

**GOVERNMENT DECREE NO. 5/2017**

**REGULATING THE ELECTORAL CAMPAIGN AND PROPAGANDA  
As amended by Decree 3/2022 of 10 January 2022**

**Republication of Full Decree 5/2017 as Amended January 2022**

**Preamble**

The pandemic situation around the world, caused by COVID19, necessarily has implications for the daily lives of people and this effect could not fail to be felt by us and in the presidential election and its campaign. As it is true that the last amendment to the electoral law for the President of the Republic already raises concerns and presents solutions to overcome the consequences of the pandemic, naturally also in the regulations that derive from the electoral laws, there is respect for the norms that aim to prevent the propagation and dissemination of COVID19 through the population, imposing containment measures or those that prevent or hinder this spread.

Thus, the Government decrees, under the provisions of article 67 of Law No. 07/06, of 28 December, amended by Laws No. 5/2007, of 28 March, 8/2011, of 22 June 2/2012, January 13, 7/2012, March 1, 4/2017, February 23 and July 15, 2021, the following to have the force of Regulation:

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Scope**

This regulation defines the framework applicable to the Presidential election campaign.

**Article 2  
Subject**

1. The provisions of this regulation are mandatory for all candidates and other natural and legal people.
2. All candidates are liable to ensure the strict compliance with this regulation from 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 candidates.

**Article 4  
Electoral Campaign Period**

1. The electoral campaign period regarding the President of the Republic lasts for fifteen 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 candidates shall appoint a person responsible for the campaign in order to guarantee the strict compliance with this regulation, as well as the contacts with 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;
  - c) Impartiality of the public authorities regarding the candidates;
  - d) Transparency and supervision of the electoral financial accounts.
  
1. Besides the principles stated in the preceding paragraph, during the electoral campaign, the candidates, their representatives and the electoral campaign staff shall follow the rules mentioned below:
  - a) Perform electoral propaganda within the electoral laws and regulations;
  - b) Carry out the electoral campaign in a positive manner through their action programs;
  - c) Contribute to providing clear and honest information on his/her own candidacy to citizens with voting rights;
  - d) Participate in the electoral process in a peaceful, democratic and transparent manner;
  - e) During the campaign, use language that adds to a peaceful environment, without slandering, threatening, inciting violence or making criticisms of personal or gender nature to any person or group of people, namely towards other candidates or their supporters;
  - f) Do not hamper the work performed by any person performing tasks under the electoral process;
  - g) Cooperate with all authorities performing tasks for the electoral process, the Technical Secretariat for Election Administration (STAE), National Election Commission (CNE) and the Supreme Court (STJ) in particular, as well as electoral officers, the candidates' supervisors, electoral observers (national and international), media professionals, security forces, as well as other candidates and their supporters;
  - h) Do not misuse State assets or civil servants for propaganda and electoral campaign purposes;
  - i) Do not use public offices as instruments for electoral propaganda instruments;
  - j) Respect requirements for neutrality and impartiality to be complied with by civil servants in general and electoral administration officials in particular, as well those who collaborate with them;
  - l) Follow the dates shown in the electoral calendar;
  - m) Pledge to settle disputes between candidates regarding the electoral campaign, amicably and through dialogue;
  - n) All candidates pledge to report any behaviour that jeopardizes the compliance with the principles and rules stated in this regulation.

## **Article 7**

### **Supervising bodies**

The National Electoral 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  
ELECTORAL PROPAGANDA FREEDOM**

**Article 8  
Freedom of expression**

During the electoral campaign period, one cannot impose any limitation or censor political, economic, social and cultural principles or programs, except regarding the ones that infringe the Constitution and the laws in force.

**Article 9  
Freedom of reunion**

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 mentioned period, no person, authority or institution may forbid or prevent political campaign activities, as long as this regulation is complied with.

