

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

No:2 /STAE/X/2011

REGULATION ON THE PRESENTATION OF CANDIDACIES FOR THE
ELECTION OF THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF
TIMOR-LESTE

THE NATIONAL ELECTORAL COMMISSION, pursuant to subparagraph c) of article 8 of Law No. 5/2006 of 28 December and of article 67.1 of Law No. 7/2006 of 28 December, hereby approves the following to have the force of Regulation.

Chapter I
General provisions

Article 1
Scope

The present regulation shall establish the norms relating to the presentation of candidacies for the election of the President of the Republic as provided for in Law No. 7/2006 of 28 December, as well as the norms for settling disputes relating to this phase of the respective electoral processes.

Chapter II
Candidacies and respective requirements

Article 2
Elements of identification

For the purposes of the present regulation, the following shall be considered elements of identification:

- a) Complete name;
- b) Date of birth;
- c) Parent's names

- d) Profession;
- e) Place of birth;
- f) Certificate of original citizenship;
- g) District, Sub-district, *Suco* and Hamlet of residence;
- h) Number of electoral registration card.

Article 3 Ineligibility

The following shall be ineligible to run for President of the Republic:

- a) Judicial magistrates or public prosecutors in service;
- b) Serving career diplomats;
- c) Civil servants in service;
- d) Members of the Timor-Leste Defense Force (FALINTIL-FDTL) in service;
- e) Members of the police in service;
- f) Ministers of any religion or cult;
- g) Members of the National Electoral Commission, hereinafter referred to as CNE.

Article 4 Representatives of candidacies

1. In presenting candidacies, each candidate shall be represented by a person designated by him/her in writing.
2. For purposes of notification, the address and number of contact of the representative shall be indicated in the respective candidacy file.

Article 5
Elements contained in the ballot paper

1. Photographs of candidates running for President of the Republic to appear in the ballot papers shall be taken by the Technical Secretariat for Electoral Administration hereinafter referred to as STAE.
2. Flags or emblems to appear in the ballot papers shall be submitted to STAE within five days after the end of the period for presenting candidacies.
3. For the purposes of the preceding paragraph, the flags and emblems shall be submitted to STAE on JPEG electronic format, with a minimum graphic resolution of 640 X 480 points.
4. The photographs, flags or emblems inserted in the ballot papers shall cover the same area previously defined by STAE and communicated to the candidates and CNE.

Chapter III
Process for presenting candidacies

Article 6
Power to present candidacies

1. Candidacies shall be presented by a minimum number of five thousand voters from all districts and no district may be represented by less than one hundred proposers.
2. Each voter citizen may only propose one singly candidacy.

Article 7
Place and deadline for presenting candidacies

Candidacies shall be presented by the President of the Supreme Court of Justice, hereinafter referred to as STJ, within a period of twenty days from the date of publication of the Decree scheduling the election day.

Article 8
Requirements for presenting candidacies

1. Presentation of a candidacy shall consist in handing over of a statement expressing the will to present a candidate to the election of the President of the Republic and a statement of acceptance of the candidacy.

2. The statement shall contain the date of the election, the number of signatures of voting citizens as required in paragraph 1 of article 6, the elements of identification of the candidate and the representative of the candidacy, and shall be accompanied by a proof of registration of the proposers with the voter registration.

3. The statement shall also be accompanied by an authenticated photograph of the voting card of the representative of the candidacy, as well as by documents proving the following insofar as the candidate is concerned:

- a) A minimum of 35 years of age;
- b) Original Timorese citizenship.

4. At the moment of presenting the candidacy, the candidate shall attach the statement of candidacy signed by him or her, in which he or she shall declare on his or her honour that he or she is not affected by any ineligibility and that he or she accepts the candidacy and nominates his or her representative.

Article 9

Admission of candidacies

1. As soon as it receives the candidacies, the STJ shall verify the normalcy of the processes, the authenticity of the comprising documents and the eligibility of the candidates.

2. For the purposes of paragraph 1 above, the President of STJ shall be supported by the services of STAE.

3. Ineligible candidates shall be rejected.

4. Upon detection of a breach of procedure, the representative of the candidate shall be immediately notified to correct the irregularity within 2 days.

5. The final decision to accept or reject a candidacy shall be announced within 10 days from the end of the time limit for presentation of candidacies, shall cover all the candidacies, and shall be immediately communicated to the representatives of the candidates, CNE, and STAE.

