

MOZAMBIQUE ELECTORAL LAW

**Law n. 18/2002
Of the 10th October 2002**

**Published in the Official Bulletin of the Republic
Thursday October 10, 2002, Edition 1, no 41**

SUPPLEMENT

SUMMARY

In the Republic's National Assembly:

Law Nº 18/2002

To introduce amendments to the Laws Nº 5/97, of May 28 and Nº 9/99 of April 14 in relation to the institutionalisation of systematic electoral registration for elections and referendums

Law number 18/2002 October 10, 2002¹

With the necessity to introduce amendments to the Laws nº 5/97 of May 28 and nº 9/99 of April 14, concerning the institutionalisation of the systematic electoral registration for elections and referendums, within the competency established by the paragraph c) nº 2 of article 135 of the Constitution, the Republic's Assembly determines:

CHAPTER I

General Provisions

Article I (Definitions)

The significance of the terms used under the present law are explained in the annexed glossary of this document.

Article 2 (General Principle)

The electoral registration shall be official, compulsory and valid for all elections by universal suffrage, direct, equal, secret, personal and periodical, and as well as for referendums.

Article 3 (Universality)

¹ Disclaimer: This is a direct translation of Mozambique's 2002 Electoral Law Act 18/2002 of 10th October however the text is not an official translation. In case of doubt, the original Portuguese version prevails as printed in the *Boletim Da Republica 1 Série- Número 412002*

It is the duty of all Mozambican citizens, residing in the country or not, of the age of eighteen or expected to reach that age by the date of realisation of the elections, to register in the electoral census.

Article 4
(Actuality)

The electoral registration shall correspond with the eligible electoral population.

Article 5
(Compulsion and Unofficial)

1. All citizens who fall in the category of article 2 shall have the right to secure electoral registration, to verify if they are adequately registered and to solicit rectification in case of error or omission.
2. The registration of voters during electoral registration shall be compulsory for the respective registration body.

Article 6
(Unique registration)

Nobody shall be allowed to register more than once during the electoral registration.

Article 7
(Temporal context)

1. The validity of the electoral registration shall be permanent.
2. The electoral registration shall be updated annually.

Article 8
(Presumption of electoral eligibility)

1. The registration of a citizen in the voter's role implies the presumption of his electoral eligibility.
2. The presumption referred to above shall be invalid if the voter has died (with confirmation by a death certificate) or if the voter is ineligible to vote.

Article 9
(Territorial context)

1. Voter registration shall be within the national territory and abroad.
2. The geographical units for voter registration are as follows:
 - a) National territory, districts and Maputo city;
 - b) Abroad, at diplomatic or consular representation corresponding to the respective jurisdiction.
3. The voter registration referred in the paragraph b) above, shall be held only if the National Electoral Commission considers that the necessary material conditions, and the control, review and inspection mechanisms for these acts have been created in all regions.

Article 10
(The creation of electoral registration brigades)

1. For the achievement of the electoral registration, the Technical Secretariat for Electoral Administration (STAE) creates stationary brigades.
2. In special circumstances and when the geographical dispersion of the voter justifies, the Technical Secretariat for Electoral Administration can create mobile brigades that cover a range of approximately ten kilometres.
3. The electoral registration brigades are composed of citizens aged over eighteen years, with adequate technical skills, recruited by the Technical Secretariat for Electoral Administration through a tendering procedure.

Article 11
(Electoral Registration Station)

1. The voter shall register in the electoral registration station nearest to their usual residence.
2. Whenever possible, the voting stations and registration stations shall be at the same place.
3. The registration of soldiers or police officers shall be done in the nearest electoral registration station from their unit.
4. The constitution and functioning of the electoral registration stations shall not be permitted in:
 - a) Police facilities
 - b) Military facilities
 - c) Residences of religious authorities
 - d) Buildings of any political party, party coalitions, contesting voting citizens and associations affiliated with political parties;
 - e) Places selling alcoholic beverages
 - f) Places where religious activities are conducted
 - g) Health facilities

CHAPTER II

The organisation of the electoral registration

Article 12
(Direction and Supervision of Electoral Registration Process)

The electoral registration shall be undertaken by the Technical Authority for Electoral Administration under the direction and supervision of the National Electoral Commission.

