

DEMOCRATIC REPUBLIC OF TIMOR-LESTE
MINISTRY OF STATE ADMINISTRATION
TECHNICAL SECRETARIAT FOR ELECTORAL ADMINISTRATION

No: STAE/III/2007

REGULATION ON THE ELECTORAL CAMPAIGN

PREAMBLE

The Electoral Campaign is one of the important activities of any electoral process. In the electoral campaign, both candidates and voters have the opportunity to meet before the polling day. This Regulation explains the principles of campaign enshrined in the Constitution of the Democratic Republic of Timor-Leste, art. 65,3, in Law No. 6/2006, **Electoral Law for the National Parliament**, and in Law No. 7/2006, **Electoral Law for the President of the Republic**.

Law No. 3/2004, **Law on Political Parties**, and Law No. 8/2004, **Law that Approves the Statute of the Civil Service**, are widely represented and specifically adapted in this regulation insofar as the electoral campaign is concerned.

Pursuant to sub-paragraph c), article 8, of Law No. 5/2006 on the Electoral Administration Bodies, the National Electoral Commission (CNE) approves the present Regulation.

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope

This Regulation regulates the regime applicable to the electoral campaign for the election to the President of the Republic and the Members of National Parliament.

Article 2
Object

1. The provisions of this Regulation are mandatory for all the candidates, political parties and coalitions, as well as for all the other institutions or individuals.
2. All the candidates, political parties and coalitions have the responsibility to ensure the strict compliance with this Regulation by their representatives, members, candidates, leaders, sympathizers and campaigning staff.

Article 3
Definition

1. Electoral campaign shall mean the legal period during which activities defined as electoral propaganda can be carried out.
2. Electoral propaganda shall mean all the activities directly or indirectly aiming to promote candidacies of candidates, political parties or party coalitions, namely the publication of texts or images that express or reproduce the contents of such activity.
3. Materials of electoral propaganda shall mean posters, flags, pamphlets, texts, television or radio spots, films, all types of propaganda orally disseminated, either by the media or in public, promotional objects and others, used with the purpose of promoting the candidacies.

Article 4
Period of Electoral Campaign

1. The period of electoral campaign for the election of the President of the Republic shall last 15 days and shall end 2 days before the polling day.
2. The period of electoral campaign for the election of the Members of the National Parliament shall last 30 days and shall end 2 days before the polling day.
3. In both cases, no campaigning activity or electoral propaganda, including publication or broadcasting of polls and public opinion surveys, shall be allowed in the two days prior to the polling day.

Article 5
Organizers of the electoral campaign

The candidates, political parties and coalitions shall nominate one person responsible for the campaign, who shall ensure the faithful compliance with this Regulation, as well as perform the liaison functions with the electoral authorities, both civilian and military.

CHAPTER II
PRINCIPLES OF THE ELECTORAL CAMPAIGN

Article 6
Principles of the electoral campaign

1. The electoral campaign shall be conducted in due respect for the following principles:
 - a. Freedom of electoral propaganda;
 - b. Equal opportunity and treatment for the different candidacies;
 - c. Impartiality of public entities insofar as the candidacies are concerned;
 - d. Transparency and monitoring of the electoral accounts.
2. In addition to these principles, the code of conduct, approved by CNE, shall guide the behavior of the candidates, political parties and coalitions, in their electoral campaign activities.

Article 7
Organ

The National Electoral Commission, hereinafter referred to as CNE, shall verify the respect for these principles, applicable from the date the polling day was established, and shall adopt measures ensuring its compliance and the peaceful development of the electoral campaign.

CHAPTER III FREEDOM OF ELECTORAL PROPAGANDA

Article 8 Freedom of expression

During the period of electoral campaign, no limitation or censorship can be imposed upon the expression of political, economic, social and cultural principles and programs, except where they are contrary to the Constitution and the laws.

Article 9 Freedom of assembly

1. During the electoral campaign period, the candidates, the political parties and coalitions are allowed to organize meetings, demonstrations, rallies and parades without previous authorization, as long as they are peaceful and without weapons.
2. During the electoral campaign, no individual, authority or institution shall be allowed to prohibit or prevent the holding of political campaign activities.

