by the political party's and coalition of party's whose names are given to the locals supporting organs of the National Commission of Elections until to fifteen days before the commencement of the electoral census.
3. In case of the lack of information foreseen in the previous number, it will be considered that the political party's or coalitions did not accomplish the duty of informing electoral authority.
4. The local supporting organs of the National Commission of Elections at district or city level must issue credentials for the representatives referred in the number 2 of the present article and proceed its delivery to the interested entities within a period of five days upon request.

5. The political parties or coalitions of parties are represented in each census center by two representatives being one permanent and other substitute without hindering the possibility of the same person do the supervision in several other census centers.

Article 16

(Rights of the political party's representatives)

The political party's representative's rights are as follows:

- a) Request and get information's about the procedures on the electoral census.
- b) To present in written complaints and appeals on the deliberation related to the electoral capacity.
- c) To denounce to the Technical Secretariat of electoral administration with the acknowledgement of the National Commission of elections about any kind of illegality including cases of illegal census centers.

Article 17

(Duties of the political parties representatives)

The duties of the political party' and coalitions of party's are:

- a) To exercise a conscious and objective supervision.
- b) Abstaining from presenting complaints or appealing in bad faith.

Article 18

(Observation of the census)

The procedures of the electoral census can be object of observation by national or international entities under the terms and regulations of the National commission of elections.

CHAPTER III

Operations of the Electoral census

Section I

Updating period

Article 19 (Updating of the electoral census)

The updating period of the electoral census takes place during the years of elections on a date to be defined by the Ministry Council under the proposal of the National Commission of Elections.

Article 20

(Announcement of the updating dates)

The National commission of election announces the updating dates for the electoral census until sixty days before its commencing by means of announcements to be fixed at the normal public buildings and in the Medias.

SECTION II

Registration procedures

Article 21

(The forms information)

1. The voter's subscription should be in full name, parents name, place and birth date and complete subscriber's residential residence.
2. The issuing passport, identity card or waiting pass.
3. In case of lack of the documents referred in the previous number, the person identification is made as follows:
 - a) By any other document normally used for identification containing an updated photography, signature or finger prints. These documents can be a drive license, military card identification or military demobilization card.

- b) None ID holding citizen recognized or none by the census officials.
- c) Witnessed by two subscribed voters from the same census center well known and respected citizens in their community.
- d) Having a full birth certificate or birth certificate.

Article 22 (Registration in a foreign country)

The registration in a foreign country is made based on the presentation of the following documents in use:

- a) Valid Mozambique passport and ID.
- b) Document issued by foreign government confirming the residency of the bearer still in use.

Article 23 (Registration process)

1. The subscription form is signed and dated by the voters and by the census officials.
2. In case the voter incapability to sign or press his finger printer due to a notable disability the fact must be registered by the census officials in the very subscription form.

Article 24 (Voter's card)

1. In the registry act is given to the citizen a voter's card as a proof of his registration duly certified by the census center containing the following details:
 - a) Photography
 - b) Subscription number
 - c) Voters full name.

- d) Date and place of birth
 - e) Census geographic constituency
 - f) Signature or finger printing
 - g) Number and name of the issuing entity of the ID or passport if possible
2. In case the card is stolen, the voter must inform the census center to issue a new voters card indicating it to be a second card.

Chapter 25

(Change of the name of the voter)

1. Any change made on the name of the registered voter must be communicated to the issuing entity in order to effect the alteration on the voter's name.
2. The voters name alteration does not imply alteration of the initial subscription number.

Chapter 26

(New registration)

New registration to the electoral census is applied to those who are not registered but having active electoral capacity. The registration is effectuated within updating period of the electoral census.

Chapter 27

(Registration transference)

1. The transference of the census registration due to voter's change of residence is made during the subscription period by delivering the voters card and by presenting the subscription and transference form to the census entity of the new residence.
2. The transference forms must be issued by the census entity in which the voters registered in order for them to delete the voters name from the respective census registry book until five days after the termination of the subscription period and by a safest way.

Article 28

(Change of residency of a voter living in a foreign country)

1. In a foreign country any change of residency from one geographic area to another implies making a request for deletion of the voters registry either making new registry or not on the new geographic unit.
2. In case the residence change occurs within the same geographic area, the voter is obliged to inform if not canceling the subscription for the electoral census.

Article 29

(Information supplied by Civil Registry)

1. For the effect of the disposed in the line c) , nr. 1, article 32 the Civil registry dispersed all over the country will send on month bases a list of names of deceased citizen above eighteen years of age to the Technical secretariat of Electoral administration of the district or city level and to the same entity at national level containing the deceased parents names, place and date of birth at the end of the previous subscription.
2. The Technical Secretariat of Electoral administration at national level remit statements of the list referred in the previous number to its branches to which the deceased were registered.

