

Mozambique

Background	<p>Name of EMB: Comissão Nacional de Eleições (CNE)</p> <p>Status: Permanent</p> <p>Number of commissioners: Fourteen commissioners, two deputy chairpersons and one chairperson.</p> <p>Number of full-time EMB staff: CNE has 24 permanent staff; while the Technical Secretariat for Electoral Administration (STAE), which operates under permanent orientation and supervision of CNE, has 500 permanent staff members. During the electoral period, commissioners are incorporated at the provincial (10 provinces and the City of Maputo) and district (148) levels. The number of commissioners is 15 in each province and district. On the election day, 119,000 polling officers are recruited to assist about 17,000 polling stations. Each polling station comprises seven polling officers, where four are recruited through public tender and three are provided by political parties with a seat in parliament (one officer each).</p>
Establishment of the EMB	<p>Constitutional and/or legislative provisions for establishment of the EMB: CNE was established under the terms of Article 135, paragraph 3, taken together with Article 179, paragraph 2, line d), both of the Constitution of the Republic of Mozambique and the Law nr. 30/2014, of 26 September 2014 that introduces changes to the Law nr. 6/2013, of 22 February, text and contents which, as a result of negotiations between government and RENAMO political party, had been changed by the Law nr. 9/2014, of 12 March.</p>
EMB's mandate:	<p>The mandate of the CNE is to improve the organisation, co-ordination, execution, conduct, management and supervision of voter registration and of elections. As such:</p> <ol style="list-style-type: none"> 1. The National Elections Commission shall: <ol style="list-style-type: none"> a. guarantee that voter registration and elections are organised and undertaken ethically and under conditions of full freedom, fairness and transparency; b. ensure that citizens are treated equally in all acts during the electoral process; c. ensure equality of opportunity and of treatment to the proponent political parties, coalitions of parties or citizen voter groups in all acts during the electoral process;

		<ul style="list-style-type: none">d. ensure equality of opportunity and the same treatment to all members of the National Elections Commission and of all its support bodies;e. ensure equality of opportunity and of treatment to voter registration agents, monitors, polling station staff, and delegates of the candidatures, agents of the candidatures and national and foreign observers;f. receive and analyse the legality and regularity of candidatures for the parliamentary elections, elections of the provincial assemblies and municipal elections;g. register political parties, coalitions of parties or citizen voter groups competing in the elections;h. promote, through the media and other means of mass publicity, civic education of the voters and explanation about questions of electoral interest;i. approve the models of the voter registration form, the electoral register, the ballot paper, the minutes of voting at the polling station, the results sheets and any other forms or materials to be used in the elections;j. approve the terms of curriculum assessment and hold public tenders for recruiting staff;k. approve the terms of awarding contracts for election material, vehicles and other means of transport and equipment;l. approve the code of conduct for the candidates, political parties, coalitions of parties or citizen voter groups competing in the elections;m. approve the code of conduct for the agents of law and order during the election;n. approve the regulations on the use of public places and buildings to be used by the candidates, political parties, coalitions of parties or citizen voter groups competing in the elections;o. approve the regulations of the Electoral Administration Technical Secretariat which fixes the attributes and powers of the directorates, departments and offices as well as the structure to be set up at provincial, district or city level;p. draw lots among the candidates for the parliamentary and municipal elections for places on the ballot paper;
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<p>q. approve the regulations, instructions and directives concerning the conduct of the voter registration and the elections, which shall be published in the <i>Boletim da Republica</i> (Official Gazette), 1st Series;</p> <p>r. distribute broadcasting time on the public sector radio and television channels among the various candidatures for the presidential and parliamentary elections, and for the provincial and municipal assemblies, with equality of rights and without discrimination;</p> <p>s. guarantee that the competent authorities establish the security conditions necessary for holding voter registration and elections throughout the national territory;</p> <p>t. formally distribute copies of the results sheets and of the original minutes of the centralisation of the general count, duly signed and stamped, to the election agents of each candidature;</p> <p>u. deliver copies of the results sheets and of the original minutes of the centralisation of the general count, duly signed and stamped, to the nucleus of observers and to journalists during the act of divulging the election results, when requested;</p> <p>v. guarantee security in the production, transport, storage and distribution of voter registration and voting material;</p> <p>w. guarantee that the funding to be allocated to political parties or coalitions of parties and candidates competing in the elections is provided before the date set for the start of the election campaign;</p> <p>x. guarantee conditions for accompanying, transporting, storing and distributing electoral material, security at the registration posts, and the rooms used for registration and voting, and the dispatch of the results sheets and original minutes of the vote count at all levels, observing for this purpose compliance with the rights granted to political parties, coalitions of parties and other stakeholders in elections;</p> <p>y. determine the places where voter registration posts and polling stations will be set up and will operate, in accordance with the proposals from the lower level electoral bodies;</p>		
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	<p>EMB model:</p> <p>What standards are established in the constitution or other legislation for democratic legitimacy?</p>	<p>Independent</p> <ol style="list-style-type: none"> 1. The National Elections Commission is a body that is independent of all public and private powers. 2. The National Elections Commission, in the exercise of its duties, owes obedience only to the constitution and the laws. 3. In the exercise of their duties, the members of the National Elections Commission do not represent the public or private institutions, or the political or social institutions from which they came, but defend the national interest, obeying the dictates of the law and of their conscience.

