

MOZAMBIQUE
POLITICAL PROCESS
BULLETIN

Issue 29a - e-mail extra
Election preview - 23 July 2004

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Please cite the Bulletin.

Published by AWEPA, the
European Parliamentarians for Africa

NEW ELECTION LAW:
SOME IMPROVEMENTS .

The new election law (Lei no 7/2004 de 17 de Junho) is almost identical to the law for the 1999 national elections (4/99) and very similar to that for last year's local elections (19/2002).

The law retains the 5% threshold for parties to enter parliament -- a party or coalition must obtain at least 5% of the national vote to have MPs elected. Thus a party which wins enough votes to gain a seat in one province, such as Zambezia, will not be given that seat unless it has more than 5% of the total national vote.

Eight significant changes have been introduced, all responding to problems in previous elections:

- + Polling station staff, police and journalists can now vote at any polling station. Previously voters could only vote at the polling station where they were on the register, which disenfranchised most polling staff.
- + Following complaints from the opposition and observers about Frelimo using government vehicles and facilities, there is now a ban on the use by a party of any goods or property ("bens") of central government, local government, or state owned or controlled companies. (This does not, of course, apply to things available to all, such as the use of public halls.)
- + Following the omission of some party symbols from ballot papers last year, parties now have the right to check proof copies of the ballot paper before printing.
- + Party polling station agents ("delegados de candidaturas") will receive their credential from the district election commission, ending a confusion in previous elections.

- + Counting will still be done at provincial level, but results will also be published district-by-district.
- + Voting can no longer be extended for a third day.
- + in an attempt to reduce the large number of errors made by tired polling stations staff, on the formal results sheets compiled after the count ("actas" and "editais") the number of votes gained by each candidate must be written in both figures and words.
- + in the event of other documents being missing, the copies of actas and editais given to party polling station agents can be used for the count. (This follows an incident in Beira in the 2003 local elections, in which records from several polling stations disappeared, and Frelimo refused to allow the copies of actas to be used.)

Four changes introduced last year for local elections are maintained:

- + Exit polls are effectively banned. No opinion polls can be published between the start of the campaign and the declaration of results.
- + Because some party polling station agents ("delegados de candidaturas") are illiterate, they were not able to write down accurately the results after the count, for use by parties for the own parallel count. Now delegados in each polling station are given a copy of the official summary sheet (edital) and formal minutes (acta) to take back to their party.
- + At least two of the five polling station staff must speak the local language.
- + Polling station staff are hired in a public competition and parties are allowed to suggest candidates.

The law clarifies previously confused rules about limits to activities near polling stations. Now, within 300 metres of a polling station, no voter can say who they voted for or planned to vote for. Observers and journalists are not allowed to talk to voters within this area. Also, within 300 meters of the polling station there can be no campaign posters or material, and no one is allowed to display a party symbol or other political symbol, nor wear a party t-shirt or party cloth (capulana).

BUT MANY PROBLEMS REMAIN OVER SEATS & COUNTS

Four serious problems in past electoral laws have not been resolved. First, the method for allocating the number of parliamentary seats to each province has not been changed and remains arithmetically wrong; there are supposed to be 250 seats, but when the method was used in 1999 it led to the allocation of 251 seats, and one seat had to be arbitrarily taken away from one province to bring the number back down to 250.

Second, all spoiled ballot papers (nullos) must be sent to the National Election Commission in Maputo and rechecked. In 1999, the CNE reassessed

500,000 ballot papers and accepted 130,000 as valid and added them to the results. There simply is not enough time to recheck that many ballot papers, and results have been late in every previous election because of this. It has often been suggested that this rechecking could be done at provincial level.

Third, with the exception that the number of votes be given in both figures and words, no change has been made in procedures for polling station staff to complete editais. Staff are tired after two days of voting and then an all-night count, and many mistakes are made. In 1999, 6.6% of presidential editais and 8.7% of parliamentary editais were excluded from the final count because of errors which could not be resolved. (The CNE could still issue regulations and design a better edital form, but this is not set out in the law.)

Fourth, there are no rules on the transparent development, timely testing, and publication of computer software used in the tabulation in Maputo. Renamo has often complained about the use of computers, and the secrecy makes tampering possible. Although parallel counts provide some check, the law does not require the publication of clear polling station by polling station results, making comparisons harder.

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