Article 13
(Registering entities)

1. In the national territory, the electoral registration shall be undertaken by the Technical Secretariat for Electoral Administration, under the direction and supervision of the National Electoral Commission.
2. Abroad, the electoral registration shall be undertaken at respective diplomatic and consular representation by registration brigades of the Technical Secretariat for Electoral Administration, under the direction and supervision of the National Electoral Commission.

Article 14
(Collaboration of the political parties)

1. Any legal political party or party coalitions shall be allowed to collaborate with the Technical Secretariat for Electoral Administration and with the National Electoral Commission in the creation of the electoral registration stations.
2. The political parties or party coalitions referred above shall also collaborate with the Technical Secretariat for Electoral Administration (STAE) and with the National Electoral Commission (CNE) in other activities under defined terms.
3. The collaboration with the political parties and coalitions shall be made through appointed members to STAE provincial, district and city organs, up until ten days before the start of registration.

Article 15
(Monitoring of electoral registration acts)

1. The political parties and party coalitions shall have the right to monitor the electoral registration activities in order to verify their legality.
2. The monitoring of electoral registration activities should be undertaken by delegates appointed by the political parties and party coalitions; their names should be given to the local CNE supporting organs, up until fifteen days from the beginning of the electoral registration.
3. In the lack of such communication referred to above, it will be assumed that the political parties and party coalitions have declined to be represented by delegates during the electoral registration activities.
4. The local CNE supporting organs at district and city level shall provide credentials for the delegates referred in paragraph 2 of the present article within five days of the date of request
5. The political parties or party coalitions are represented by one delegate in each electoral registration station: the same person can monitor several registration entities.

Article 16
(Rights of the political parties delegates)

1. The political parties and party coalitions' delegates shall have the following rights:
 - a) To request and obtain information about electoral registration acts;
 - b) To present written complaints and appeals on deliberations relating to electoral eligibility and ineligibility;
 - c) Reveal to STAE and forward to the CNE any sort of illegality including the presence of unofficial electoral registration stations.

Article 17
(Duties of the political parties' delegates)

The political parties or party coalitions' delegates shall have the following duties:

- a) To carry out a conscious and objective monitoring.
- b) To refrain from presenting in bad faith complaints or appeals.

Article 18
(Observation of the registration)

The electoral registration acts shall be observed by national and international entities, under the regulations determined by the CNE.

CHAPTER III

Electoral Registration Operations

Section I Updating Period

Article 19 (Electoral registration updating)

The updating period for electoral registration is established annually by the Council of Ministers after being proposed by the CNE.

Article 20 (Announcement of the updating period)

The National Electoral Commission shall announce to the public in writing and through the media the updating period for electoral registration at least thirty days before the registration begins.

SECTION II Registration mode

Article 21 (Registration content)

1. The voter registration shall require the voter's full name, parent's name, date and place of birth and residential address.
2. It will also record the ID or passport number and name of the issuing entity.
3. When the voter does not have any of the documents referred to above, the identification shall be done in the following manner:
 - a) through any other document containing a recent photo, signature or fingerprint used as identification, namely driving licence, military identification card or demobilisation card.
 - b) through the recognition of the voter's identity by the registration entity;
 - c) through a testimonial act in the presence of two registered citizens in the same registration station or by respected religious or traditional authorities;
 - d) through a birth certificate

Article 22 (Registration Abroad)

The registration abroad shall be done based on the presentation of legitimate documents proving Mozambican nationality:

- a) a valid Mozambican passport or ID;
- b) a valid ID as Mozambican resident abroad issued by the host country.

Article 23 (Registration process)

1. The registration form shall be signed and dated by the registration body;

2. If the citizen is not able to sign the registration form or to present fingerprints due to physical disability, this shall be written in the respective form by the registration body.

