

Law No. 7/2012 of 1 March

Fourth Amendment to Law No. 7/2006 of 28 December – Law on the Election of the President of the Republic

Law No. 7/2006 of 28 December, Law on the Election of the President of the Republic, establishes in its article 26.1 that “*In case of death of any candidate or of the occurrence of any other fact rendering the candidate disabled for the exercise of the presidential magistracy, the electoral process shall be reopened*”, which implies the scheduling, within forty-eight hours, of a new date for the election, without prejudice to the deadline provided for in article 12.1 of the same Law. In other words, the scheduling of a new date for the presidential elections shall observe a minimum period of sixty days prior to the election day.

On the other hand, article 21.2 of Law No. 7/2006 of 28 December also establishes that in cases of withdrawal, statement of permanent disability or of death of a candidate, the ballot paper already approved shall be retained and the word “cancelled” shall be stamped over the name of the relevant candidate, which is contrary to the regime of reopening the electoral process provided for in article 26.1 of the same Law. This translates a clear contradiction which needs to be removed in order to guarantee coherence of the Law and stability of the electoral process.

Thus,

Pursuant to article 65.5 and to subparagraph h) of article 95.2 of the Constitution of the Republic, the National Parliament enacts the following to have the force of law:

Article 1 Amendments

Articles 25 of Law No. 7/2006 of 28 December as amended by Law No. 5/2007 of 28 March and by Law No. 8/2011 of 22 June, shall now read as follows:

“Article 25 Death or permanent disability of a candidate

1. (...).

2. (...).

3. (...).

4. (...)

5. In case of death or of a statement of permanent disability of any candidate admitted to the second-round, the remaining candidates shall be successively called upon, in accordance with the order of voting, so that, within 24 hours, they may state that they accept submitting their respective candidacy to the second-round.

Article 2 Revocation

Article 26 of Law No. 7/2006 of 28 December as amended by Law No. 5/2007 of 28 March and by Law No. 8/2011 of 22 June is hereby revoked.

Article 3 Entry into force

The present Law shall enter into force on the day after its publication.

Approved on 1 March 2012.

The Speaker of the National Parliament *ad interim*.

Vicente da Silva Guterres

Enacted on 1/3/2012.

For publication.

The President of the Republic,

José Ramos-Horta