

# 2013 Local Elections



## Mozambique political process bulletin

Number LE-73 2 March 2014

---

Editor: Joseph Hanlon (j.hanlon@open.ac.uk)  
Deputy editor: Adriano Nuvunga News editor: Teles Ribeiro

---

Published by CIP, Centro de Integridade Pública  
Material may be freely reprinted. Please cite the *Bulletin*.  
web: [bit.ly/MozEI13](http://bit.ly/MozEI13) To subscribe: <http://tinyurl.com/sub-moz>

---

## Constitutional Court validates Gurué election but calls attention to ballot box stuffing with ballots outside polling stations

The Constitutional Court validated the 8 February 2014 rerun of the Gurué local elections, but it called attention to attempted ballot box stuffing. It said it was "imperative" that the authorities investigate and prevent such actions.

"It should be noted that on election day the media reported the discovery by citizens of ballot papers already marked in favor of a certain candidate in illegal possession of a citizen, assuming she intended to introduce them fraudulently in the ballot box, with the connivance of the polling station presiding officer," the court noted.

And it continued: "The repetition of such conduct deserves the attention of all bodies which, under the law, have responsibility for ensuring the legality of elections. ... This shows it is imperative for the appropriate agencies to investigate the phenomenon in depth, in order to discover the true origin of ballots which often show up outside the system and the electoral administration, and in the hands of people outside that system. And this research is urgent, otherwise it would definitively establish a climate of suspicion about the seriousness, authenticity and transparency of electoral processes."

## More than 30 improper ballots excluded in Gurué

Underlining the point made by the Constitutional Council (CC), observers reported that more than 30 ballot papers were excluded at five polling stations in Gurué because the number on the ballot paper did not correspond to that polling station. In other words, as noted by the CC, these were ballot papers taken from one polling station, marked for one candidate or party, and then illegally put into a ballot box at another polling station.

Each ballot paper has a number, which contains the number of polling station. During the count, each number must be read out, and if the ballot paper is not from that polling station, it is not counted. This new rule was added to the law for local elections precisely to prevent this sort of fraud.

For the first time on 8 February, the Electoral Observatory asked its observers to record the polling stations where this occurred. (It did not ask for a precise number, just to tick a box with a range.) At five polling stations in two polling centres, ballots were excluded because there did not come from that polling station:

Chá de Gurué polling centre

polling station 04009701, between 1 and 10 ballots not counted.

04009704, between 11 and 20

04038902, between 1 and 10

Contap polling centre

04009803 between 1 and 10

04009805, more than 20 ballots excluded

Surprisingly, no election commission nor the CC mentioned this - only the observers.

Observers also reported that the procedure is not being followed everywhere, and in some polling stations numbers were not checked.

**CC says:**

**Election was a manifest violation  
of the constitution  
- but was still valid**

The Constitutional Council (CC) declared that the repetition of the election in Gurué was a "manifest violation" of the constitution, because the election was set by the National Elections Commission (CNE) before the decision was published in the official *Boletim da República (BR)*. A decision becomes valid only when it can be purchased in print in *BR* from the national press, Imprensa Nacional, and not when it is publically announced by the CC and posted on its website.

The CC went on to say that "the ineffectiveness of an act is linked not just to the validity requirements, but also to the integrity of the actors, to produce legal effects", and in this case it judges that the technical faults were overcome. Thus the result is valid.

The same problem occurred with all the new mayors, who were inaugurated before their election was published in *BR*.

The CC was annoyed at the slowness of Imprensa Nacional, which it says should give priority to such important rulings.

**COMMENT:** It is a reality in Mozambique that even though the implementation of many actions depends of the publication of laws, decrees, decisions and documents in *BR*, the publication is very slow, and the CC comments are timely.

But we should also pay attention to other laws which are not being followed. For example, in national elections political parties are given government funds, and the elections laws have always required that the CNE evaluate the party accounts and publish its report with 60 days. This has never been done. Can the CC push the CNE and parties to respect the law? *tr*

## Results

The Constitutional Council validated the results of the 8 February rerun election in Gurué as presented by the National Elections Commission. Orlando Janeiro of MDM was elected mayor and MDM won 11 of 21 seats in the municipal assembly. The formal validation is Acórdão 5/CC/2014 de 26 de Fevereiro which will eventually be posted as <http://www.cconstitucional.org.mz/Jurisprudencia/05-CC-2014>

The complete results are:

## Gurué 8 de Fevereiro de 2014

### Presidente do Conselho Municipal

Inscritos	36 672	Votantes	15 121	41,2%	Validos	14 357
-----------	--------	----------	--------	-------	---------	--------

Candidato	Partido	Votos	NuV	Rec	Total	%
Orlando Janeiro	Frelimo	6 389	45	5	6 439	44,8
Jananquir Jussub	MDM	7 680	53	5	7 918	55,2

em branco	% Votantes	Nulos	% Votantes	Nulos validados	%Nulos
474	5,1	398	2,6	98	18,2

### Assembleia Municipal

Mandatos	21	Votantes	15 115	41,2	Válidos	14 228
----------	----	----------	--------	------	---------	--------

Partido	Votos	NuV	Rec	Total	%	Mandato
Frelimo	6 532	25	2	6 559	46,1	10
MDM	7 623	44	2	7 669	53,9	11

em branco	% Votantes	Nulos	% Votantes	Nulos validados	%Nulos
537	3,6	423	2,8	69	16,3

### Key to table

**Inscritos** = number registered

**Votantes** = total number who voted, and as % of those registered

**Validos** = valid votes (excluding blank and invalid)

**Nulo** = invalid or spoiled ballot paper

**Branco** = ballot paper with no marks

**Mandatos** = **Mand** = seats in municipal assembly

All ballot papers considered invalid (nulo) and all protested votes were sent to the CNE in Maputo for reconsideration. These tables show the process of requalification.

**Votos** = ballots in ballot box considered valid by polling station

**Nulo** = number of ballots considered invalid (nulo) by polling station

**% vot.** = **% votantes** = nulos and brancos as % of people who voted

**NuV** = **Nulos validados** = ballot papers accepted as valid by CNE

**% nulos** = nulos validados as % of nulos as counted at polling station

**Rec** = protested votes (reclamados) accepted as valid by CNE

**Total** = total valid votes including nulos validados and reclamados.

---

## Mozambique Political Process Bulletin

Editor: Joseph Hanlon (j.hanlon@open.ac.uk)

Deputy editor: Adriano Nuvunga News editor: Teles Ribeiro web: bit.ly/MozEI13

**Material may be freely reprinted and circulated. Please cite the Bulletin.**

**Published by CIP** Centro de Integridade Pública, Rua Frente de Libertação de Moçambique (ex-Pereira do Lago), 354, r/c (CP 3266) Maputo www.cip.org.mz cip@cip.org.mz Tel: +258 21 492 335, 823 016 391, 843 890 584

---

**To subscribe:** <http://tinyurl.com/sub-moz>      **To unsubscribe:** <http://tinyurl.com/unsub-moz>  
**To opt-out** from the election bulletin but still receive other Mozambique-related publications, send an email to [j.hanlon@open.ac.uk](mailto:j.hanlon@open.ac.uk) with just "no election" in the subject line.  
Para subscrever a este boletim em **Português**, envie uma mensagem para [j.hanlon@open.ac.uk](mailto:j.hanlon@open.ac.uk) apenas com a palavra "subscrever" na linha de assunto.

---

**Academic citations:** Cite as "2013 Local Elections, Mozambique Political Process Bulletin, Maputo"

---