

## **NO. 47/STAE/VIII/09**

### **REGULATION ON ELECTORAL CAMPAIGNS FOR COMMUNITY LEADERS**

#### **PREAMBLE**

Electoral Campaign is one of the most important activities in any electoral process. In the electoral campaign, both the candidates and the voters have the opportunity to meet before Election Day. The present regulation sets the campaign principles listed in the Constitution of the Democratic Republic of Timor-Leste.

Thus, the National Elections Commission (CNE) approves the present regulation based on the competence bestowed upon it by article 8 (c) of act 5/2006 on **Electoral Administration Bodies**, together with article 24.1 of act 3/2009 of 8 July on **Community Leaders and their election**.

#### **CHAPTER I GENERAL FEATURES**

##### **Article 1 Scope**

The present institute regulates the regime that applies to the electoral campaign for Community Leaders.

##### **Article 2 Purpose**

1. The provisions of the present regulation are mandatory for all candidates, agencies or persons.
2. All candidates are responsible for ensuring that their representatives, members, candidates, leaders, sympathizers and campaign staff comply with the present regulation in full.

##### **Article 3 Definition**

1. Electoral campaign means the legal period when it is allowed to carry out activities defined as electoral propaganda.
2. Electoral propaganda means all activities that seek directly or indirectly to promote candidatures, namely the publication of texts or images expressing or reproducing the contents of those activities.
3. Electoral propaganda materials mean posters, pamphlets, texts, TV or radio spots, movies, all types of oral propaganda, whether through the media or in public, promotional objects and others, used in order to promote candidatures.

**Article 4**  
**Electoral Campaign Period**

1. Electoral campaign periods last 7 days and end 48 hours before Election Day.
2. In the two days before Election Day there can be no electoral campaign or propaganda activities, and no polls and enquiries may be published or socialized.

**Article 5**  
**Person responsible for the electoral campaign**

Candidates shall designate a person to be responsible for the campaign, ensuring full compliance with the present regulation and acting as liaison with electoral, civil and police authorities.

**CHAPTER II**  
**ELECTORAL CAMPAIGN PRINCIPLES**

**Article 6**  
**Electoral campaign principles**

1. Electoral campaigns must respect the following principles:
  - (a) Freedom of electoral propaganda;
  - (b) Prohibition of binding the candidature to a political party;
  - (c) Equality in terms of opportunities and treatment regarding the various candidatures;
  - (d) Impartiality of public entities regarding the candidatures;
  - (e) Transparency and verification of electoral accounts.
2. In addition to these principles, the code of conduct approved by the NCE will guide the behaviour of candidates in their electoral campaign activities.

**Article 7**  
**Body**

The National Elections Commission, henceforth CNE, will ensure that these principles are respected from the date when the Election Day is set and will adopt measures to look after their compliance and the peaceful development of the electoral campaign.

**CHAPTER III**  
**FREEDOM OF ELECTORAL PROPAGANDA**

**Article 8**  
**Freedom of speech**

During the electoral campaign period there can be no limitation or censorship on the expression of principles and programs, except if they are contrary to what is set in the Constitution and in the law.

**Article 9**  
**Freedom of reunion**

1. During the electoral campaign period, candidates are allowed to organize meetings, demonstrations, rallies, encounters and parades, without the need for previous authorization, provided that they are peaceful and without weapons.
2. During the electoral campaign period, no person, authority or agency may prohibit or prevent the conduction of electoral campaign activities done in accordance with the law.

**Article 10**  
**Previous notice**

1. The persons responsible for the campaigns shall notify the CNE as to the location and time of every activity at least 72 hours before that activity takes place.
2. The Sub-district Administration shall be informed as to the location, date and time of campaign activities, conveying this information to the CNE and to the PNTL in the sub-district, in order for the latter to ensure safety.

**Article 11**  
**Time limits**

Campaign activities can only take place from 8.00 AM to 6.00 PM.

**Article 12**  
**Restrictions**

1. The holding of meetings, rallies and demonstrations in public places or places that are open to the public located near head offices of sovereignty bodies, official residences of holders of sovereignty bodies, military or militarized facilities, prison facilities, religious buildings, head offices of diplomatic and consular representations and head offices of political parties is only allowed if done at a distance that does not interfere with their operation.
2. The same applies to demonstrations in the vicinity of ports, airports, telecommunication facilities, electrical power plants, deposits and storage facilities for water, fuel and flammable materials, and CNE and STAE facilities.

### **Article 13 Prohibitions**

1. No oral or written language may be used in electoral campaigns if it:
  - (a) Goes against the institutions of the State and the unity of the Democratic Republic of Timor-Leste;
  - (b) Incites violence;
  - (c) Is defamatory to persons, candidates, political parties or colligations;
  - (d) Discriminates in view of race, gender, ideology, religious beliefs, social standings and any other aspect that goes against human rights.
2. Electoral propaganda materials cannot be placed or be present in public buildings, religious buildings, private buildings without the previous authorization of the owners, national patrimony goods or places that would prevent or reduce road traffic and visibility.
3. Candidates may not offer gratifications or promise to reward voters, threaten voters with reprisals or intimidate voters.
4. There cannot be anonymous electoral propaganda materials. All materials must identify their authors.
5. There cannot be any materials under article 3 that in any way link candidatures to political parties;
6. The CNE may have propaganda materials removed if they do not comply with the present regulation.
7. It is strictly forbidden to carry any type of weapons during electoral campaign activities.
8. No alcoholic beverages may be used or be present during electoral campaign meetings.

