

GOVERNMENT DECREE 16/2017

OF MAY 12

REGULATION ON THE SUBMISSION OF NOMINATIONS FOR THE ELECTION OF DEPUTIES TO THE NATIONAL PARLIAMENT

The Law on Elections for the National Parliament, following the Constitution of the Republic, establishes that political parties, alone or in coalition, may present lists of candidates to be Deputies of the National Parliament.

In this way, the general norms regarding the presentation and admission of nominations for the election of Deputies to the National Parliament, contained in the abovementioned Law, must be given a detailed definition.

Thus, the Government decrees, pursuant to the provisions of article 77 of Law no.6 2006, of December 28, amended successively by Law no. 6/2007, 31 May, 7/2011, 22 June, 1/2012, 13 January and no. 9/2017, of May 5, the following to be valid as a regulation:

Chapter I

General provisions

Article 1

Scope

This Regulation lays down the rules for the submission of nominations for the election of Deputies to the National Parliament and the rules of litigation relating to this phase of the relevant electoral processes.

Chapter II

Requirements for nominations

Article 2

Components of identity

For the purposes of this regulation, the following shall be considered as components of identity:

- a) Full name;
- b) Date of birth;
- c) Parents
- d) Profession
- e) Place of birth
- f) Municipality, Administrative Post, Special Administrative Area Oecusse Ambeno, Suco and Village of residence
- g) Registration number in the voter register.

Article 3

Ineligibilities

The following are ineligible for the National Parliament:

- 1 The President of the Republic;
- 2 The judicial and prosecutorial magistrates and the Public Prosecution Service in active service;
- 3 The career diplomats in active service;
- 4 Public servants in active service;
- 5 Members of the Timor-Leste Defence Forces (FALINTIL-FDTL) in active service;
- 6 Members of the police in active service;
- 7 Ministers of any religion or cult
- 8 Members of the National Election Commission hereinafter referred to as CNE.

Article 4

Representatives of the proposers

1. For the submission of the list of candidates, political parties and party coalitions shall be represented by a person they have designated.
2. For the purposes of notification, the address and telephone contact of the representative are indicated for the relevant nomination process.

Chapter III

Process of submitting nominations

Article 5

Powers for submission of nominations

1. The nominations are submitted by political parties, alone or in a party coalition, provided that they are duly registered, and the lists may include citizens not affiliated with the respective parties.
2. No party or coalition can present more than one candidate list.
3. No one can appear on more than one list, under penalty of ineligibility.
4. At the time of submission of their nominations, political parties or party coalitions must prove compliance with the provisions of article 7 (2), article 18 and article 19 (3) and (4), of Law no. 3/2004, of April 14, on Political Parties¹, under penalty of rejection of the nomination.

¹ TRANSLATOR'S NOTE: The text of these articles is included as an end note to this translation.

Article 6
Party coalitions for electoral purposes

1. Within twenty (20) days of the election date being announced, two or more parties may form coalitions for electoral purposes (party coalitions) with the aim of presenting a single list for the election for the National Parliament, in accordance with the following paragraphs.
2. The formation of party coalitions for electoral purposes obeys the provisions of the Law on Political Parties, being communicated immediately to the National Election Commission (CNE), stating the respective title, acronym, flag and emblem.
3. The information referred to the preceding paragraph must be transmitted by CNE to the Technical Secretariat for Electoral Administration (STAE), which immediately announces them through a Notice published in Official Gazette.

Article 7
Location and deadline for submission

The candidate lists are submitted to the Supreme Court, within a period of thirty days from the date of publication in the Official Gazette of the decree marking the date of election.

Article 8
Requirements for submission of nominations

1. The submission of nominations consists of the delivery of a joint declaration of acceptance subscribed to by all the candidates, who are appropriately ordered and identified as actual or substitute candidates.
2. In the declaration referred to in the preceding paragraph, the candidates declare that they accept to stand for election as a deputy to the National Parliament, they accept the representative for the nomination, that they are not affected by any ineligibility and they are not a candidate for election on the list of any other political party or party coalition.
3. The joint declaration of nomination includes the identification details of all the candidates and the representative of the nomination, as well as the signature of all the candidates.
4. The lists of actual and substitute candidates respect the legally prescribed organization of one woman for each group of three candidates.
5. The list presented by a party coalition indicates the party which proposes each candidate.
6. The representative of the political party or party coalition submits documents about the list of candidates to the Supreme Court, in paper and electronic format, for the purpose of verifying the regularity of the processes and the candidates' eligibility.

Article 9
Admission of nominations

1. Once the nominations are received, the Supreme Court begins to verify the regularity of the processes, the authenticity of the documents and the candidates' eligibility, and they receive assistance from STAE for this.