Article 24
(Voter's card)

1. In the act of registration an authenticated voter's card shall be given as proof of registration consisting of:
 - a) Photograph
 - b) Registration number
 - c) Voter's full name
 - d) Date and place of birth
 - e) Registration geographical unit
 - f) Signature or fingerprint
 - g) Whenever possible, the ID or passport number and issuing entity.
2. In case of card loss the voter shall inform the registration body to re-issue a new card, which shall indicate that this is the second card.

Article 25
(Change of name)

1. The registration body must be informed of any change of the voter's name for alteration in the registration.
2. The alteration shall not affect the voter's initial registration number.

Article 26
(New registrations)

A new registration occurs when a citizen fulfils the registration requirements but has not previously registered. These registrations are carried out during the voter registration updating period.

Article 27
(Registration Transfer)

1. In the case of a change of residence the registration transfer shall be done during the registration period by presenting the voter's card, and a transfer of residence form to the registration body in the geographical area of the new residence.
2. The transfer form shall be handed over to the registration body in the geographical area of the previous residence for removal from the former the voter's role.

Article 28
(Change of address abroad)

1. When abroad and registering a change of residence from one geographical area to another it shall be compulsory to request to be removed from the voter's register in the geographical area of the previous residence, whether there is an intention to register or not with the registration body of the new residence.

2. In the case of change of residence within the same geographical area, the voter must inform of the change if he does not intend to cancel the registration.

Article 29

(Information delivered by the Civil Registry Offices)

1. For the purpose defined in article 32, number I, paragraph c) the civil registry offices shall inform the local and central STAE every month through a list containing the names, names of both parents and places of birth of the deceased citizens over the age of eighteen years immediately from the end of the previous registration period.
2. The central STAE sends the respective lists pertaining to the district and city STAE where the deceased were registered.

Article 30

(Information relating to incarcerated and condemned individuals)

1. For the purpose defined in article 32, Number 1 paragraph b), the presiding court where a criminal act has been sentenced shall inform the district and city STAE and the Central STAE through a list consisting of the identification (as referred to in the previous article) of citizens, of at least eighteen years of age, that have been sentenced or who are appealing against sentences or who are affected by any other court decision that prevents their electoral eligibility in terms of the electoral law.
2. The Central STAE sends the respective lists to the district and city STAE where those individuals are registered.

Article 31

(Information relating those interned in psychiatric hospitals)

1. The Directors of psychiatric hospitals shall send on a monthly basis to the district and city STAE and to the central STAE, a list identifying those citizens of at least eighteen years of age referred to in article 29, interned and officially recognized as mentally ill (even if they are not incarcerated by a court judgement). Moreover during the registration period, they shall send a list identifying those citizens interned in the same conditions that will have reached eighteen years of age by the end of the registration period.
2. The same applies when citizens referred to above are released from the psychiatric hospital;
3. The central STAE shall send the respective lists referred in to above numbers of the present article to the district and city STAE where those citizens are registered.

Article 32

(Elimination of registrations)

1. The following registrations shall be eliminated from the voter's role:
 - a) Those subjected to transfer;
 - b) Those who are ineligible to vote as defined by the law
 - c) Those whose death has been officially confirmed by the civil registry offices under article 29, or by foreign authorities, by death certificate or by information given to the registration body and certified by the civil registry office

- d) Those who have lost Mozambican nationality under the terms of the constitution.
2. The eliminations referred in the paragraphs b), c) and d) of number 1 are admitted only up to sixty days before the electoral event.
3. The notification of the citizens eliminated from the voter's role under the terms of the paragraphs b), c) and d) are made public by the registering entities up to fifty five days prior to the electoral event for claims and appeals in case of incorrect elimination or non-elimination.
4. The notifications referred to in number 3 above are displayed in the usual places for a period of ten days.
5. The claims done in terms of number 3 above can be presented up to two days after the end of the notification display, and the decision about the claim shall be announced by the district or city STAE within 3 days.