Article 10 Prior Notification

1. The organizers of the campaign shall submit to CNE a calendar of campaign activities. In any case, they shall inform CNE at least 72 hours in advance of the holding of the campaign or of any other change on the calendar previously submitted.
2. The organizers of the activities referred to in the previous item shall inform, at least 72 hours of antecedence, the relevant administrative and police authorities, on the activity, venue and time, so that the latter can take the necessary measures of coordination and security.
3. The civilian and police authorities shall coordinate with the individuals responsible for the campaign so as to avoid coincidence of campaign activities from different candidates.

Article 11 Limitation of time

The campaign activities shall only be allowed to take place between eight o' clock a.m. and six-thirty p.m.

Article 12 Restrictions

1. The holding of meetings, rallies and demonstrations in public places, or places open to the public located in the proximity of places where the headquarters of sovereignty bodies are located, the official residences of holders of sovereignty bodies, the military and militarized facilities, the prisons, churches, headquarters of diplomatic representations and consulates, as well as the headquarters of political parties is only permitted at a distance not interfering with the functioning of these organs.
2. The same applies to the holding of demonstrations near ports, airports, telecommunication facilities, electrical energy production stations, warehouses and facilities for storage of water, fuel and inflammable material. The same applies to the CNE and STAE buildings.

Article 13 Prohibitions

1. During the electoral campaign, it shall be forbidden the use of oral or written language which is considered:
 - a) Attempting against the institutions of the State and the unity of the Democratic Republic of Timor-Leste;
 - b) Inciting violence;
 - c) Defamatory of individuals, candidates, political parties or coalitions;
 - d) Discriminatory towards race, gender, ideology, religious belief, social position and any other which violates human rights.
2. The materials for electoral propaganda are not allowed to be placed or to be present in public buildings, churches, private buildings without previous authorization of the owners, national property goods, in places that prevent or make it difficult the traffic and visibility.
3. The candidates, political parties and coalitions shall not be allowed to offer any gift or to make promises of rewards to the voters, nor threaten with reprisals, nor intimidate the voters.
4. Electoral propaganda materials from anonymous source cannot be produced. All the material must have the identification of their authors.
5. CNE has the authority to order the withdrawal of propaganda material that is against the contents of this Regulation.
6. It is strictly forbidden to transport any type of weapons during electoral campaign activities.

Article 14 Symbols and names

The candidates, political parties and coalitions shall are not allowed to use names or symbols of State Institutions in their activities, or materials for campaign and electoral propaganda.

Article 15 Cleaning of the electoral propaganda

1. The candidates, political parties and coalitions shall withdraw all the materials used during their electoral propaganda no later than one week after the polling day.

2. The candidates participating in the second round shall not be affected by the previous rule until the conclusion of the second election.
3. In case the materials are not withdrawn in the time established, CNE will request the withdrawal of the electoral propaganda to the civilian or police administration. The cost of the cleaning operations shall be borne by the candidates, political parties and coalitions that did not fulfill what had been established in this article.

CHAPTER IV EQUAL OPPORTUNITY AND TREATMENT FOR ALL THE CANDIDACIES

Article 16 Impartiality of the media

The public media covering the electoral process shall obey the principles of impartiality, equality of opportunities and balance, and shall not discriminate any of the candidates, political parties or coalitions.

Article 17 Coverage and contents of the transmissions

In exhibiting programs not expressly related with electoral propaganda, the radio and the television shall not be allowed to broadcast, whether explicitly or implicitly, any party preference, whether through oral or visual messages, by using colors and symbols which can be easily associated with a certain candidate, political party or coalition.

Article 18 Equal access to the media

For electoral propaganda purposes, the candidates, political parties and coalitions shall have equal rights of access to the radio and television, and to public and private written press.

Article 19 Right of broadcast

1. During the electoral campaign period, the radio and television stations shall reserve to the candidates, political parties and coalitions the same broadcasting time.
2. The radio and television stations shall inform CNE on the time foreseen for the broadcasts, with at least three days of antecedence before the beginning of the broadcasts.

