

## **Decree 01/2022**

### **Regulation on the Submission and Acceptance of Candidacies for the Election of the President of the Republic**

**As issued 10 January 2022**

#### **Preamble**

The electoral law for the President of the Republic, in line with the Constitution of the Republic, has established the general requirements to present candidacies for election for President of the Republic. As they are general rules, they need a more detailed definition.

Therefore, the Government decrees, under the provisions of article 67 of Law no. 7/2006, of 28 December, the Electoral Law for the President of the Republic, amended by Laws no. March, 8/2011, of June 22, 2/2012, of January 13, 7/2012, of March 1, 4/2017, of February 23 and 15/2021 of July 14, the following to have validity as a regulation:

#### **Chapter I General provisions**

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

This legal document establishes the rules regarding the submission and acceptance of candidacies for the election of the President of the Republic, as well as the rules of litigation relating to this phase of the electoral process.

#### **Chapter 2 Submissions and their requirements**

##### **Article 2 Passive electoral capacity**

Timorese citizens are eligible to be candidates for the President of the Republic if they cumulatively:

- a) Is a citizen by birth;
- b) Are at least thirty-five years old;
- c) Have full use of their capacities.

##### **Article 3 Elements of Establishing Identity**

For the purposes of this regulation, the following identification elements are considered:

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

**Article 4**  
**Ineligibility**

The following are ineligible to be President of the Republic:

- a) Currently serving Judicial magistrates and prosecutors;
- b) Currently serving career diplomats;
- c) Currently serving civil servants;
- d) Currently serving members of the Defense Forces of Timor-Leste (FALINTIL-FDTL);
- e) Currently serving members of the police;
- f) Ministers of any religion or cult;
- g) Members of the National Election Commission, hereinafter referred to as the CNE.

**Article 5**  
**Representatives of the Candidates**

1. When submitting lists of candidates, candidates are represented by a person designated by them.
2. For notification purposes, the address and telephone contact of the representative are indicated in the relevant application.

**Chapter III**  
**Process for Submitting Candidacies**

**Article 6**  
**Power to submit applications**

1. Candidates are proposed by a minimum number of five thousand voters from all municipalities, with at least one hundred proponents from each municipality.
2. Each citizen voter can only be a proponent of a single candidacy.

**Article 7**  
**Place and deadline for submission**

The candidacies are presented to the President of the Supreme Court of Justice (STJ), within twenty days from the date of publication of the decree that sets the election date.

**Article 8**  
**Requirements for submitting an application**

1. The application consists of the delivery of a declaration of willingness to propose the candidate for the election of the President of the Republic and a declaration of acceptance of candidacy.
2. The declaration contains the date of the election, the number of signatures of the electors required in paragraph 1 of Article 6, the elements of identification of the candidate and the representative of the candidacy and is accompanied by proof of registration of the proponents in the voter register.
3. The list of electors mentioned in the previous paragraph must also be delivered in digital format containing the name and voter card number of each proposing elector.
4. The declaration is also accompanied by a certified photocopy of the voter card, and documents that prove that the candidate:
  - a) Is at least of thirty-five years old;
  - b) Has Timorese citizenship by birth.

5. The declaration is also accompanied by an authenticated photocopy of the voter card of the candidate's representative.

6. On submission, the candidate attaches the declaration of candidacy, signed by him/her, in which he/she declares on his/her honor that he/she is not subject to any ineligibility, that he/she accepts the candidacy and also designates the candidate's representative.

#### **Article 9** **Admission of candidacies**

1. As soon as the candidacies are received, the President of the STJ, registers them numerically in order of receipt, starting at number 1 and begins the verification of the regularity of the process, the authenticity of the documents and the eligibility of the candidates.

2. For the purposes of the previous paragraph, the President of the STJ is supported by STAE, namely in verifying the regularity of the lists of the candidates' proponents.

3. Ineligible candidates are rejected.

4. If a proponent's signature appears in more than one application, the one that appears in the application with the lowest registration number is considered valid.