Appointment, tenure and removals	Provisions for the appointment of commissioners:	Political parties (FRELIMO: 5 commissioners; RENAMO: 4 commissioners and MDM: 1 commissioner) appoint their candidates through internal processes and parliament endorses the candidates. The seven members from legally constituted civil society organisations (CSOs) are proposed by the CSOs integrated into a forum of such organisations or individually, and the procedure is conducted by an ad-hoc commission set up by parliament under the terms of a specific resolution which announces the call for candidates
	Political status of commissioners:	Mixed. As above.
	Chair qualifications:	No specific qualifications are required.
	Commissioner qualifications:	<ol style="list-style-type: none"> 1. The National Elections Commission consists of 17 members, including one chairperson and two deputy chairpersons. 2. Mozambican citizens may be members of the National Elections Commission if they: <ol style="list-style-type: none"> a. are over 25 years old; b. are of recognised moral and professional merit; and c. are fit to exercise their duties with trustworthiness, independence, impartiality, neutrality, objectivity, competence and zeal.
	Tenure of chair and commissioners:	Six years; renewable.
	Provisions for the removal of commissioners:	<p>The members of the National Elections Commission are independent, impartial and irremovable, and may not cease their duties before the end of the term of office for which they were appointed, except in the cases envisaged in the law.</p> <ol style="list-style-type: none"> 1. Members of the National Elections Commission shall cease their duties before the end of their term of office when any of the following situations occurs: <ol style="list-style-type: none"> a. death or permanent incapacity; b. resignation; c. acceptance of a position or practising an act which is legally incompatible with the exercise of their duties. 2. Resignation shall be declared in writing to the chairperson of the National Elections Commission and its effectiveness does not depend on acceptance by the body.

		<p>3. The National Elections Commission shall verify the occurrence of any of the situations envisaged in lines a), b) and c) of paragraph 1 of the current article, and permanent incapacity shall be proved in advance by a National Health Board.</p> <p>The cessation of duties because of the provisions of paragraph 1 of this article shall be declared by the chairperson of the National Elections Commission, who shall have the declaration published in the 1st Series of the <i>Boletim da Republica</i>.</p> <p>Appointed by the chairperson through public tender.</p> <p>Until retirement.</p> <p>Only removed according to the terms that apply to all public servants.</p>
	<p>Provisions for the appointment of EMB senior staff:</p> <p>Tenure of EMB senior staff:</p> <p>Provisions for the removal of EMB senior staff:</p>	<p>By the CNE.</p>
<p>Funding arrangements</p>	<p>Setting and control of EMB's budget:</p> <p>Financial autonomy:</p> <p>Legal provisions for financial autonomy:</p>	<p>Yes</p> <p>According to the law, the National Elections Commission has its own statute, staff table and budget.</p>
<p>Electoral system</p>	<p>Number of chambers/houses within the legislature:</p> <p>Voting system:</p> <p>Amendments to electoral laws:</p>	<p>Unicameral</p> <p>Majoritarian</p> <p>According to the Constitution of the Republic of Mozambique, amendments to any law are proposed by:</p> <ul style="list-style-type: none"> • parliamentarians; • parliamentary groups; • working committees of the parliament; • President of the Republic; and • government.
<p>Drafting of electoral regulations:</p>	<p>Drafting of electoral regulations:</p>	<p>Yes</p>

<p>Electoral disputes</p>	<p>Electoral dispute resolution mechanisms:</p>	<ol style="list-style-type: none"> 1. Irregularities that occur during the voting and in the partial, district or city, provincial and general and national count, may be appealed against, if they have been the subject of a complaint or protest. 2. In addition to the complainant, the candidates and their agents and the political parties and groups of citizen voters may appeal against the decision on the complaint or protest. 3. The appeal, which is not subject to any formality, shall be accompanied by elements of proof, witnesses, if there are any, a copy of the results sheet, and other relevant materials, and indicating the code number of the polling station where the irregularity took place, if that be the case. 4. The appeal shall be made within 48 hours, counted from the posting of the notice which publishes the election results, to the law court in the district where the irregularity occurred, or to the Constitutional Council in cases of the general or national count. 5. The district law court shall judge the appeal within 48 hours, and shall inform the National Elections Commission, the complainant and other interested parties of its decision. 6. The decision of the district law court may be appealed to the Constitutional Council, within three days. 7. The appeal mentioned in the previous paragraph shall enter the district law court which took the decision, and the court shall remit it to the Constitutional Council, by the most rapid means, within 24 hours.
<p>Other issues:</p>		
<p>Secretariat</p>	<p>Administrative autonomy:</p>	<p>The EMB does have the power to create, promote or abolish staff posts.</p>
	<p>Women in senior positions:</p>	<p>Two of the 17 members of CNE are women; and five of the 12 senior staff in the Secretariat are women.</p>
	<p>Administrative structure:</p>	<p>CNE is structured into five Working Commissions: Electoral Operations; Legal and Deontological Affairs; Training and Voter Education; Administration and Finances; Internal and External Affairs. The Secretariat is structured into the chairperson office and departments: Planning and Documentation; Legal Affairs; Administration and Finances; and Communication and Marketing.</p>