Article 33
(Communication of the eliminations)

1. Under the terms of the previous article the registration entities shall communicate the eliminated registrations to the Central STAE, who will then record these in the respective register.
2. The Central STAE shall communicate to the district or city STAE of the eliminated registrations in which the citizens referred to in number 1 above are registered.

SECTION III
Voter register

Article 34
(Preparation of the voter register)

1. The registration number and the voter's name shall appear in the voter register.
2. As many voter registers shall be available as required as long as approximately five hundred voters from the same registering station appear in each.
3. The updating of the voter register shall be undertaken, without being illegible, over the names of the citizens that, in each geographical unit have ineligible to vote or who have changed residence, indicating the document of proof for the elimination or by adding names as a result of new registrations.
4. Mechanical and electronic means whenever possible shall be used for the preparation of the voter register;
5. The voter register shall have initials on each page inscribed by the registration body and the opening and closing times;
6. The numbering of the voter register shall coincide with the numbering of the ballot paper and the voter's card.

Article 35
(Correction of errors)

1. The registering entities shall proceed with the correction of errors committed during the process of electoral registration up until the beginning of the period of inalterability of the voter register.

2. In case of correction of errors, the registration body shall call upon the political party or coalition delegates to be present in the act.

Article 36
(The closing of voter register)

Upon completion of the electoral registration process, the closing time of the process shall be written in the respective voter register and must contain the signature of the members of the registration authority and of the political party agents assigned to that post.

Article 37
(Data communication)

1. Having completed the formalities stated in the previous article, the registration stations shall send all the relevant documents of the electoral registration process to the district or city STAE.
2. After the end of the claim period referred to in article 41 and once the number of voters registered in the respective geographical unit is submitted for deliberation and evaluation to the district or city Electoral Commission, the district or city STAE shall send a map with the definitive data of the voters and the copies of the respective voter's role to the provincial STAE.
3. Once the number of voters registered in its jurisdiction area is submitted to the Provincial Electoral Commission for evaluation and deliberation, the Provincial STAE shall send the map with the definitive data of the voters and the copies of the respective voter's role to the Central STAE.
4. The Central STAE shall communicate to the National Electoral Commission the total number of voters registered.

Article 38
(Publication of data)

The National Electoral Commission shall send for publication in the Republic's Official Bulletin the total number of the registered voters by thirty days after the receipt of the data from the Central Technical Secretariat for Electoral Administration.

Article 39
(Display of the copies of the voter register)

After the close of the period of electoral registration, the copies of the voter register shall be displayed between the fourth and the thirteenth day at all district or city STAE for consultation and claiming purpose by the interested parties.

Article 40
(Inalterability of the voter's role)

The voter register shall not be alterable fifteen days prior to the electoral event.

SECTION IV
Claims and Appeals

Article 41

(Claims against the registration body)

1. During the period when the voter's role is displayed and within the following five days, any citizen, political party or party coalition can present in writing their claims or appeals against omissions or registration errors to the respective registration body.
2. Within the following five days after the claims are presented, the registration body shall make a decision and immediately display the same in the respective registration station within the claim period.

Article 42

(Appeals for the supporting organs)

1. After a decision of the District or City STAE, the voter, political party or party coalition can appeal the decision to the relevant district or city Electoral Commission, in accordance with the previous article, up to five days after the decision is made, by submitting all the requirements necessary for the evaluation of the appeal.
2. The District or City Electoral Commission shall decide on the appeal within ten days.
3. The appeal decision is immediately notified by the district or city electoral commission:
 - a) To the appealing person or party
 - b) To the district or city STAE
 - c) To other interested parties.
4. After the decision of the district or city electoral commission, up to five days after the receipt by the entities referred to in paragraphs a), b) and c) of number 3 above, the entities can appeal to the provincial electoral commission, which shall decide within five days and notify immediately:
 - a) The appealing person or party
 - b) The district or municipal electoral commission
 - c) Other interested parties

Article 43

(Appeals to the National Electoral Commission)

From the decision of the provincial electoral commission, up to five days after the reception by the entities referred to in paragraphs a), b) and c) of number 4 above from the previous article, the entities can appeal to the National Electoral Commission, which shall decide within five days and notify immediately:

- a) The appealing person or party
- b) The provincial electoral commission
- c) Other interested parties

Article 44

(Appealing to the Constitutional Council)

1. From the decision of the National Electoral Commission the interested entities shall appeal to the Constitutional Council, which has three days to intervene after the reception of the appeal.
2. The Constitutional Council shall have the power to decide within five days in the last instance and notify:
 - a) The appealing person or party
 - b) The National Electoral Commission
 - c) Other interested parties

Article 45
(Appealing for registration abroad)

1. After the decision of the STAE, the appealing entities shall appeal to the National Electoral Commission within five days.
2. The National Electoral Commission decides on the appeal within five days and notifies immediately:
 - a) The appealing person or party
 - b) The Technical Secretariat for Electoral Administration
 - c) Other interested parties
3. After the decision of the National Electoral Commission the appealing entities shall appeal to the Constitutional Council to intervene within three days after the receipt of the appeal decision.
4. The Constitutional Council shall have the power to decide within five days in the final instance and notify immediately:
 - a) The appealing person or party
 - b) The National Electoral Commission
 - c) Other interested parties

CHAPTER IV
Unlawful Electoral Registration

SECTION I
General Aspects

Article 46
(Comparison with serious crimes and disciplinary responsibilities)

1. The sanctions for penalty in the present law shall not exclude the application of more serious sanctions in the case of practice of any crime as prescribed by the general penal legislation.
2. The infringement prescribed in the present law shall also be classified as disciplinary when committed by the agent subjected to that responsibility.

Article 47
(Special aggravating circumstances)

Besides the circumstance prescribed by the general penal law, the following shall be classified as special aggravated circumstances that are unlawful for electoral registration:

- a) When the infringement could influence the vote result
- b) When the agents are members of the registering entities
- c) When the agents are candidates, political parties agents, party coalition or voters, not comprised in the paragraph b) of the present article.

Article 48
(Parameters)

The ruling on a criminal infringement relating to electoral registration, shall take place within one year from the date of the infringement.

SECTION II

Infringements relating specifically to electoral registration

Article 49

(Promotion of fraudulent registration)

1. Those who are ineligible who vote and register shall be punished with a fine of one to two national minimum salaries.
2. Those who register to vote more than once shall be punished with a fine of two to three national minimum salaries.
3. Any citizen that presents false declarations or information with the intent to obtain their electoral registration shall be punished with a fine of three to four national minimum salaries.

Article 50

(Obstruction to the registration)

Every individual that induces the voters to not attend electoral registration or to do so after the deadline legally established has expired, by use of violence, threat or fraudulent artifice shall be punished with a sentence up to six months in prison and a fine of five to ten national minimum salaries.

Article 51

(Obstruction in detecting double or multiple registrations)

Every individual that is aware of a double or multiple registration and does not take action to correct this irregularity in the appropriate time, shall be punished with a fine of four to five national minimum salaries.

Article 52

(False Documents)

Every individual who presents a false document concerning physical disability or mental illness, with implications for the electoral registration, shall be punished with a sentence of up to six months in prison and a fine of one to two national minimum salaries.

Article 53

(Refusal to register a voter)

1. Those who refuse to register a voter that has adequately promoted his registration shall be punished with a sentence to prison of up to one year and fine of two to three national minimum salaries.
2. Those who, by negligence do not carry out their obligation to register the voter shall be punished with a fine of three to four national minimum salaries.

Article 54

(Violation of the duties relating to the voter register)

Those who do not proceed with the elaboration, organization, rectification and correction of the voter register as defined in terms of the present law shall be punished with a sentence up to three months in prison with a fine of one to two months of the national minimum salaries.

Article 55
(Falsification of voter's cards)

Those who commit fraud, modify or replace any voter's card shall be punished with a sentence up to six months in prison and a fine worth of one to two months of national minimum salaries.

Article 56
(Falsification of voter's role)

Those who, in any form commit fraud, falsify, destroy, replace or delete the voter register shall be punished with a sentence of two to eight years in prison and a fine of twenty to fifty months of the national minimum salaries.

