

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE  
MINISTRY OF STATE ADMINISTRATION  
TECHNICAL SECRETARIAT FOR THE ADMINISTRATION OF ELECTIONS  
(STAE)**

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**REG. No. 182/STAE/2004**

**ON  
SUBMISSION OF CANDIDACIES FOR THE ELECTION OF SUCO CHIEFS AND  
SUCO COUNCILS**

Pursuant to subarticle 12.6 of Law 2/2004, on the Election of Suco Chiefs and Suco Councils, the Technical Secretariat for the Administration of Elections (STAE) submits the following to the National Electoral Committee (CNE), for approval:

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## **I ELECTORAL CAPACITY AND CANDIDACIES**

STAE shall accept candidacies for the following positions:

1. Suco Chief
2. Suco Council Members:
  - (a) Village chief;
  - (b) Elder, an individual aged over 50 or recognised by their community as *lianain*;
  - (c) Male young person is an individual aged between 17 and 35;
  - (d) Female young person is an individual aged between 17 and 35;
  - (e) Woman (two positions).

## **Article 2**

### **Eligibility requirements**

1. Only Timorese citizens, men and women without discrimination, may apply for the position of Suco Chief or Suco Council Member.
2. National citizens shall also meet the following eligibility requirements:
  - (a) to be aged over 17;
  - (b) to be registered in the suco's electoral roll;
  - (c) to be a resident, for at least one consecutive year, in the suco or village for which they seeking to be elected;
  - (d) to be in the full exercise of their civil and political rights.

## **Article 3**

### **Limitations on candidacies**

1. The following entities shall be barred from seeking election to *suco* organs:
  - (a) the President of the Republic;
  - (b) members of Parliament;
  - (c) members of the Government;
  - (d) judges and public prosecutors;
  - (e) religious leaders;
  - (f) members of the PNTL;
  - (g) members of FALINTIL-FDTL;
  - (h) public servants.

## **Article 4**

### **Incompatibilities**

1. A candidate shall not seek to be simultaneously elected as a suco chief and member of a suco council.
2. A political party or party coalition shall not submit more than one candidate for suco chief in the same suco or more than one candidate for suco council member, exception being made to woman's representatives, provided there are two vacancies.

**Article 5**  
**Temporary immunity of candidates**

Candidates shall not be subject to preventive custody during the election process, except in the case of flagrante delicto in connection with a crime carrying a prison sentence of up to six months.

**Article 6**  
**Resignation or death of a candidate**

1. In the event of resignation of a candidate nominated by a political party or party coalition, the latter may nominate in writing a new candidate at least 21 days before the election takes place.
2. There shall be no substitution in the case of resignation presented by an independent candidate.
3. Where the ballot papers have already be printed out at the time the resignation of the candidate is submitted, STAE shall imprint the word “cancelled” on the name and picture of the candidate.
4. In the event of death of a candidate nominated by a political party or party coalition, the latter may present a new candidate in writing to the Brigade not later than 72 hours before the election.
5. Where ballot papers have already been printed out at the time the death of a candidate occurs and the political party or party coalition wishes to present a substituting candidate to STAE, the latter shall inform the public of the reason for such substitution through a notice affixed outside the Polling Station. The name and the picture of the deceased candidate shall remain in the ballot paper.
6. In the event of resignation or death of a candidate, voters shall be informed by a public notice affixed visibly at the polling place.

**II**  
**COMMUNITY GATHERING**

**Article 7**  
**Venue and date**

1. STAE shall determine the venue and date for the community gathering, with preference being given to the suco community centre.
2. In the absence of such a centre or where its use is not recommended, STAE shall select another venue, avoiding the use of private houses, and shall inform the CNE and the District Administration of its decision.

**Article 8**  
**Community gathering**

1. STAE shall, with the assistance of the District Administration, and entities and institutions designated by the former, promote an awareness campaign informing voters

about the community gathering and the requirements that candidates for suco chiefs and suco council members must meet.

2. STAE shall inform the population of the suco, at least one week in advance, of the date and venue at which the community gathering will take place.

3. The information shall be advertised at a public place in the suco in order to make it accessible to suco voters.

4. At the beginning of the community gathering, STAE brigade shall explain again the purpose of the gathering, who is eligible for the different positions in question, and shall then introduce the candidates.

#### **Article 9**

##### **Representatives of nominators**

1. A politic party or party coalition is represented in the submission of candidacies by a person designated by its competent body.