Article 30

(Information's related to interdicted and convicted citizens)

1. For the effect of the exposed in the line b) of the number 1, article 32, the courts will send on months bases to the city or district Technical secretariat of electoral administration and to the same entity at national level a list containing the ID details referred in the previous number of the citizens who having completed eighteen years of age are convicted by the court or by a mere decision which implies prohibition of exerting the electoral rights in the terms of the electoral law.
2. The Technical Secretariat of Electoral administration at national level remit statements of the list referred in the previous number to its branches to which the deceased were registered.

Article 31

(Information related to that psychiatric patients)

1. The directors of the Psychiatric health units of those constituencies with psychiatric people must remit monthly to the Technical Secretariat of electoral administration at district, city and national level a statement containing the citizens ID details referred in the article number 29, of those who having completed eighteen years of age are intern in the psychiatry unit but are not convicted by court and also remit an annual statement of those who during the registry period are in the same situation and are going to complete eighteen years of age until the end of the registry period.
2. The same procedure must be adopted when the citizens referred in the previous number are discharged from the psychiatric units.
3. The Technical Secretariat at national level remit a statement of the respective cases referred in the previous number of this article to the districts and cities Technical Secretariat of Electoral Administration in which the referred are registered.

Article 32 (Deletion

of the registration)

1. Registrations to be deleted from the census electoral books are as follows:
 - a) Those who had been subject to residential transference.
 - b) Those who are electoral incapacitated as foreseen by law.
 - c) Those whose death has been officially certified by the Civil registry in terms of the article 29 or by a foreign government by means of a certificate given to the census authorities upon their request and certified by the Registry.
 - d) Those who have changed Mozambican nationality in terms of the constitution.
2. The deletions referred in the lines b), c) and d) of the number 1 of the present article are only permitted until sixty days before the commencing of the elections.

3. Until fifty five days before the commencement of the elections the electoral census entity publishes by means of announcements the list of the citizens whose registration were deleted from the electoral census books in the terms of the line b), c) and d) of the number 1 of the present article for the effect of complaints and appealing due to improper deletion.
4. The announcements referred in the number 3 of the present article are affixed during ten days.
5. The complaints made in terms of the number 3 can be submitted until two days after the affixation of the respect announcement. Having the decisions on the complaints to be given by the City or district Technical Secretariat of electoral administration during a period of three days.

Article 33 (Communication on the deleted registration)

1. The communication on the deleted registration in terms of the previous article must be submitted to the Technical Secretariat of electoral administration at national level in order for them to change the respective files by an annotation.
2. The Technical Secretariat of Electoral Administration at national level informs on deletions to its city and district institution in which the referred in the number one are registered.

SECTION III

Article 34 (Elaboration of the electoral census books)

1. The census book must contain the registration number and the name of the voter.
2. In each polling station desk there will be only one census book with a model to be defined by the National Commission of elections under proposal of the Technical Secretariat of Electoral administration at national level.

3. The electoral census book will be made whenever possible by a computerized system.
4. Each page of the registration book is initialed by an official in terms of opening and closing of the day .
5. The numbering of the census must coincide with the voter's census form and the voter's card.

Article 35

(Correction of errors)

1. After closing the census registration, the officials proceed or will embark on corrections of the errors committed during the census exercise.
2. In the case of corrections of errors the census centers must invite the representatives of the political parties and coalitions in order for them to be present in the act.

Article 36

(Closing of the electoral census book)

Upon the closing section, the census books are certified and signed by the officials and representatives.

Article 37

(Information details)

1. After fulfilling the procedures foreseen in the previous article the census centers send all the documents referred to the process to the Technical Secretariat of the electoral administration of the city or district.
2. The Technical Secretariat of the District or city after the complaint period referred in the article 41 and the submission of the number of the registered voters within the geographic unit to the Election district or city Commission for appreciation and deliberation, send a statement with a definitive number of voters and the copies of the respective electoral census book to the Technical Secretariat of electoral Administration at provincial level.

3. Upon submission of the number of voters registered within the geographic jurisdiction by the Technical Secretariat of electoral administration to the provincial commission of elections for appreciation and deliberation, the Technical Secretariat of electoral administration at provincial level send a statement with the definitive numbers of the voters and copies of the respective electoral census book to the Technical Secretariat of electoral administration at National level.
4. The Technical Secretariat of the electoral administration at National Level informs the National Commission of elections about the total number of the registered voters.

Article 38

(Publication of the information)

The National Commission of Elections publishes in the *government gazette* the total number of the registered voters until thirty days after receiving detailed information provided by the Technical Secretariat of the Electoral Administration at national level.

