

GOVERNMENT DECREE NO. 18/2017
12th May

REGULATION FOR THE ELECTORAL CAMPAIGN

CHAPTER I
GENERAL PROVISIONS

Article 1
Scope

This regulation defines the framework applicable to the election campaign for the election of deputies for the National Parliament.

Article 2
Subject

1. The provisions of this regulation are mandatory for all political parties and coalitions and other natural and legal people.
2. All political parties and coalitions are liable to ensure the strict compliance with this regulation by their representatives and other electoral campaign staff.

Article 3
Definitions

1. The electoral campaign consists of the legal period during which the activities defined as electoral propaganda are carried out.
2. Electoral propaganda consists of any activity that aims, directly or indirectly, to promote the candidates, namely through the publication of texts or images that express or reproduce the content of such activity.
3. The electoral campaign materials consist of posters and banners, flags, leaflets, texts, television or radio spots, movies or any type of oral propaganda broadcast through media, promotional articles and others, with the purpose of promoting the candidate lists.

Article 4
Electoral Campaign Period

1. The electoral campaign period regarding the election of deputies to the National Parliament lasts for thirty (30) days and ends two days before the election day.
2. For the purposes set forth in the preceding paragraph, in the two days before the election day there shall be no campaign or electoral propaganda activity.

Article 5
Responsibility for the electoral campaign

The political parties and coalitions shall appoint a person responsible for the campaign in order to guarantee the strict compliance with this regulation, and as a contact point for electoral, civil and police authorities.

CHAPTER II
ELECTORAL CAMPAIGN PRINCIPLES

Article 6
Electoral Campaign Principles

1. The electoral campaign must follow these principles:

- a) Freedom of electoral propaganda;
- b) Equal opportunities and treatment regarding each candidate list;
- c) Impartiality of the public authorities towards the candidate lists;
- d) Transparency and supervision of the electoral financial accounts.

2. Besides the principles stated in the preceding paragraph, during the electoral campaign, the candidates, their representatives and the electoral campaign staff will guide their behavior in accordance with the rules contained in other electoral regulations.

Article 7
Supervising bodies

The National Election Commission, hereinafter referred to as CNE, verifies the compliance with rules and principles, applicable since the election day is announced, and implements measures that ensure such compliance and peaceful development of the campaign.

CHAPTER III
FREEDOM OF ELECTORAL PROPAGANDA

Article 8
Freedom of expression

During the electoral campaign period, no limitation on or censoring of political, economic, social and cultural principles or programs can be imposed, except in relation to ones that infringe the Constitution and the laws in force.

Article 9
Freedom of assembly

1. During the electoral campaign period, and without needing prior authorization, the candidates may hold peaceful meetings, demonstrations, rallies, talks and parades.
2. During the abovementioned period, no person, authority or institution may forbid or prevent political campaign activities.

Article 10
Presentation of the activities calendar

1. Five working days before the election campaign period, political parties and coalitions shall obligatorily inform the CNE of the activities of their respective campaigns.
2. If there is a coincidence of place and time for political parties or party coalitions, CNE notifies the political parties or the coalitions to negotiate mutual agreement on the time and place.
3. If there is no agreement on the place or time, CNE carries out a lottery to solve the situation.
4. After finding a solution, CNE informs the Police and Administration in the relevant municipality or administrative region.

Article 11
Time limits

Electoral propaganda activities can only occur between 8 am and 6.30 pm.

Article 12
Restrictions

1. Meetings, rallies and demonstrations in public places or places open to the public near any sovereign bodies' premises, the official residences of the holders of sovereign body positions, military premises, prisons, church buildings, embassies and consulates, political party offices and CNE and STAE buildings are only allowed at such a distance that prevents them from interfering with the performance of their duties.
2. The distance referred to in the preceding paragraph shall also be followed regarding rallies near ports, airports, telecommunications premises, power generation plants and water, fuel and flammable material areas.