2. An independent candidacy is submitted by the candidate himself or herself or by another person designated by the former.

3. Representatives of political parties or party coalitions shall produce documentary proof, attesting to their capacity as representatives with STAE.

### **III**

#### **SUBMISSION OF CANDIDACIES**

#### **Article 10**

##### **STAE brigades**

There shall be an electoral brigade in each Suco charged with:

(a) organising the community gathering in which candidates are introduced;

(b) registering candidates;

(c) the brigade may be assisted by community volunteers previously approved and clearly identified by STAE;

(d) Any other tasks consistent with the nature of its functions.

#### **Article 11**

##### **Nominators of candidates**

1. Candidacies for suco chief and suco council members may be submitted by individuals or by political parties and party coalitions formed in accordance with the law.

2. Only registered citizens may submit candidacies and run as candidates.

3. Only citizens and party coalitions, legally registered in accordance with Law No. 3/2004, not later than the date of the community gathering, may submit or endorse candidacies.

**Article 12**  
**General requirements for submitting candidacies**

1. Candidacies are presented to STAE brigade on the day the community gathering takes place.
2. Candidacies are put forward by producing:
  - (a) a candidacy statement, signed by the candidate himself or herself, in which the candidate solemnly expresses his or her willingness to run for the election and that he or she is not covered by any cause for ineligibility, nor is he or she seeking to be elected for any other position.
  - (b) the voter card, which shall be checked by STAE brigade and then returned to the candidate.
3. The candidate is required to be present at the community gathering, under penalty of his or her candidacy being automatically annulled, without the right to appeal.

**Article 13**  
**Candidacy statement**

1. A candidacy statement shall have the following elements in conformity with the voter card:
  - (a) full name;
  - (b) district, sub-district, suco, and village where the candidate resides;
  - (c) number of the voter card;
  - (d) signature or fingerprint;
  - (e) date of birth.
2. In addition to such particulars, the candidacy statement shall also contain:
  - (a) the occupation;
  - (b) the place of birth;
  - (c) the name of the parents;
  - (d) the name by which the candidate wishes to appear on the ballot paper.
3. In the case of an illiterate candidate, STAE brigade shall assist him or her in writing the candidacy statement, which shall contain the candidate's fingerprint and mention of his or her illiterate status. The contents of the statement shall be read out before those present.

**Article 14**  
**Candidacies from a political party or party coalition**

1. A candidate nominated by a party or party coalition shall submit, at the community gathering, in addition to the candidacy statement mentioned in the previous articles, a candidacy endorsement letter approved by the representative bodies of the political party or party coalition, and signed by the legitimate representative of the political party or party coalition in conformity with its statutes; failure to do so shall cause the candidate to be considered an independent candidate.
2. For the purposes of applying the provisions of the previous subarticle, the endorsement letter shall contain the following identifying elements:
  - (a) name of the political party or party coalition;
  - (b) acronym and symbol of the political party or party coalition;

- (c) full name, age, residence, number of the voter card of the candidate and the position for which he or she is seeking to be elected.
3. The production of a single endorsement letter shall suffice for all candidacies put forward by a political party or party coalition in the same suco.
  4. A candidate endorsed by a political party or party coalition may not change his or her party candidate status to an independent candidate status after STAE has accepted a candidacy already endorsed by a party.

**Article 15**  
**Minimal percentage**

1. Where there are quite a number of independent candidacies, thus rendering the voting process difficult or unfeasible, only those supported by over 10% of the voters present at the community gathering shall be accepted.
2. In order to ensure the legitimate percentage, STAE brigade may be assisted by volunteers in the counting of voters.
3. Elections may only be held in villages and sucos where at least 10% of the population with active electoral capacity has registered.

**Article 16**  
**Lack of candidacies**

1. In the event that candidacies are non-existent, STAE shall determine a new community gathering not later than one week of the date of the first gathering.
2. In the absence of candidates for one of the positions as suco council member, such position shall be declared cancelled.
3. In the absence of any candidate for suco chief, the outgoing suco chief shall remain in office until such a time as an extraordinary election in the suco is held on a date to be determined by the CNE, under a proposal of STAE.