2. Verification of identity and registration in the electoral database is done by STAE within a maximum period of two (2) days.
3. After verification of the lists, STAE issues and forwards the report on verification of the admissible lists to the Supreme Court.
4. Ineligible candidates are rejected.
5. Procedural irregularities that are verified are immediately notified to the representative of the nominations for response within two (2) days.
4. The Supreme Court issues a decision on admission or rejection within 10 (ten) days after the deadline for submission of nominations, which covers all nominations and is immediately notified to the nominations' representatives, CNE and STAE.

Article 10

Announcement of the Decision

The Supreme Court displays the decision referred in paragraph 6 of the preceding article at the entrance to its building, on the day the decision is made.

Article 11

Communication of nominations accepted

1. The list of nominations received is immediately sent to STAE.
2. STAE promotes the public dissemination of nominations admitted, through national radio and other media, for three (3) consecutive days.

Article 12

Lottery for lists

1. On the day following the publication of the definitely accepted nominations, the President of the Supreme Court shall conduct a lottery of the candidacies, in the presence of the candidates or their representatives who attend the draw, in order to determine their order on the ballot paper, which is recorded in the minutes.
2. The conduct of the lottery and the printing of the ballot papers does not imply the admission of the nomination, and should be considered as of no effect, in relation to any nomination that is later definitively rejected.
3. The result of the lottery is displayed at the entrance to the Supreme Court's premises, with a copy being sent to CNE and STAE.

Article 13

Substitution and withdrawal of candidates.

1. A bid for a candidate to withdraw is made by his/her signed declaration witnessed by a notary, while, however, the validity of the list is maintained.
2. The withdrawal of any candidate must be communicated to the political party, which informs the CNE, with a copy to STAE.

3. A candidate may be replaced no later than twenty-one days before the election, in the following cases;
 - a) Elimination by virtue of a final judgment of appeal on grounds of ineligibility;
 - b) Candidate's resignation
4. Where death or illness makes standing as a candidate physically or psychologically impossible, a replacement may be made up to seventy-two hours before the election.
5. This replacement is optional, with these replacements to be included in the list after the last of the substitutes.

Article 14
Withdrawal of list

A bid to withdraw a list can be made no later than seventy-two hours before Election Day, through communication from the relevant representative to the Supreme Court, which immediately transmits this to CNE and STAE.

Chapter IV
Provisions for litigation on submission of candidacies

Article 15
Appeal

1. An appeal against a decision on the submission of nominations may be filed within one (1) day to the bench of the Supreme Court (STJ)
2. The application for filing the appeal, which contains the grounds of appeal, shall be accompanied by all the evidence.
3. The appeal shall be decided within two (2) days of the expiry of the period referred to in paragraph 1.
4. The list of candidacies definitively accepted is sent immediately to CNE and STAE.

Article 16

Standing

Candidates, political parties, party coalitions, representatives of the candidacies and also electors have the right to appeal.

Article 17

Decision

The STJ decides the appeal definitively within 48 (forty-eight) hours from the date of receipt of the case, and communicates its decision on the same day to the entity which filed the appeal, CNE and STAE.

Chapter V

Final and transitional provisions

Article 18

Calculation and expiry of deadlines

1. The deadlines foreseen in this regulation are continuous.
2. If any act foreseen in this regulation involves the intervention of entities or public services, it is considered that the deadline for the period corresponds to the end of office hours for the respective service.

Article 19

Competent court

Before the establishment of the Supreme Court of Justice, the powers conferred on it by this decree are exercised by the Court of Appeal.

Article 20

Omissions

Cases not covered herein shall be settled in accordance with the applicable legislation or in accordance with the general principles of law.

Article 21

Application form for nominations

1. All nominations are submitted to the Supreme Court by completing the form for the joint declaration of acceptance of nomination, which is guided by the documents provided for in this decree.
2. The form referred to the preceding paragraph, is included at Annex 1 to this Decree, of which it is an integral part for all legal purposes.

Article 22

Implementation

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

Approved by the Council of Minister on May 11, 2017.

To be published.

The Prime Minister

Dr. Rui Maria de Araujo

The Minister of State Administration

Dr Dionisio Babo Soares

UNOFFICIAL TRANSLATION

ANNEX I

(Referred to in article 21 (2))

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

The Court of Appeal

Joint Declaration of Acceptance of Nomination

The candidates for the election of deputies for the National Parliament are identified below:

A- ACTUAL CANDIDATES

1. *(Full name of the candidate)* _____, proposed by political party *(indicate the political party that proposes the candidate)* _____ born on (DD/MM/YY) ___/___/___, in the Suco of *(indicate name of the Suco in which the candidate was born)* _____, in the Administrative Post of *(indicate the name of the Administrative Post in which the candidate was born)* _____, in the Municipality of *(indicate name of Municipality in which the candidate was born)* _____, son of *(identify the candidate's father's name)* _____, and of *(identify the candidate's mother's name)*, with the profession of *(identify the profession of the candidate)* _____, with habitual residence at *(indicate the place where the candidate resides)* _____, in the Village of *(indicate the name of the Village in which the candidate resides)*, in the Suco of *(indicate the name of the Suco in which the candidate resides)* _____, in the Administrative Post of *(indicate the name of the Administrative Post in which the candidate resides)* _____, in the Municipality of *(indicate the name of the Municipality in which the candidate resides)* _____, with the phone number *(indicate the phone number of the candidate)* _____, with the voter number *(indicate the voter number)* _____.

Template for Forms Numbers 1-65

B SUBSTITUTE CANDIDATES

66 (Full name of the candidate) _____, proposed by political party (indicate the political party that proposes the candidate) _____ born on (DD/MM/YY) ___/___/___, in the Suco of (indicate name of the Suco in which the candidate was born) _____, in the Administrative Post of (indicate the name of the Administrative Post in which the candidate was born) _____, in the Municipality of (indicate name of Municipality in which the candidate was born) _____, son of (identify the candidate's father's name) _____, and of (identify the candidate's mother's name), with the profession of (identify the profession of the candidate) _____, with habitual residence at (indicate the place where the candidate resides) _____, in the Village of (indicate the name of the Village in which the candidate resides), in the Suco of (indicate the name of the Suco in which the candidate resides) _____, in the Administrative Post of (indicate the name of the Administrative Post in which the candidate resides) _____, in the Municipality of (indicate the name of the Municipality in which the candidate resides) _____, with the phone number (indicate the phone number of the candidate) _____, with the voter number (indicate the voter number) _____.

Template for Forms Numbers 66-90

UNOFFICIAL TRANSLATION

Declaration that the following candidates accept to stand for the election of deputies of the National Parliament, the Political party/Coalition of Political Parties *(indicate the name of the political party of coalition of political parties)* _____

They further declare, on their honor, that they are not in any way ineligible, nor do they appear on more than one list of candidates for election of deputies of the National Parliament and agree to the appointment of the representative of the nominations *(complete name of representative)*

_____ representative of the nominations presented by the political party / coalition of political parties *(name of political party or coalition of political parties represented)* _____ born on (DD / MM / YY) ___/___/___ in the Village of *(indicate the name of the Village in which the representative was born)* _____ in the Suco of *(indicate the name of the Suco in which the representative was born)* _____ in the Administrative Post of *(indicate the name of the Administrative Post in which the representative was born)* _____ in the Municipality of *(indicate the name of the Municipality in which the representative was born)* _____, son of *(identify the representative's father's name)* _____, and of *(identify the representative's mother's name)*, with the profession of *(identify the profession of the representative)* _____, with habitual residence at *(indicate the place where the representative resides)* _____, in the Village of *(indicate the name of the Village in which the representative resides)*, at the Suco of *(indicate the name of the Suco in which the representative resides)* _____, in the Administrative Post of *(indicate the name of the Administrative Post in which the representative resides)* _____, in the Municipality of *(indicate the name of the Municipality in which the representative resides)* _____, with the phone number *(indicate the phone number of the representative)* _____, with the voter number *(indicate the representative's voter number)* _____.

Signatures of the declarees/candidates

No	Name of declaree/candidate	Electoral Number	Signature
Actual Candidates			
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ⁱ Law on Political Parties

Article 7(2)

Political parties shall communicate in writing to the Supreme Court the name, address, voter's number and telephone contact of the officials elected to their national organs, as well as the respective programs that have been approved or modified.

Article 18

The internal organisation of political parties must follow such basic specific democratic rules as follows:

- a) the political objectives, the internal structuring and the mode of functioning must be contained in the respective by-laws and political programme;
- b) the by-laws and political programme of the party must be approved by the totality of the party members or by the representative organs;
- c) the leaders of organs can only be elected by means of a direct and secret vote of all party members or of an assembly representing them;
- d) unless the law or the by-laws provide for a more qualified quorum, the decisions of the organs shall only be binding when taken by one half plus one of all members of the organ in question.
- e) the decisions shall be taken by a simple majority unless the law or the by-laws require a qualified majority;
- f) no admission can be denied nor membership excluded on the basis of race, gender, ethnicity, creed or social status.

Article 19 (3)

The Congress or the National Conference shall have exclusive competency to approve by-laws and the political programmes, to decide about merging with other parties, to enter into political party coalitions or platforms, delimitating the scope, objective and duration of such platforms or coalitions.

Article 19(4)

The Congress or Conference shall meet on a regular basis with a maximum interval of four years.