Article 10

Appeals

1. Appeals against decisions relating to presentation of candidacies shall be filed with STJ within a period of one day.
2. Petitions lodging appeals, duly substantiated, shall be accompanied by all pieces of evidence.
3. Appeals shall be decided upon within 2 days from the end of the time limit referred to in paragraph 1 above.
4. The decision of the STJ shall be communicated to the representative of the candidacy who lodged the appeal, to CNE and to STAE.

Article 11

Publicity of the decision

Where no appeals are lodged, or where decisions have been made on appeals lodged, pursuant to article 12, the President of STJ shall order the affixation on the door of the court building of a complete list of all the candidacies with an indication of those candidacies that have been accepted or rejected.

Article 12

Draw of candidacies

1. On the day after the publication of the final lists, the President of STJ shall conduct a draw of the candidacies in the presence of the candidates or of their representatives who are present in the draw in order to determine their order on the ballot paper, and the minutes thereof shall be drafted.
2. In the cases provided for in articles 24 and 25 of Law No. 7/2006 of 28 December, the ballot paper already approved shall be retained and a stamp reading “cancelled” shall be posted on the name of the affected candidate.
3. The result of the draw shall be posted on the door of the building headquartering STJ, and a copy thereof shall be forwarded to CNE and STAE, which shall affix them in their respective district offices.

Article 13

Announcement of accepted candidacies

1. The final list of the accepted candidacies shall be immediately forwarded to CNE and STAE.

2. STAE shall promote the public announcement of the candidacies definitively accepted, notably through the national radio and other media, for 3 consecutive days.

Article 14

Single candidacy

Where a single candidacy has been accepted, the electoral process shall observe all its procedural steps, with the necessary adaptations.

Article 15

Withdrawal of candidacy

1. Any candidate intending to withdraw his or her candidacy may do so up to seventy-two hours prior to election day through his or her written statement recognized by a notary public and presented to the President of STJ.

2. Once the statement of withdrawal of candidacy has been verified, the President of STJ shall immediately post a copy thereof on the door of the building headquartering the Court and shall notify CNE and STAE accordingly.

3. After the first voting has been held, a withdrawal of any of the two candidates with the highest number of votes may only occur within 48 hours from the first voting.

4. In case of withdrawal pursuant to the preceding paragraph, the remaining candidates shall be invited in accordance with the voting order so that, up to the fourth day from the first voting day, they may communicate their intention to withdraw.

Article 16

Death or permanent disability of the candidate

1. It shall be incumbent upon the Prosecutor-General to present a certificate of death or request the nomination of 3 medical experts to verify the disability of the candidate, providing STJ with all the details in his or her possession.

2. Within a period not exceeding 1 day, STJ, meeting in plenary, shall verify the death of the candidate or nominate the experts.

3. Unless otherwise instructed by STJ insofar as the deadline is concerned, the experts shall present their report to it within a period of 1 day, after which STJ, meeting in panel, shall decide on the ability of the candidate.

4. Once the death has been verified or the disability of the candidate has been declared, the President of STJ shall immediately communicate the respective declaration to the President of the Republic.

Chapter IV **Final and transitional provisions**

Article 17 **Counting and end of deadlines**

1. Deadlines provided for in the present regulation shall be uninterrupted.
2. Where any act provided for in the present regulation involves the intervention of public entities or services, it shall be considered that the end of the deadline corresponds to the end of the working hours of the respective services.
3. Where CNE requests the assistance of any services or organisms of Public Administration in the framework of the electoral process pursuant to article 65-A of Law No. 7/2006 of 28 December, shall request of assistance shall be considered as matter of urgency.

Article 18 **Competent court**

So long as STJ does not initiate its functions, the competencies assigned to it in the present regulation shall be exercised by the Court of Appeals.

Article 19 **Silent cases**

The silent cases shall be settled pursuant to the applicable legislation or in accordance with the general principles of law.

Article 20 **Entry into force**

The present regulation shall enter into force on the day after its publication in the *Official Gazette*.

Regulation proposed by STAE

Dili, 7 October 2011

Tomás do Rosário Cabral
STAE Director-General

No.	Name	Signature
1	Faustino Cardoso Gomes	
2	Joana Maria Dulce Vítor	
3	Maria Angelina Lopes Saremento	
4	José Agostinho da Costa Belo	
5	Silvestre Xavier Sufa	
6	Lucas de Sousa	
7	Teresinha Maria Noronha Cardoso	
8	Tome Xavier Jerónimo	
9	Deolindo dos Santos	
10	Vicente Fernandes e Brito	
11	Sérgio de Jesus Fernandes da Costa Hornai	
12	Padre Martinho Germano da Silva Gusmão	
13	Arif Abdullah Sagan	
14	Manuela Leong Pereira	
15	Alcino de Araújo Baris	