Article 39

(Exposition of the electoral census books copies)

Between the fourth to thirteenth days after the closing of the electoral census, the copies of the electoral census books are displayed in the city or district Technical Secretariat of Electoral administration headquarters for effect of consultation and reclamation.

Article 40

(The inalterability of the census books)

The electoral census book is inalterable during the fifteen days prior to elections.

SECTION IV

Complaints and appealing

Article 41 (Complaints before census authority)

1. During the exposition period of the census books, any voter, political party or party coalition can within a period of five days submit their complaint in written to the census authority on the omissions or incorrect subscriptions of the documents.
2. The issuing entity decides on the complaints within the next five days after its submission, having to affix immediately its decision within the reclamation period in the respective headquarter.

Article 42 (Appeal to the supporting organs)

1. From the decision taken by the Technical Secretariat of electoral Administration of the city or district an appeal can be made before the National Commission of elections at the district or city level by the voter, political party or party coalition, as referred in the previous article, until five days after the acknowledgement of the decision taken, given in the appeal all the necessary details for appreciation.
2. The district or city commission decides on the appeal within a period of ten days.
3. The decision of the District or City Commission on the appeal is immediately notified to:
 - a) The complainant.
 - b) The Technical Secretariat of Electoral administration of the city or district
 - c) Others interested party's
4. From the decision taken by the district or city Commission of Election have the referred entities of the line a, b and c of this number to submit an appeal to the Provincial Commission of Elections who decides within a period of five days and notifies immediately the following entities:

- a) The complainant.
- b) The district or city Commission
- c) Others interested party's

Article 43

(Appeal to the National Commission of Elections)

1. From the decision taken by the Provincial Commission of Elections the entities referred in the line a, b and c of the number 4 of the previous article, after five days after its publishment have to appeal to the National Commission of Election who decides within a period of five days by notifying the following entities:
 - a) The complainant.
 - b) The district or city Commission
 - c) Others interested party's

Article 44

(The appeal before the constitutional Council)

1. From the decision taken by the National Commission of elections, the Constitutional Council is the last institution to which the appeal can be made and the reply will be given three days after the reception.

The Constitutional council judges as the last institution the appeal submitted within a period of five days and immediately notify the following entities:

- a) The complainant.
- b) The district or city Commission
- C) Others interested party's

Article 45

(The appealing made in foreign Country)

2. From the decision taken by the Technical Secretariat of electoral administration at national level, the appeal must be made before the National Commission of Election after five days of its acknowledgement.

3. The national Commission of elections decides on the appeal submitted within a period of five days and notifies the following entities:
 - a) The complainant.
 - b) The district or city Commission
 - c) Others interested party's
3. From the decision taken by the National Commission of elections , the Constitutional council remains the last institution to which the appeal must be made within a period of five days after been notified.
5. The Constitutional council judges as the last institution the appeal made within a period of five days and immediately notifies the following entities:
 - a) The complainant.
 - b) The district or city Commission
 - c) Others interested party's

CHAPTER IV

Litigation on the electoral census

Section 1

General disposition

Article 46

1. The sanctions culminate in this law does not exclude other aggravating circumstances by practicing of any other crime foreseen in the penal legislation.
2. The infractions foreseen in the present law constitute also an infraction if practiced by agents subject to that responsibility.

Article 47

(Special aggravating circumstances)

In spite of the laws foreseen in the general legislation also constitute especial aggravating circumstances of the litigation related to the census the following circumstances:

- a) If the infraction influences the results of the voting.
- b) If the members are officials of the census entity
- c) If the officials are candidates, representatives, political parts, coalitions or voters, not included in the in the line b) of this article.

Article 48

(Prescription)

The procedures result to criminal infractions during the electoral census prescribes within a period of one year counting from the period of the committing of the crime, which is punishable.

Section II

Infractions related to the especial electoral census

Article 49 (Promotion of deceitful registration)

1. Those who not having electoral capacity who promotes their subscription on the electoral census will be punished with a penalty of two minimal salaries fees.
2. Those who promote their subscription twice on the electoral census is punished with a payment of two or three minimal national salaries fees.
3. Those citizens who promote false declarations or information's with the objective of obtaining registration in the census is punished with a payment of three to four minimal national salaries fees.

**Article 50 (Obstruction
on the subscription)**

All those who using violent means threats or uses a fraudulent trick by inducting a voter to not do the registration or to do it outside the legal period is punished by an imprisonment penalty up to six months and a payment of ten minimal national salaries fees.

**Article 51
(Obstruction on detention due to double or multi
subscription of voters)**

Those who being aware of their double or multi subscriptions do not take the procedures in order to eliminate the irregularity within the right time will be punished by a penalty of four to five minimal national salaries fee.

**Article 52
(False documents)**

All those who issue a false document to a disabled or mental insane to the electoral census will be punished by up to six months imprisonment and a fee of two minimal national salaries fee.

