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[Electoral law changes](#)

Frelimo rejects Renamo proposals for more transparency and to block fraud

Frelimo in parliament has rejected most of the proposals tabled by Renamo for changing the electoral law to prevent the frauds that occurred last year, and to increase transparency. A partial list of rejected proposals is below.

But some changes have been agreed by consensus:

- + Invalid (nulo) and protested votes are to be sent to the provincial election commission for requalification (not the district)
- + If the CNE is informed of a challenge that either district or provincial results do not correspond to the sum of the polling station editais, the parties can send their copies to the CNE to challenge the lower level tabulation.
- + Confirming that the edital must be posted on the door of the polling station.
- + Polling station staff will have a one hour break after the voting but before the count, but then the counting must continue without a break including issuing the acta and posting the edital. (This responds to intentional delays to the count or posting the edital last year.)
- + A new design of transparent ballot box the allows only one ballot paper to be entered. (This responds to cases of multiple ballots folded together)
- + People with voters cards but who are not on the register will be allowed to vote normally at their polling station.

+ The national elections commission retains its power to rule on electoral matters, but with the courts and Constitutional Council having the final say. (Rejecting suggestion that the CNE lacks power because courts have power, but leaving some contradictions.)

+ Observers and journalists must be notified of the provincial tabulation and can be there for the entire process.

+ Opinion polls will be allowed during the election period.

This is the list of agreed changes.

The full list of proposed changes and Frelimo responses is on: <https://bit.ly/Moz-EI-RevPro>

Frelimo rejects increased transparency

But Frelimo has rejected most opposition suggestions, saying they need more thought or constitutional changes. Most importantly, Frelimo has rejected European Union and Renamo proposals for more detailed publication of results at district and provincial levels.

Renamo proposes that during the district count a spreadsheet showing the results of each polling station must be prepared and compared to editais, and a signed copy of this spreadsheet given to parties, journalists and observers. Within 20 days this would be posted on the web. The European Union has also said this would increase confidence and transparency. Renamo also proposes that the district by district table be posted on the web within five days of the provincial count. Finally Renamo proposes that the CNE compile a large table of district and provincial results which they would use for their own decision making, and then publish. These three tables or spreadsheets posted on the web would be a major improvement in transparency and restrict the space for manipulating results. But Frelimo says "no".

Blocking publication of these key tables makes it easier for the elections commissions to make secret changes to the results.

Frelimo also opposes a Renamo proposal requiring that a photo of each polling station edital must be sent to the CNE.

Frelimo has also opposed a Renamo proposal that district courts could order recounts in individual polling stations. This would be fast and easy and would reduce manipulation.

The current electoral law contains several pages of electoral crimes, but Frelimo refuses to discuss changes to that, saying it should now be part of the criminal code. The opposition wants some of the fraudulent actions last year to be made formal crimes or have more severe sentences, but Frelimo says it cannot be discussed.

Other rejected opposition proposals

Frelimo has also rejected these opposition proposals.

X - Allow court challenges to the selection of mesa members

X - The three mesa members selected by political parties are automatically appointed to the positions of chair, vice-chair and secretary.

X - If the first count is not carried out in the polling station, the vote is void.

X - During the count in the polling station, party delegates could take photos, film, and broadcast the count live.

X - To prevent ballot box stuffing by folding ballot papers together, each ballot paper would be stamped on the back just before being put into the box. During the count, any ballot paper without a stamp or with a sequence number not from that polling station would be considered nulo (invalid).

X - If there is a discrepancy between the official results and the editias which had been given to the parties, the matter must be submitted to the district court.

X - District courts could declare void the election in one polling station if there are significant irregularities.

These proposals have all be rejected.

Three date changes are proposed by Frelimo to make the election calendar fit:

+ The number of candidates for AR for each province must be announced 126 days before the election - 5 June

+ Presidential candidates and their 10,000 notarised signatures, and candidates for the Assembleia da República (AR, parliament) and their documents, must be presented 106 days before the election - 25 June. (This gives AR candidates less than 3 weeks to collect documents, including a criminal record certificate.)

Changes being decided in secret

The parliamentary working group to amend the electoral legislation has members from the three parties - Frelimo, Renamo and MDM. TI is chaired by Ana Rita Sithole, and the Deputy Chairp is Feliz Sílvia. Both are from Frelimo. António Muchanga, of Renamo is the rapporteur for the group.


But it has agreed to work in secret, without informing the media, the extra-parliamentary parties and civil society until they have reached consensus. Then they will take the draft amendments to the electoral law to be rubber-stamped by the plenary of the Assembly of the Republic (AR, parliament), without giving time for the amendments to be known and discussed by Mozambican society in advance.

These will be amendments to the legislation that governs the election of the President of the Republic and of AR deputies. They are revising Law 2/2019 of 31 May itself altered Law 8/2013 of 27 February. Of the 74 articles under discussion, there is only agreement on 19 articles.

Constitutional Council and Supreme Court called to give opinions

The electoral law created an electoral court system which caused confusion last year. District courts are part of the court system under the Supreme Court (SC). But district courts are also electoral courts under the Constitutional Council (CC), which is the supreme electoral court. There is now a public dispute between the two top courts as to whether the district court can annul an election, and who can overrule the district court (which seems to have two bosses).

The AR committee will today (9 April) hold separate hearings with the Presiding Judge of the Constitutional Council, Lúcia Ribeiro, and a Supreme Court judge.

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