5. In the event of procedural irregularities, the candidate's representative is immediately notified to correct them within two days.

6. The decision in respect of all candidates is issued within ten days after the deadline for the submission of candidacies, and is immediately notified to the candidates' representatives, CNE and STAE.

#### **Article 10** **Publicising the decision**

On the day on which the decision referred to in paragraph 5 of the previous article, the STJ affixes it to the door of its building.

#### **Article 11** **Communication of accepted applications**

1. The list of accepted applications is immediately sent to STAE.

2. STAE promotes the public dissemination of the accepted applications, through the national radio and other media, for three consecutive days.

#### **Article 12** **Candidate lottery**

1. On the day following the publication of the candidacies that have been definitively admitted, the president of the STJ carries out, in the presence of the candidates or their representatives who attend the draw, a lottery for the purpose of assigning them an order on the ballot paper, recording the result in a formal minute.

2. In the cases provided for in Articles 13 and 14, the already approved ballot paper is maintained, but the name of the affected candidate is stamped 'cancelled'.

3. The result of the lottery is posted on the door of the building where the headquarters of the STJ is located, and a copy is sent to the CNE and STAE.

**Article 13**  
**Withdrawal of candidacy**

1. Any candidate who intends to withdraw his/her candidacy may do so up to seventy-two hours before election day, by means of a written declaration by him/her, with the signature verified by a notary, presented to the President of the STJ.
2. Upon verification of the regularity of the declaration of withdrawal, the president of the STJ immediately orders a copy to be affixed to the door of the building where the headquarters of the Court is located and notifies the CNE and STAE of the fact.
3. After the completion of the first round vote, the eventual withdrawal of either of the two candidates with the most votes can only occur within the following forty-eight hours.
4. In case of withdrawal under the terms of the previous paragraph, the remaining candidates are successively called, in the order of votes received, so that, until the 4th day after the first vote, they can communicate any withdrawal.

**Article 14**  
**Death or permanent disability of a candidate**

1. It is up to the Attorney General of the Republic to present evidence of the death or request the appointment of three medical experts to verify the candidate's incapacity, providing the STJ with all the elements at his disposal.
1. The STJ, in plenary, verifies the death of the candidate or appoints experts within a period not exceeding one day.
2. The experts present their report within one day, unless another date is fixed by the STJ, after which the full bench of the STJ decides on the candidate's capacity.
3. Once the death is verified or the candidate's incapacity is declared, the president of the STJ immediately communicates the corresponding declaration to the President of the Republic.
4. In case of death or declaration of permanent incapacity of any of the candidates admitted to the second round, the remaining candidates are successively called, in order of votes received, within 24 hours, and until one declares that he/she accepts being a candidate for the second round of voting.

**CHAPTER IV**  
**Provisions on the litigation of the submission of candidacies**

**Article 15**  
**Appeals**

1. The decision on the submission of candidacies may be appealed to the full bench of the STJ, to be lodged within a period of one day.
2. The application to file the appeal, which contains its grounds, is accompanied by all the evidence.
3. The appeal is decided within two days from the end of the period referred to in paragraph 1.
4. The list of definitively admitted candidates is immediately sent to CNE and STAE.

**Article 16**  
**Legitimacy**

Candidates, representatives of the candidates, and voters, have standing to lodge an appeal against a candidacy.

**Article 17**  
**Decision**

The STJ decides the appeal definitively within forty-eight hours from the date of receipt of the case, communicating the decision, on the same day, to the respondent, the CNE and the STAE.

**CHAPTER V**  
**Final and transitional provisions**

**Article 18**  
**Commencement and expiry of deadlines**

1. The periods provided for in this regulation are continuous.
2. When any act provided for in this regulation involves the intervention of public entities or services, the end of the period is considered to correspond to the end of the working hours of the relevant service.

**Article 19**  
**Competent court**

Until the STJ commences functioning, the powers that are assigned to it in the present regulation are exercised by the Court of Appeal.

