

NATIONAL ELECTORAL COMMISSION LAW

Law n.º. 71/78, of 27th december

Source : http://www.cne.pt/sites/default/files/dl/legis_cne_lei_71_78.at.pdf

The Assembly of the Republic decrees, as defined in paragraph (d) of article 164 and in paragraph (f) of article 167 of the Constitution, the following:

Chapter I Nature and composition

Article 1 Definition and functions

1. The National Electoral Commission is created.
2. The National Electoral Commission is an independent body and operates next to the Assembly of the Republic.
3. The National Electoral Commission exercises its competence in relation to all acts of electoral registration and elections for sovereign bodies, autonomous regions organs and local government organs.

Article 2 Composition

The National Electoral Commission is composed by:

- a) A judge from the Supreme Court of Justice, to be appointed by the Supreme Judicial Council, who will be the president;
- b) Citizens of recognized merit, to be appointed by the Assembly of the Republic, integrated in a single list of names, each one of them proposed by each parliamentary group;
- c) A technician appointed by each of the government departments responsible for Internal Affairs, Foreign Affairs and the Media.

Article 3 Mandate

1. The members of the National Electoral Commission are appointed until the thirtieth day after the beginning of each parliamentary legislature and are installed before the President of the Assembly of the Republic within the thirty days following the end of the term of appointment.
2. The members of the National Electoral Commission remain in the respective offices until the installation of the new Commission.

Article 4 Statute of Commission members

1. The members of the National Electoral Commission enjoy security of tenure and are independent in the exercise of their functions.

2. The members of the Commission will lose their mandate if they apply for any kind of elections for sovereign bodies, autonomous regions or local government organs.

3. Vacancies that arise in the Commission, particularly by death, resignation, physical or psychic incapacitation, or loss of the mandate, are filled in accordance with the appointment criteria defined in article 2, within 30 days following the vacancy.

4. If the Assembly of the Republic is dissolved in the period mentioned in the previous paragraph, the Commission members whom it should be appointed will be substituted until entry into functioning of the new Assembly, by co-optation of the members in office.

5. The members of the National Electoral Commission are entitled to an attendance fee for each meeting day equal to one seventy-fifth of a monthly allowance for members of the Assembly of the Republic.

Chapter II

Competences and operation

Article 5

Competences

1. The National Electoral Commission has the competences:

a) To promote the objective enlightenment of citizens concerning electoral acts, particularly through the media;

b) To ensure equal treatment of citizens in all acts of electoral registration and electoral operations;

c) Register party coalitions for electoral purposes;

d) To ensure equal opportunities of political action and propaganda of the candidatures during election campaigns;

e) *(Revoked.)*;

f) To distribute broadcasting time on radio and television among the different candidatures;

g) To decide the appeals made by the mandatory lists of candidates and parties against the decisions of the civil governor or, in the case of the autonomous regions, of the Minister of the Republic, concerning the use of indoor performance venues and public enclosed spaces.

h) To oversee electoral income and expenditure;

i) To draw up the map of national elections results;

j) To carry out any other functions attributed to it by the electoral laws;

2. For a better exercise of functions, the National Electoral Commission may appoint delegates where deemed necessary.

Article 6

Electoral calendar

Once the date of the elections has been scheduled, the National Electoral Commission has to publish a calendar-map published in the media within the following eight days, containing the dates and specifying the acts that must be carried out within a given time.

Article 7

Connection with the administration

1. In the exercise of its competence, the National Electoral Commission has over the bodies and Administration agents the necessary powers to carry out its duties.
2. For the purposes of the previous paragraph, the government department responsible for electoral administration shall give the National Electoral Commission the support and cooperation when requested.

Article 8

Operation

1. The National Electoral Commission operates in plenary with the presence of the majority of its members.
2. The National Electoral Commission decides by majority and the president has the casting vote.
3. The National Electoral Commission decides its own rules of procedure which is published in the Diário da República.

Article 9

Budget and facilities

The running costs of the National Electoral Commission are covered by the budget allowance granted to the Assembly of the Republic, from which the Commission can request facilities and technical and administrative support that requires for its operation.

Chapter III

Final and transitional provisions

Article 10

First designations and installation

The first designations and installation of the National Electoral Commission, formed under the terms of the present law, takes place, respectively, in the following ten days after the entry into force of the present law and until the tenth following day.

Article 11

Transitional regime

1. Until the end of 1978, the National Electoral Commission uses the budget allocations assigned to it by the Ministry of Internal Affairs.

2. The National Electoral Commission may continue to dispose the facilities, equipment and personnel assigned to it by the Ministry of Internal Affairs, while it is not transferred to Assembly of the Republic own facilities

Article 12

Repeal

All legislation and rules which coincide with or contradict the present law are repealed.

Approved on 2nd of October of 1978

The Assembly of the Republic President, Vasco da Gama Fernandes

Proclaimed on 23rd of November of 1978.

To be published.

The President of the Republic, António dos Santos Ramalho Eanes

The Prime-Minister, Alfredo Jorge Nobre da Costa