Article 57
(Unlawful production of registration material)

Those who without authorization or adequate adjudication produce registration material shall be punished with a sentence of two to eight years in prison and a fine of twenty to fifty months of the national minimum salaries.

Article 58
(Obstruction in the verification of electoral registration)

Those who do not display copies of the voter register or prevent its consultation by the registered voters within the legal established time limit shall be punished with a sentence to prison of up to three months and a fine of four to six months of the national minimum salaries.

Article 59
(Failure to correct the electoral registration)

The Members of the registering entities that by negligence do not proceed with the correction of the voter's role or act against to the disposed in the present law shall be punished with a fine of four to six months of the national minimum salaries.

CHAPTER V

Final and Transitory Dispositions

Article 60
(Issuing certificates)

1. It is compulsory to issue certificates needed for registration, if requested, within five days.
2. The same obligation is stipulated to the registering entities if requested to issue the certificate for registration.

Article 61
(Exemptions)

The following cases shall be considered as exempt of tax, duties or payments:

- a) The certificates referred in the previous article;

- b) The documents destined to instruct any form of claims and appeals in terms disposed by the present law
- c) Notary services for electoral registration purposes

Article 62 (Conservation of the documents)

The documentation relating to the registration that are not needed on an everyday basis by the electoral administration shall be stored for five years, after which samples of the referred documentation shall be transferred to the Mozambique's Historical Archives.

Article 63 (Annulment)

All the legislation that contradicts those disposed in the present law shall be annulled.

Article 64 (Law enforcement)

The present law is taken in to effect at the date of its publication.
 Approved by the Republic's Assembly on the 20th of September of 2002.
 The President of the Republic's Assembly, Eduardo Joaquim Mulémbwè.
 Declared public on the 10th of October of 2002
 Published.
 The President of the Republic, JOAQUIM ALBERTO CHISSANO.

ANNEX

GLOSSARY

Registration form – the form, according to the model previously approved, in which the citizen registers, allowing him to exercise the suffrage.

Electoral registration brigade - the unit composed by electoral officers or agents, through which the registration of citizens with age to vote takes place. This unit can be fixed or mobile.

Voter register - a group of appropriate papers resembling the official book, carefully numbered and with initials, containing an opening and closing term and the names of the citizens registered as voters.

Voter's card - is the personal identification document specifically for electoral purposes, issued to each registered voter that certifies the respective citizen with the status of a voter and shall be presented at the time of voting.

Party Coalitions - the association of two or more political parties that composes an alliance to join forces for electoral purposes.

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

Electoral Dispute - the process of resolving differences relating the interpretation or application of norms that govern the electoral process.

Monitoring - the verification and control of electoral registration act.

Group of voting citizens - a group of people, adequately organized that proposes to compete for local government elections.

Unlawful electoral registration - a group of infringements to norms established by the present law.

Map with voter's definitive data- a document with a listing of total registered voters and consisting of: registration station number, voter's role number and code, the district and the province where the voter had registered.

New registrations- those registrations done during the updating period by citizens who were not registered, but have electoral eligibility.

National or International Observations- activities of appointed people designated by various national and international organizations to observe the electoral registration process in terms defined by the National Electoral Commission.

Obstruction to the registration- the action of preventing a potential voter from registering or from doing so within the time limit established with the objective of keeping him away from the electoral process.

National Electoral Commission's Local Support Organs- the provincial, district and city electoral commissions.

Registration Station- the place where the legible citizens go to register in the voter register called voter's role.

Electoral Registration- the activities in which the eligible citizens register themselves in the voter register called voter's role.

Bad faith claim or bad faith appeal- the situation in which the complainant or the one who appeals is fully aware that his claim has no validity.

Universality- the principle under which citizens holding Mozambican nationality aged eighteen years at the time of realisation of elections shall register for the elections, whether residing in the national territory or abroad.

Unique registration- the principle in which the citizens are allowed to register only once, and consequently shall be registered in the voter's role only once.