Article 20 Distribution of broadcasting time

1. Where several candidates, political parties and coalitions express the desire to benefit from the broadcasting time at the same time, the criterium to be adopted shall be a draw to take place by the radio or television station in the presence of the candidates, political parties and coalitions.
2. After the draw, the sequence established will be followed, augmenting by “one” each day of campaign, the candidates, political party or coalitions that will initiate the allotment of time on that day. (Day one, the candidates, political party or coalition, number one on the draw, shall have the first place in the broadcasting time; day two, the candidate, political party or coalition, number two in the draw, shall have the first place, and so on).

Article 21

Fees

1. The fees applicable shall have to be the same and public for all the candidates, political parties and coalitions.
2. The information on the fees shall be communicated by the media to CNE before the beginning of the electoral campaign.

Article 22

Public venues

1. All the candidates are equally entitled to use public venues and shall follow the provisions of article 10 of this Regulation.
2. Where there is a coincidence in using the venues, CNE shall conduct a draw in the presence of the representatives of the candidacies in case they have not reached an agreement.

Article 23

Public opinion surveys

In publishing or disseminating public opinion surveys, the following data of the technical file have to be specified: the client identification, the central objective, the sample, the methodology adopted and the company or person responsible for the design and execution.

CHAPTER V

IMPARTIALITY OF THE PUBLIC ENTITIES BEFORE THE CANDIDACIES

Article 24

Public entities

Public entities shall mean all the institutions and organizations of the Democratic Republic of Timor-Leste as per the legislation in force.

Article 25

Civil servant

Civil servant shall mean the person who is recruited and appointed for a permanent position in the Public Administration, with corresponding rights and duties in accordance with the rules in force.

Article 26
Other staff with civil servant responsibilities

All the individuals not included in the definition of civil servant, but who render services to a public institution, such as civil servants in the Justice sector, public defenders, Defence Force of Timor-Leste and National Police of Timor-Leste, for electoral campaign purposes, are herein referred to as “other personnel with public responsibilities” and are equally covered by this regulation.

Article 27
Principle of impartiality

1. The civil servant and all the staff with civil servant responsibilities shall respect the principle of equality of the citizens before the law.
2. In the exercise of civil functions, the civil servant and all the staff with civil servant responsibilities shall perform with total impartiality.
3. In the exercise of civil functions, the civil servant and all the staff with civil servant responsibilities will have to abstain from participating and holding any activity defined in this Regulation, such as electoral campaign propaganda.

Article 28
Separation of functions

In the exercise of their official functions, holders of public posts, including political appointees and nominees, shall not be allowed to participate and hold any activity defined in this Regulation, such as electoral campaign propaganda.

Article 29
Use of State public assets and property

1. It is absolutely forbidden the use of public goods, namely facilities, materials, vehicles, financial and human resources, information and any other element belonging to the State, for purposes of campaign and electoral propaganda.
2. It is also forbidden the use of goods belonging to third parties having sort of contract relationship or granting with any public entity.

CHAPTER VI
TRANSPARENCY AND INSPECTION OF THE ELECTORAL ACCOUNTS

Article 30
Financing of the electoral campaign

1. Sources of financing of the electoral campaign of the candidates, political parties and coalitions shall comprise their own revenues and the proceeds resulting from private funding.
2. One’s own resources are to be understood as:

- a) The quotas and other contributions from party members;
 - b) Contributions made by individuals who support the candidacy;
 - c) The result of fund-raising organized by the candidates, party or coalition;
 - d) The funds resulting from the party's earnings;
 - e) The candidates' own resources;
 - f) Loans;
3. Private funds are understood as:
- a) Donations of individuals;
 - b) Inheritance or legacies;

Article 31

Forbidden financial resources

It is forbidden to the candidates, political parties and coalitions, to accept cash donations from:

- a) Public companies;
- b) Companies whose capital belong exclusively or mainly to the State;
- c) Public Services Corporations;
- d) Public utility corporate bodies or corporate bodies dedicated to beneficent or religious activities;
- e) Professional associations, unions, or employer's associations;
- f) Foundations;
- g) Governments or foreign corporate bodies.

Article 32

Financial Regime

The candidates, political parties and coalitions shall have organized and separate accountancy for the electoral campaign, for their expenditures and income so as to make possible to know their financial situation and to verify the fulfilling of the obligations provided for in law.