Article 13
Prohibitions

1. During the electoral campaign, it is forbidden to use oral or written language:
 - a) Against the State institutions or the unity of the Democratic Republic of Timor-Leste;
 - b) Inciting violence;
 - c) Slandering any candidate or citizen;
 - d) Discriminating in terms of race, sex, ideology, and religious beliefs, social status or against any human rights.
2. Political parties and party coalitions are prohibited from using language and identifying themselves with religious beliefs and sects.
3. Electoral propaganda material cannot be displayed in public, church or private buildings without prior authorization being given by the owners, in buildings or places considered as national treasures and places that prevent or render more difficult traffic or visibility.
4. Political parties and party coalitions cannot offer gifts or promise any rewards to voters nor threaten or intimidate them.
5. There can be no anonymous electoral propaganda materials, with all materials having the author identified.
6. The CNE can immediately notify and request the intervention of the competent authorities whenever language used violates what is established in this regulation and in the Law.
7. CNE may remove propaganda materials that do not comply with this regulation.
8. It is strictly forbidden to carry any type of weapon during electoral campaign activities.

Article 14
Symbols and names

Political parties and party coalitions cannot use names or symbols of State institutions in their activities or electoral campaign and propaganda materials.

Article 15
Removal of electoral propaganda

1. Political parties and party coalitions must remove all electoral propaganda materials used during the campaign within a week from the day after election day.
2. If electoral propaganda materials are not removed within the period as defined, CNE shall request the relevant authorities to proceed with such removal.
3. The costs of the operations to remove the electoral propaganda are borne by the political parties or party coalitions that do not comply with this article.

CHAPTER IV
EQUAL OPPORTUNITIES AND TREATMENT FOR CANDIDACIES

Article 16
Impartiality of mass media

While covering the electoral process, mass media shall respect the principles of impartiality, equality of opportunity and treatment, and shall not discriminate against any of the political parties and party coalitions.

Article 17
Coverage and content of broadcasting

In programs not expressly intended to broadcast electoral propaganda, public radio and television cannot convey, explicitly or implicitly, any preference, through via oral or visual messages, through colours or symbols that can be easily associated with any particular political party and party coalitions.

Article 18
Equal access to media

The candidates have equal access to electoral propaganda through public radio, television and press.

Article 19
Right to broadcasting time

1. During the electoral campaign period, the public radio and television grants equal broadcasting time to the candidates.
2. The radio and television stations inform CNE about the planned broadcasting schedule at least three days prior to the beginning of the broadcasts.

Article 20
Distribution of broadcasting time

1. If several candidates wish to use broadcasting time at the same time, the public radio or television station conduct a lottery organized in the presence of the political parties and party coalitions.
2. After the lottery, the order established shall be followed, augmenting by "one", each day of the campaign, the political party or party coalition that will be first in the allocation of broadcasting time on that particular day.
3. On day one, the political party or party coalition which was number one in the lottery has first slot in the broadcasting time, on day two the candidate drawn second has the second place, and so on.
4. No candidate can be adversely affected by lack of time, thus, subject to article 4 of this regulation, the broadcasting times that cannot be used for reasons beyond the control of their holders are transferred to the first opportunity or to the immediately following day on which they are exceptionally added to the beginning of the electoral campaign program.

Article 21
Fees

1. The applicable fees are equal for all political parties and party coalitions.
2. Information on fees must be provided by the media to CNE before the electoral campaign commences.

Article 22
Public spaces

1. All political parties and party coalitions have equal rights to use public venues, subject to articles 10 and 11 of this regulation.
2. If the use of public venues overlaps, CNE shall organize a lottery in the presence of representatives of the political parties and party coalitions, if they cannot reach a prior agreement.

Article 23
Polls and surveys

If polls and surveys are either published or broadcast, the following technical data must be provided: the identification of the Client, the purpose of the poll or survey, the sample, the methodology used and the company or person responsible for its design and execution.

CHAPTER V
IMPARTIALITY OF PUBLIC ENTITIES REGARDING THE POLITICAL PARTIES OR COALITIONS

Article 24
Public entities

Public entities are understood to be all the institutions of the State of the Democratic Republic of Timor-Leste, defined as such, according to the current legislation.

Article 25
Civil servant

A civil servant is any citizen recruited and appointed for a permanent position in the Public Administration, with its own rights and obligations in accordance with Law no. 8/2004, May 5.

