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Frelimo asks special parliament session to clean up election laws - and squeeze the opposition

To avoid registration in the rain, Frelimo on Thursday (11 January) asked for a special session of parliament to change dates of registration, publication of numbers, and candidate submission in four laws. Avoiding the rain means taking three months out of the calendar, and Frelimo proposes the biggest cut in a way that will hit opposition parties hardest.

Parties and provincial citizens lists must submit five documents for each candidate, including a no-criminal record certificate that often takes a month to obtain, and certified photocopies of their identity and voters registration cards, which are harder to obtain in rural towns. The time they have to obtain these documents has been cut sharply, from two months to just three weeks. Two months is for national candidates, while provincial candidates have three months under the current law.

The number of seats for each constituency is announced by the CNE based on the registration. The electoral law requires full lists - enough candidates to fill all seats plus supplementary candidates. Small parties hoping to win just one or two seats cannot submit partial lists. Thus many documents must be obtained. Frelimo proposes that the time for all candidates to do this is cut to just 20 days.

Frelimo proposes changes in the law which would permit registration in March and April, rather than 1 February to 16 March during the rains, when movement in rural areas is often almost impossible. It also admits training and supply of materials cannot be done in time for registration to start in three weeks.

The proposed changed dates are:

Registration must finish by **7 May** instead of 7 February as set by present law (or 16 March as set by the CNE in its calendar)

Lists of the numbers of candidates in each constituency must be announced by the CNE by **5 June** instead of 12 April.

All candidates must be submitted with all documents by **25 June**. For provincial assembly and governorship candidates, this is earlier than the current date of 11 July (also ignored by the CNE). But for president and parliament this is later than the current date of 5 June.

Political tricks included

Frelimo proposes two changes that would increase its political power. The law allows certain people registered elsewhere to vote at any polling station - there are staff, journalists, observers, police, etc. During the count, these "special" votes are kept separate, but included in the total. Frelimo says that this breaks secrecy of the vote since special votes are recorded, and Frelimo wants those incorporated with ordinary ballots. But in the municipal elections last year, there was a fraud reported in many places where "observers" clearly linked to Frelimo were allowed to vote in many polling stations and Frelimo polling station staff did not require they dip their finger in indelible ink. The separate piles of special votes would allow this to be checked.

The other change, already made for mayors, would give the party more power in the choice of a substitute governor. Under the current law, the head of the list which wins the most votes becomes governor. If that person quits, dies, or cannot serve, they are replaced by the number two on the list. But Frelimo wants to change this so that the party chooses the new governor from its members in the assembly, and not necessarily number 2. Parties put their best or most popular people high on the list, but always include a few unquestioning party loyalists further down. Thus if Frelimo wins because they have a popular figure as governor, they could press them to resign, to be replaced by a party functionary.

And Frelimo proposes one useful small change. It is to legalise the use of a "replica" registration book outside the polling station but inside the larger polling centre. This particularly helps people who have identification but have lost their voters card and do not know which classroom to go to. The replica is similar to the official register book, but is not identical or official.

Law changes in detail

As this indicated, the 10 electoral laws are so confusing that the CNE gets some of the dates wrong. And Frelimo misses the opportunity to simplify the laws. The laws were written when the polling day was not fixed, calendars are phrased as "days before" or "months after" other events. This was what forced registration in the rain. But the law now defines presidential and parliamentary elections in the first half of October, so it would be reasonable to set specific dates to avoid the rains. But Frelimo does not do this. Even the CNE was unable to set dates correctly. (Editors note: We recommend to STAE that they use Google search. Just put in, for example, "90 days before 9 October 2024" and the correct date appears.)

There are two **dates already fixed** - the **election** will be held on 9 October 2024 and this **date was announced** on 7 August 2023.


The **registration law** - Law 5/2013 altered and republished as 8/2014 - says that registration must be completed 6 months after the election was announced (7 February 2024, although the CNE said 16 March 2024) and Frelimo proposes that this be changed to 9 months after the election was announced (7 May 2024).

As part of the legal confusion, there is one law for the election of the President and Assembleia da República (national parliament) - (Law 8/2013, altered and republished as 2/2019, altered and republished as 4/2023). Even though they take place at the same polling stations on the same days, there is a different law for the election of provincial assemblies and governors (Law 3/2019, altered and republished as 5/2023) and there are many small differences.

Under both current laws the CNE must announced the **number of seats for each constituency** for both national and provincial parliaments 180 days before the election (12 April 2024) and this would be reduced to 126 days (5 June 2024) under the Frelimo proposal. Electoral constituencies are provinces for the national parliament and districts (plus a province-wide constituency) for the provinces.

For the national elections, **candidates lists and documents** for President and AR must be submitted at least 120 days before the election (11 June 2024) (art 177 and 136 of 2/2019). For provincial assembly candidates lists must be submitted 90 days before the election (11 July 2024) (art 19 of 3/2019, altered and republished as 5/2023) although the CNE ignore this and sets 120 days for all candidates.

Frelimo's proposal is to change this to 106 days before the election (25 June 2024) for all candidates.

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