**Article 20**  
**Subsidiary application**

Any unclear interpretation or gaps resulting from the application of this legal document will be resolved in accordance with the general principles of administrative law.

**Article 21**  
**Application submission form**

1. All applications are submitted by completing the application acceptance declaration form, which is accompanied by the documents provided for in this decree, before the STJ.
2. The form referred to in the previous paragraph is included in the attachment to this decree, of which it forms an integral part.

**Article 22**  
**Implementation**

This legal document enters into force on the day following its publication.

Approved by the Council of Ministers on 5 January 2022

To be published

Prime Minister  
Dr. Taur Matan Ruak

The Minister of State Administration  
Dr. Miguel Pereira de Carvalho

**ATTACHMENT**

**(referred to in paragraph 2 of Article 21)**

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE**

**Court of Appeal**

**ELECTION OF THE PRESIDENT OF THE REPUBLIC 2022**

**Declaration of Acceptance of Candidacy**

The candidate for the election of the President of the Republic, identified below (Full name of the candidate) \_\_\_\_\_, born on (DD/MM/YY) \_\_\_/\_\_\_/\_\_\_\_, in the Village of (indicate the name of the Village where the candidate was born) \_\_\_\_\_, of the Suco de (indicate the name of the Suco where the candidate was born) \_\_\_\_\_, from the Administrative Post of (indicate the name of the Administrative Post where the candidate was born) \_\_\_\_\_, of the Municipality of (indicate the name of the Municipality where the candidate was born) \_\_\_\_\_, son of (identify the name of the candidate's father) \_\_\_\_\_ and (identify the name of the candidate's mother) \_\_\_\_\_, with the profession of (identify the candidate's profession) \_\_\_\_\_, habitually resident in (indicate the place where the candidate resides) \_\_\_\_\_, in the Village of (indicate the name of the Village where the candidate resides) \_\_\_\_\_, from the suco of (indicate the name of the suco where the candidate resides) \_\_\_\_\_, from the Administrative Post of (indicate the name of the Administrative Post where the candidate resides) \_\_\_\_\_, from the Municipality of (indicate the name of the Municipality where the candidate resides) \_\_\_\_\_, with the telephone number (indicate the applicant's telephone number) \_\_\_\_\_, with the voter number (indicate the voter number of the candidate) \_\_\_\_\_, declares he/she accepts to run for the election of the President of the Republic. He/she further declares, under oath of honor, that he/she is not subject to any cause of ineligibility, and agrees to the designation of the candidate's representative (Representative's full name) \_\_\_\_\_, born on (DD/MM/YY) \_\_\_/\_\_\_/\_\_\_\_, in the Village of (indicate the name of the Village where the representative was born) \_\_\_\_\_, in the Suco of (indicate the name of the Suco where the representative was born) \_\_\_\_\_, of the Administrative Post of (indicate the name of the Post Administrative Office where the representative was born) \_\_\_\_\_, of the Municipality of (indicate the name of the Municipality where the representative was born) \_\_\_\_\_, son of (identify the name of the father of the representative) \_\_\_\_\_ and (identify the name of the representative's mother) \_\_\_\_\_, with the profession of (identify the profession of the representative) \_\_\_\_\_, habitually resident in (indicate the place where the representative resides) \_\_\_\_\_, in the Village of (indicate the name of the Village where the representative resides) \_\_\_\_\_, in the Suco of (indicate the name of the Suco where the representative resides) \_\_\_\_\_, of the Administrative Post of (indicate the name of the Administrative Post where the representative resides) \_\_\_\_\_, of the Municipality of (indicate the name of the Municipality where the representative resides) \_\_\_\_\_, with the telephone number (indicate the telephone number of the representative) \_\_\_\_\_, with the voter number (indicate the voter number of the representative) \_\_\_\_\_.

\_\_\_\_\_ (location) on \_\_\_\_\_ of the month of \_\_\_\_\_ 2022.

Signature of declarants/candidates:

\_\_\_\_\_  
The candidate

\_\_\_\_\_  
The representative