Article 33

Publicity of the Electoral campaign accounts

1. The candidates, political parties and coalitions shall submit the accounts of the electoral campaign to CNE, which will verify them within 30 days following the election.
2. The accounts shall register all the inputs from the date the election date was published until two days after the polling day.
3. The accounts of the candidates, political parties and coalitions referring to the electoral campaign shall be published free of charge at the Official Gazette along with the opinion of CNE within 45 days from its receipt by CNE.
4. CNE shall verify the accounts within 30 days.
5. CNE may hire external employees to assist.

Article 34

Management of the accounts

1. The management of the accounts of candidates, political parties and coalitions shall obey the rules of a proper accountancy, and include especially:
 - a) The breakdown of the proceeds, which includes those provided for in the article on funds for the campaign.
 - b) The breakdown of the expenses, which includes:
 - expenses with personnel;
 - expenses with procurement
 - expenses with the provision of services;
 - Fees deriving from loans;
 - Other expenses related to the activities of the candidate, political party or coalition.
 - c) The breakdown of the capital operations referring to:
 - Investment
 - Debtors and creditors
2. The information above refer exclusively to the electoral campaign.
3. With the purpose of carrying out a transparent follow-up of the management of the accounts, the candidates, political parties and coalitions shall open specific accounts in a bank of their choice.
4. All of the movements in these accounts shall be documented, and it will not be allowed to make payments over USD 100.

CHAPTER VII SETTLEMENT OF DISPUTES OF ELECTORAL CAMPAIGN

Article 36 Illicit Electoral propaganda

1. Any person who employs legally prohibited propaganda or continues to employ it past the established time limit or in a prohibited location shall be punished with coercive detention of up to three months or fine up to 100 US dollars.
2. Any person who prevents the exercise of the right to electoral propaganda or destroys it illegitimately shall be punished by coercive detention of up to 6 months or fine up to 200 US dollars.

Article 37 Infringement of Freedom of Electoral Assembly

Any person who prevents the holding or carrying out of a meeting, demonstration, rally, parade or march of electoral campaign shall be punished with coercive detention of up to two years or fine up to 1,000 US dollars.

Article 38 Breach of Duties of Neutrality and Impartiality

Members of the electoral administration or collaborating with them who breach the duties of neutrality and impartiality shall be punished with coercive detention of up to two years or fine up to 1,000 US dollars.

Article 39

Obstruction to Freedom of Choice

1. Any person who by means of violence, threat of violence, or through fraudulent trickery, restrains or induces any other person to vote in a given direction, or who buys or sells votes, shall be punished with coercive detention of up to 2 years or fine up to 1,000 US dollars.
2. The same penalties shall be applied to any person who, when asked to assist a blind citizen in their vote or to assist somebody legally entitled to such assistance, expresses unfaithfully the vote cast.

Article 40

Notification of electoral violations

CNE shall notify the Office of the Prosecution of any attitudes susceptible of constituting electoral violation it becomes aware of.

CHAPTER IX FINAL PROVISIONS

Article 41

The provisions of the Law on Political Parties shall apply to all matters not contemplated in Chapter VI of the present Regulation.

Article 42 Silent Cases

The other silent cases shall be settled pursuant to the applicable legislation.

Article 43 Entry into force

This Regulation shall enter into force on the day following its publication in the Official Gazette.

Dili: March 2007

Tomas do Rosario Cabral
Director of STAE

Approved in Dili: / /2007

By the National Electoral Commission

No	Name	Signature
1	Maria Domingas Fernandes Alves	
2	Faustino Cardoso Gomes	
3	Joana Maria Dulce Victor	
4	Maria Angelina Lopes Sarmiento	
5	Jose Agostinho da Costa Belo	
6	Silvestre Xavier	
7	Lucas de Sousa	
8	Teresinha Maria Noronha Cardoso	
9	Tome Xavier Jeronimo	
10	Deolindo dos Santos	
11	Vicente F. Brites	
12	Sergio de Jesus Fernandes	
13	Pe. Martinho Germano da Silva Gusmao	
14	Arif Abdullah Sagran	
15	Manuela Leong Pereira	