**Article 10  
Prior authorization**

1. Those responsible for the campaigns must provide CNE with an activity calendar, informing them at least five days in advance of campaign activities or any amendment to the schedule provided.
2. The organizers of the activities referred to in the preceding paragraph shall inform the relevant administrative and police authorities at least five days in advance about the activities to be carried out, their time and venue, in order to implement the necessary coordination and security measures.
3. The civil and police authorities shall coordinate with the people responsible for the electoral campaigns in order to avoid the overlap of campaign activities by different candidates.

**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 burning 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. 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.
3. Candidates cannot offer gifts or promise any rewards to the voters nor threaten or intimidate them.
4. There can be no anonymous electoral propaganda materials, with all materials having the author identified.
5. CNE may remove propaganda materials that do not comply with this regulation.
6. It is strictly forbidden to carry any type of weapon during electoral campaign activities.

**Article 14**  
**Symbols and names**

Candidates cannot use names or symbols of State institutions in their activities or electoral campaign and propaganda materials.

**Article 15**  
**Removal of electoral propaganda**

1. Candidates must remove all electoral propaganda materials used during the campaign within a week from the day after election day.
2. Candidates that participate in a second round of presidential elections are excepted from the preceding paragraph until this round is concluded.
3. If electoral propaganda materials are not removed within the period as defined, CNE shall request the relevant authorities to proceed with such removal.
4. The costs of the operations to remove the electoral propaganda are borne by the candidates that do not comply with this article.

**CHAPTER IV**  
**EQUAL OPPORTUNITIES AND TREATMENT FOR CANDIDACIES**

**Article 16**  
**Impartiality of public media**

While covering the electoral process, the public media shall respect the principles of impartiality, equality of opportunity and treatment, and shall not discriminate against any of the candidates.

**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 candidate

**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 draw organized in the presence of the candidates (or their representatives, specifically appointed for this purpose).
2. After the draw, the order established will be followed, shall be followed, augmenting by "one", each day of the campaign, the candidate that will be first in the allocation of broadcasting time on that particular day.
3. On day one, the candidate who was number one in the draw has first slot in the broadcasting time, in day two the number two candidate 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 candidates.
2. Information on fees must be provided by the media to CNE before the electoral campaign commences.

**Article 22**  
**Public spaces**

1. All candidates 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 draw in the presence of representatives of the candidates, 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 CANDIDACIES**

**Article 24**  
**Public entities**

The State and other public organizations defined as such in law are considered as public entities.

**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 and the Public Administration.
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) The contributions made by individuals that support the candidate;
  - b) The result of fundraising activities developed by the candidate;
  - c) The candidate's own funds;
  - d) Any loans.
3. The income derived from private financing includes the income of inheritances or legacies.
4. Subject to the preceding paragraphs, the candidates may benefit from other rights, as long as legally established.

**Article 30**  
**Prohibited funding**

The candidates cannot accept donations from:

- a) Public entities;
- 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 candidates 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.
6. Candidates that do not comply with paragraphs 1 and 2 shall be punished in accordance with the law.

**Article 33**  
**Organization of the accounts**

1. The organization of candidates' 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 candidate 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. Candidates whose campaign rights are affected may file a claim with CNE.
2. CNE shall establish a system for examining claims based on a procedural regulation which it approves itself.

**CHAPTER VIII**  
**ELECTORAL CRIMES**

**Article 35**  
**Illegal propaganda**

Illegal electoral propaganda is that typified 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  
FINAL AND TRANSITIONAL PROVISIONS**

**Article 36 A  
Distancing rules and their expiry**

1. The electoral campaign activities provided for in this regulation are subject to compliance with the rules of social distancing determined in article 15 of the Decree-Law No. 26/2021, of 26 November.
2. The obligation to comply with the rules of social distancing provided for in the previous paragraph expires with the expiry of the legal document providing for measures exceptional and temporary health surveillance measures in response to the Covid-19 disease pandemic

**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 solved 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 February 24th, 2017

To be published.

The Prime Minister,  
Dr. Rui Maria de Araújo

The Minister of State Administration,  
Dr. Dionisio Babo Soares