### **Article 14 Symbols and names**

Candidates may not use names or symbols of State agencies or political parties in their electoral campaign and propaganda activities or materials.

### **Article 15 Removing electoral propaganda**

1. Candidates shall remove all electoral propaganda materials used within one week after Election Day.

2. Candidates participating in a second round shall remove all electoral propaganda materials used within five days after the end of that second round.
3. Should this removal not take place, the CNE shall inform the PNTL and the District Administration to remove the electoral propaganda materials, with the respective costs being paid by the defaulting candidatures.

#### **CHAPTER IV EQUALITY IN TERMS OF OPPORTUNITIES AND TREATMENT REGARDING THE VARIOUS CANDIDATURES**

##### **Article 16 Impartiality of public media**

Public media covering the electoral process shall obey the principles of impartiality, equality of opportunities, balance and non-discrimination against any candidature.

##### **Article 17 Coverage and content of broadcasts**

Radio and television programs may not broadcast, either explicitly or implicitly, any preference through oral or visual messages, use of colours or symbols, which might be easily associated with any candidature.

##### **Article 18 Public spaces**

1. All candidates have the same rights in terms of the use of public spaces, and they shall follow the provisions in this regulation.
2. Should more than one candidature wish to use the same public space at the same time, and if no agreement can be reached among them, the CNE shall hold a draw in front of representatives from the candidatures in question to decide which one will be entitled to use the public space at the time.

#### **CHAPTER V IMPARTIALITY BY PUBLIC ENTITIES IN RELATION TO CANDIDATURES**

##### **Article 19 Public entities**

Public entities mean all State agencies and organizations of the Democratic Republic of Timor-Leste under the applicable legislation.

##### **Article 20 Civil servants**

Civil servants mean persons recruited and appointed to permanent positions in Public Administration, with specific duties and rights, according to the applicable rules.

**Article 21**  
**Other persons with public responsibilities**

All those who do not fall under the definition of civil servant but who provide services to a State agency, such as justice administration personnel, public defenders, electoral body officers, Armed Forces of Timor-Leste and National Police of Timor-Leste shall be, for the purposes of electoral campaigns, referred here as “other persons with public responsibilities” and be likewise covered by the present regulation.

**Article 22**  
**Principle of impartiality**

1. Civil servants and all persons with public responsibilities must respect the principle that all citizens are equal before the law.
2. When performing public tasks, civil servants and persons with public responsibilities must act with total impartiality.
3. When performing public tasks, civil servants and persons with public responsibilities must abstain from participating in and performing any activity set in the present regulation.

**Article 23**  
**Separation of tasks**

Holders of public agencies and persons appointed or designated under political confidence may not, in the performance of their official duties, participate in and perform any activity set in the present regulation as electoral propaganda.

**Article 24**  
**Use of public goods and State patrimony**

1. It is strictly forbidden to use public goods, namely facilities, materials, vehicles, financial and human resources and any other public property element for purposes of electoral campaign and propaganda.
2. It is also forbidden to use goods belonging to parties with contractual relationships with public entities or that have been awarded State contracts.

**CHAPTER VI**  
**TRANSPARENCY AND VERIFICATION OF ELECTORAL ACCOUNTS**

**Article 25**  
**Funding of electoral campaigns**

The funding sources for electoral campaign candidatures include revenues from a State General Budget subsidy.

**Article 26**  
**Forbidden funding**

Candidates cannot accept cash donations from:

- (a) Public companies;
- (b) Societies where all or most of the capital belongs to the State;
- (c) Companies that have been awarded public services;
- (d) Legal persons with public utility or dedicated to beneficence or religious activities;
- (e) Professional associations, unions or employer associations;
- (f) Foundations;
- (g) Foreign governments or legal persons.

**Article 27**  
**Financial regime**

Candidatures must have organized and separated accounting for electoral campaigns, spending and revenues, so as to enable verification of their financial situation and compliance with legal obligations.

**CHAPTER VII**  
**SOLVING ELECTORAL CAMPAIGN DISPUTES**

**Article 28**  
**Solving disputes**

1. Candidates who have their campaign rights affected may present a written complaint to the CNE within 24 hours after the event they consider to have breached their rights.
2. The CNE shall deliberate and announce the results of its deliberation within 48 hours after receiving the written complaint.
3. The CNE shall report to the Public Prosecution all events transmitted to it that are susceptible of constituting illegal electoral acts.

**CHAPTER VIII**  
**FINAL PROVISIONS**

**Article 29**  
**Illegal electoral acts**

Illegal electoral acts are the ones listed in the current Penal Code.

**Article 30**  
**Unforeseen cases**

Other unforeseen cases shall be solved according to the applicable legislation.

**Article 31**  
**Repeals**

Any provision on electoral campaigns for suco elections that contradict the present regulation is hereby repealed.

**Article 32**  
**Entry into force**

The present regulation enters into force on the day after its publication in the Journal of the Republic.

Regulation proposed by the STAE.

Done in Dili, on 11 August 2009

**Tomás do Rosário Cabral**

Director

Approved in Dili on 13 August 2009

**For the National Elections Commission / CNE**

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