**Article 53
(Denial of a voter's subscription)**

1. All those who during the electoral census deny registering one voter who had been promoting his subscription normally will be punished by an imprisonment penalty up to one year and a fee payment of two to three minimal national salaries fees.
2. The negligent official who abandons his responsibility of registering voters will be punished by a payment of three to four minimal national salaries fee.

**Article 54
(Violation of the rights related to the electoral census book)**

All those who not subdue to the elaboration, organization, rectification or correction of the census books will under the terms of the present law be punished by an imprisonment penalty up to three months and a payment of one to two minimal national salaries fees.

Article 55

(Falsification of the voter's card)

All those who in bad faith modify or change the voter's card will be punished up to six months imprisonment and a payment of two to three minimal national salaries fee.

Article 56

(Falsification of the electoral census book)

All those who by any means change, modifies, replace or suppress the electoral census books will be punished by two to eight years of major imprisonment and a payment twenty to fifty minimal national salaries fees.

Article 57

(Illegal production of the census material)

All those unauthorized or not authorized to produce electoral census material, illegally producing it will be punished by two to eight years imprisonment and by a payment of twenty to fifty minimal national salaries fee.

Article 58

(Impediment to the verification of the registration in the census)

Those who do not expose the electoral census book or impede a subscribed voter checking during the legal established period will be punished up to three months imprisonment and a payment of four to six minimal national salaries fees.

Article 59

(Non correction of the electoral census book)

The issuing entity officials who by negligence do not proceed the corrections of the electoral census book or if they contradict the exposed in this present law will be punished with a payment penalty of four to six minimal national salaries fees.

CHAPTER V

Final and transitory disposition

Article 60

(Issuing of certificates)

1. It is a pre-requisite for the authority to issue certificates regarding the census process upon request by any interested party within a period of five days.
2. It is an obligation invested to the authority to issue certificates whenever requested.

Article 61

(Exemptions)

The following documents are exempted from tax:

- a) The certificates referred in the previous article.
- b) The documents destined to instruct any complaints or appeal foreseen in the previous law.
- c) Civil registry certifications for accomplishment of electoral census.

Article 62 (Conservation of the census documents)

The documentation related to the census which may not be necessary for the electoral administration will be kept in guard during the next five years counting from the date of the last census and one copy of the document will be kept under guard of the Mozambique Historic Archives.

Article 63

(Electoral Census)

It's the responsibility of the Council of Ministers to decide on the date of the commencement of census under the National Commission of elections proposal.

Article 64
(The repeal)

The repeal act of law number 18/2002, October 10 and the other legislations which may contradict the present law.

Article 65
(Enforcement of the law)

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

Approved by the House of Assembly, 20 of December, 2007.

The speak of the House of Assembly, the honorable, Mr. Eduardo Joaquim Mulembwe, promulgated on 26 of April 2007.

ARMANDO EMILIO GUEBUZA, President of the Republic.

Attachement

Glossary

Subscription form – it is a form with a format previously approved through which the citizen exercises his census right.

Electoral census Team – It is a unit consisting of workers or census officials whose responsibility is to register voters. It is a stationed or mobile team.

Electoral census book- it is an official book numbered with the opening and closing page which contains the names of registered voters.

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.

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.

Supervision – it is the verification and control of the electoral census procedures.

A statement with definitive information of the voters - it is the document with the total numbers of the voters subscribed in which is find the following details: the number of the census centers, the code number of the census book, the district and province in which the citizen are subscribed.

Group of electing citizens – it is well organized group of people who intend to run for municipal elections.

Litigation on the electoral census – is the infractions committed against the norms established in the present law.

A statement with a definitive numbers of voters – It is a document with the total numbers of the voters, the number of the census center which is the code of the census book, the district and the province where the voter is registered.

New registration – are subscription made during the updating period of the citizens who having the active electoral capacity haven't been subscribed.

National or International Observation – is the act effectuated by people indicated by different national and international organs to observe the electoral census procedures under the terms defined by the National Commission of Elections.

Obstruction to the registration – is the act of disturbing a potential voter to exercise is registration right or in exercising it during the stipulated period.

National Commission of Election local supporting organs – this are the provincial, districts and cities Elections Commissions.

Census center – it is the place where the citizens with the voting right subscribe themselves in the electoral census book.

Electoral census registration – is the act through which the citizens with the voting right subscribe themselves in the electoral census book.

Complaints or bad faith appeal – is a complainant or demonstrator disagreement being conscious that his act is an unfair practice.

Universality – Is a principle over which a Mozambican aged eighteen years at the time of registration of elections can exercise the right to vote either residing in the country or in a foreign country.

Only one inscription – is the principle over which a citizen can only subscribe only once, and being consequently registered in the electoral census book.