**Article 17**  
**Claims on candidates**

1. Nominators of candidates and those voters present at the community gathering may make claims in respect of the verification of the eligibility requirements.
2. After the community gathering, the list of candidacies of the suco shall be affixed at the community centre, with a full identification of candidates.
3. Voters may file claims with STAE brigade not later than 48 hours after the community gathering was held.
4. Should there be any claims, STAE brigade shall check the relevant data and information and shall prepare a report on the issue within 48 hours, for submission to STAE.
5. Claims shall be drafted by STAE brigade and shall, in the absence of further evidence, be accompanied by the summary of the discussion held and referred to STAE, for a decision to be made within one week.
6. A STAE's decision on any claims filed shall be reported to the CNE, with a copy of the decision rendered.

**Article 18**  
**Absence of claims**

In the absence of claims and once the candidacies have been reviewed, STAE shall decide whether to accept or reject the candidates and shall publish a comprehensive list of the candidacies received at the community centre or at another previously designated place, with a copy to the CNE.

**Article 19**  
**Irregularities in the process**

1. STAE brigade shall verify the regularity of the candidacy process and shall, in the event of any irregularity, order that the candidate be notified of the need to correct it within 48 hours of the community gathering.
2. Procedural irregularities shall be remedied within four days of the community gathering.
3. A candidate who fails to remedy any irregularities in his or her candidacy shall be rejected by STAE.

**Article 20**  
**Pictures of candidates**

STAE shall take the pictures of candidates to be apposed to the ballot papers.

**Article 21**  
**Appeal to the CNE**

1. Nominators and their candidate may appeal against a decision rejecting their candidacy within one week of the date on which the final list was made public.
2. The appeal shall be lodged in writing with the brigade, which shall refer it to STAE; and such appeal shall contain the allegations, witnesses' statements, and documentary evidence.
3. STAE shall send, within 48 hours, the allegations that are the ground of appeal and any other elements deemed pertinent for consideration by the CNE, which shall decide not later than one week.

**Article 22**  
**Publicity of lists of selected candidates**

1. Once the candidacies have been reviewed and accepted, STAE shall publish the lists of selected candidates, broken down by suco and by category.
2. The lists shall be widely disseminated by STAE by affixing them at the suco office or at a place indicated by STAE brigade.
3. Candidates shall appear on the list and on the ballot paper by category and in alphabetical order, in accordance with their given names.

**IV**  
**MONITORS**



**Article 23**  
**Right to appoint monitors**

1. Nominators of candidates have the right to appoint a full monitor and a substituting monitor for each polling station.
2. Only voters may be appointed as monitors of a political party, party coalition or independent candidate.
3. Electoral monitors may be appointed for a polling station other than the one in which they are registered.
4. Failure to appoint a monitor shall not affect the regularity of the voting operations.

**Article 24**  
**Appointment process**

1. The names of monitors are notified in writing to STAE brigade by the candidates themselves on the day on which the community gathering is held.
2. Monitors are provided with credentials bearing their name, the registration number, and the name of the party, party coalition or independent candidate that they are representing, including the polling station for which they have been appointed.
3. Challenge to election on the grounds of absence of any monitor shall be illegal.

**Article 25**  
**Powers invested in monitors**

1. Monitors from entities that have nominated running candidates shall have the following powers:
  - (a) to sit closest to the electoral officers in order for them to be able to monitor all polling operations;
  - (b) to consult at all times the copies of the electoral rolls used by the electoral officers at the polling station;
  - (c) to be heard and clarified in respect of any issues raised during the operation of the polling station, either in the polling phase or in the counting phase;
  - (d) to make oral or written claims, protests or counter-protests concerning the polling operations;
  - (e) to sign the minutes, and initial and seal any documents concerning the polling operations and the counting of results.
2. Monitors may not replace polling officers.

**Article 26**  
**Temporary immunities**

Electoral monitors may not be arrested during the operation of the polling station, except in the case of *flagrante delicto* in connection with a crime carrying a prison sentence.

**Article 27**  
**Entry into force**

This regulation shall enter into force on the day following the date of its publication in the Official Gazette.

Dili, 22 October 2004

STAE Director

[Signed]

Tomás do Rosário Cabral

To be published.

The commissioners:

- |  |          |
|--|----------|
| 1. Maria do Céu Federer<br>Chairperson | [Signed] |
| 2. Faustino Cardoso Gomes              | [Signed] |
| 3. Valentim Ximenes                    | [Signed] |
| 4. Sebastião Dias Ximenes              | [Signed] |
| 5. Isabel Guterres                     | [Signed] |
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