Article 26
Other officials with public responsibilities

For electoral campaign purposes, anyone that is not a civil servant but performs duties for any public entity, such as justice administration officials, judges and public prosecutors, public defenders, members of the Security Forces and National Police of Timor-Leste are also governed by this regulation.

Article 27
Impartiality principle

1. Civil servants and other officials with public responsibilities must consider all citizens equal before the law.
2. While performing their duties, civil servants and other officials with public responsibilities must act impartially in relation to all candidates, and shall not participate in and carry out any electoral propaganda activity.

Article 28
Use of public and State assets

It is strictly forbidden to use public assets, namely premises, materials, vehicles, financial and human resources, information or any other element of public property, for electoral campaign and propaganda purposes.

CHAPTER VI
TRANSPARENCY AND SUPERVISION OF ELECTORAL ACCOUNTS

Article 29
Financing of the electoral campaign

1. The sources of finance for the electoral campaigns of candidates comprise their own income and income derived from private financing.
2. Own income includes:
 - a) Quotas and other contributions from party members
 - b) The result of fundraising activities developed by the political party or party coalition;
 - c) The party's own income;
 - d) Any loans.
3. The following constitute private financing:
 - a) The donations of singular persons in accordance with the Law on Political Parties;
 - b) Inheritances or legacies

Article 30
Prohibited funding

The candidates cannot accept donations from:

- a) Public companies;
- b) Companies entirely or majority State-owned;
- c) Public service concession companies;
- d) Public utility corporate bodies or charities or religious entities;
- e) Professional associations, trade unions or employers' associations;
- f) Foundations;
- g) Governments and foreign legal persons.

Article 31
Financial regime

The political parties or party coalitions must have separate accounts for the electoral campaign, reflecting their revenues and expenses so that the financial status can be assessed and compliance with the obligations provided for in law verified.

Article 32
Electoral campaign accounts made public

1. The candidates must submit their electoral campaign accounts to CNE within thirty days after election day.
2. The accounts must record all transactions since the date of publication of the election day until two days after election day.

3. The accounts of the candidates relating to the electoral campaign must be published free of charge in the Official Gazette, along with CNE's opinion, within forty-five days after their receipt by CNE.
4. CNE verifies the accounts within thirty days.
5. CNE may hire external expertise for assistance.

Article 33

Organization of the accounts

1. The political parties and party coalitions accounts must follow the rules of sound bookkeeping and specifically include:
 - a) A breakdown of income as stated in the article regarding the financing of the campaign;
 - b) A breakdown of expenses, including:
 - i. Staff expenses;
 - ii. Expenses for the purchase of goods;
 - iii. Expenses for the purchase of services;
 - iv. Costs of loans;
 - v. Other expenses regarding the candidate's activities;
 - c) A breakdown of capital operations regarding:
 - i. Investments;
 - ii. Debtors and creditors.
2. The detailed information in the preceding paragraph relates exclusively to the electoral campaign.
3. With the purpose of assuring accounting transparency, each political party or party coalition shall open a specific bank account in a bank of his/her choice.
4. Any transactions in these accounts must be documented, and payments in cash of over USD 100 (one-hundred US dollars) are not allowed.

CHAPTER VII

SETTLEMENT OF DISPUTES REGARDING THE ELECTORAL CAMPAIGN

Article 34

Claims

1. Political parties or party coalitions whose campaign rights are affected may file a complaint with CNE.
2. CNE shall establish a system for examining complaints based on a procedural regulation which it approves itself.

CHAPTER VIII

ELECTORAL CRIMES

Article 35

Illegal propaganda

Illegal electoral propaganda is that defined as such by the current Criminal Code.

Article 36

Reporting offences

CNE shall report to the Public Prosecution Office any acts that are potentially a criminal offence that it becomes aware of.

**CHAPTER IX
TRANSITIONAL AND FINAL PROVISIONS**

**Article 37
Omissions**

1. The Political Party Financing Law applies to any cases not covered in Chapter VI of this regulation.
2. Other cases shall be resolved under the applicable law.

**Article 38
Entry into force**

This regulation enters into force on the day following its publication in the Official Gazette.

Approved by the Council of Ministers on May 12, 2017

To be published.

The Prime Minister,

Dr. Rui Maria de Araújo

The Minister of State Administration,

Dr. Dionisio Babo Soares