

Number 211-212 – 11 January 2024

Published by Centro de Integridade Pública, Maputo, Mozambique

Articles may be freely reprinted but please cite the source

To subscribe to the English edition <https://cipeleicoes.org/eng/> or <https://bit.ly/MozBul-sub/>
and the Portuguese version <https://www.cipeleicoes.org/>
Previous issues are available on <https://bit.ly/Moz-Elections>

10 electoral laws together force rainy season registration

An election calendar issued last week (4 January) by the National Elections Commission (CNE) cites 10 different national and provincial elections laws. And the combination of 2014 and 2019 laws plus changes to two laws in April last year (2023) forces the registration to be held in the rainy season. The scandal is that opposition parties, the CNE, and parliament itself did not notice this during the debate on the electoral law in April. And apparently the CNE and STAE failed to notice that they had to order registration materials in time for delivery now - not at the end of the rains.

There are different laws for national and provincial elections, but laws 2/2019 and 3/2019 sensibly say that elections are to be held together in the first half of October, which is before the rains. But they also say that the number of AR seats for each province and provincial assembly seats for each district must be announced 180 days before the election, which is in April. And those numbers depend on the full registration figures. The constitution requires the President to formally announce the election date. Laws 8/2013 and 3/2019 required this to be done 18 months in advance, and also required the electoral registration to be done within six months of that announcement. In effect, they required a full national registration to be done before municipal elections, which are held a year before the national and provincial elections. Actually it is quite sensible to do one registration and not two.

But early last year there was the bitter debate over not holding district elections, which required a constitutional amendment and delayed a presidential announcement of the elections. To deal with this, parliament on 28 April 2023 passed laws 4/2023 and 5/2023 saying that the president had to announce the election date 14 months in advance instead of 18 months in advance, that is, in August. President Nyusi did this on 7 August.

But the other laws were not changed. So registration was required within six months, which is before early February, at the height of the rainy season. So the four laws 2/2019 and 3/2019 and 4/2023 and 5/2023 together require rainy season registration.

Furthermore, the requirement for registration to be completed in time to announce the number of seats 180 days before the election is linked to an entire calendar set out in several laws relating to party registration, presentation of candidates lists, electoral finance, and the campaign. Moving the registration to after the rains will require changing a whole set of different laws.

There are at least seven other laws relating to parties, citizens lists, and municipal elections - 17 electoral laws in all - and they are often conflicting or different, for example of key things like electoral courts. And as we see from this fiasco, no one seems able to keep track of what they all say. Since its establishment as the supreme electoral court two decades ago, the Constitutional Council has been calling for a unified electoral code, with single set of rules and calendars. After the 2009 elections, there was a move to bring parties, civil society and lawyers together to merge the laws into an electoral code. In those days, donors were much more powerful, and for the first three months of 2010 the donors went on strike and withheld aid to force the government to ignore the Constitutional Council demand for a unified code. The demand made no sense, but in April 2010 the government gave in, and Mozambique now has a package of 17 electoral laws. The Constitutional Council in its ruling on last year's municipal elections again called for a unified electoral code.

[CNE's 18-page calendar for this year](#), published last week, with every date linked to several of the 10 laws and citing all of the various amendments, makes clear how serious the mess is. And in April last year no one noticed they were forcing registration in the rain.

No choice but to change the law - again

The election calendar published last week is manifestly impossible. The *CIP Eleições* Bulletin knows that the CNE will propose to the Council of Ministers changing the law to reschedule voter registration to begin on 15 March. But this means a cascade of changes to other laws, including reducing the period for publishing the number of seats per constituency from the current 180 days, and other changes to the time for registering candidates. Some changes will have to be made twice, where there are different laws for national and provincial elections.

CNE never prepared for February registration

Despite the law requiring it, the CNE has never prepared for registration to start next month.


Equipment was not ordered in time and the Lexton/Artes Gráficas consortium will not have all the supplies and equipment needed before 1 April. Some equipment which was used last year is available. Additional equipment for the registration is now being produced and will later be transported. That means trained operators of the registration equipment do not yet exist.

STAE's recruitment of the provincial trainers who will train the members of the voter registration brigades in the districts only ends next Monday, 15 January. This will be followed by their capacity building and recruiting and training members of the registration brigades for the non-municipal districts. The campaign of civic electoral education has not yet begun because the recruitment and capacity building of the staff for this purpose is still under way.

Voter registration cannot begin without forming the district elections commissions and their respective branches of STAE (Electoral Administration Technical Secretariat) in the non-municipal districts. So far the members of these bodies appointed by the political parties have not yet taken office. Swearing them into office depends on a decision by STAE-Central on fixing a date for this purpose.

The election calendar presented last week by the CNE keeps 1 February to 16 March as the period for voter registration. The same calendar fixes 12-16 April as the period for

publishing, in the Boletim da República and in the mass media, the chart concerning the number of deputies in each constituency, because this must occur 180 days ahead of the general elections scheduled for 9 October.

	FICHA TÉCNICA:	ENDEREÇOS:
 <p>CIP ELEIÇÕES 2023-2024</p>	<p>Editor: Lázaro Mabunda</p> <p>Advisor: Joseph Hanlon</p> <p>Director: Edson Cortez</p> <p>Translator: Paul Fauvet</p> <p>Sub-editor: Samuel Monjane</p> <p>Layout: Liliana Mangove</p>	<p>Centro de Integridade Pública Bairro da Sommerschield, Rua Fernão Melo e Castro 124, Maputo</p> <p>English: To subscribe: https://cipleicoes.org/eng/</p> <p>Web: https://cipleicoes.org/eng/ Portuguese Web: https://www.cipeleicoes.org/ Facebook: @cipeleicoes Instagram: @cip_eleicoes Tiktok: @cipmoz Telegram: +258 843890584</p>

Bulletin funded by:



CIP partners

