



**Simonny Valéria Soares**

Tradutora Pública e Intérprete Comercial (Inglês)

Matrícula Nº 51/2012 – Junta Comercial do Distrito Federal (JCDF)

CPF nº 563.830.290-53

Proc. nº 349248

Folha nº 49

Servidor(a) SP

I, the undersigned **Simonny Valéria Soares**, Sworn Public Translator and Commercial Interpreter of the English language, registered at the Board of Trade of the Federal District under the number 51/2012, hereby certify that the English text attached hereto is, to the best of my ability, knowledge and belief, a true, complete and correct translation of the following document, sent in electronic format: **EXCERPT FROM SUPPLEMENTARY LAW No. 135, OF JUNE 4, 2010.**

**TRADUÇÃO Nº 0070/0070/2012**

**Livro Nº: 0001**

**TRANSLATION:**

Supplementary Law No. 135 – Amends the wording of Supplementary Law No. 64

Article 1 – .....

I – .....

c) the Governor and the Vice Governor of the State and the Federal District and the Mayor and the Vice Mayor who lose elective office due to violation of provisions established in the State Constitution, in the Organic Law of the Federal District or in the Organic Law of the Municipality, becoming unqualified to run for elections to be held during the remaining term and in the 8 (eight) year-period subsequent to the expiration of the term for which they were elected;

d) those against whom complaints have been filed and later been granted by Electoral Courts, in unappealable judgments or in decisions issued by a collective body, in proceedings for investigation of abuse of economic or political power in election campaigns they either run for or have already won, as well as in elections to be held in the next 8 (eight) years;

e) those who have been convicted by an unappealable judgment or in a decision issued by a collective body, from the date when the said conviction has been declared throughout the 8(eight)-year period subsequent to the execution of the sentence, for crimes:

1. against the economic order (antitrust felony), the full faith and credit requirement, the public administration and public property;

2. against the private wealth, the financial system, the stock market as well as the offenses set forth in the law that regulates bankruptcy;



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3. against the environment and public healthcare;
  4. of electoral nature, for which the law imposes prison term sentence;
  5. of abuse of office, in cases that lead to loss of office or inability to serve public office;
  6. of laundering or concealment of goods, rights and assets;
  7. of trafficking, racism, torture, terrorism and crimes with felony status;
  8. of enslavement;
  9. against life and sexual dignity; and
  10. perpetrated by criminal organization, conspiracy or gang;
- f) those who have been declared unworthy to serve public office, or incompatible with it, for a period of 8 (eight) years;
- g) those who had their accounts related to the exercise of public office or duties rejected because of uncorrectable irregularity resulting from voluntary administrative corruption, as declared by an unappealable judgment issued by the competent body, unless such decision has been either suspended or nullified by the Judicial Power, for the elections to be held in the 8(eight)-year period subsequent to the date of the issuance of such decision, being applicable the provisions established in item II of Article 71 of the Federal Constitution to all expenditure-authorizing officers, not excluded the delegated agents who acted in such condition;
- h) the holders of office within the direct, indirect or foundational administration, who benefit themselves or third parties, because of abuse of economic or political power, who get to be convicted by an unappealable judgment (*res judicata*) or decision issued by a judicial collective body, for the election campaigns they either run for or have already won, as well as elections to be held in the next 8 (eight) years;
- .....





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j) those who get to be convicted by an unappealable judgment (*res judicata*) or decision issued by a collective body of the Electoral Court, because of electoral corruption, illicit pressure to vote according to one's will, illicit campaign fund donation, raising or expenditure or practices prohibited to public officials in electoral campaigns which may lead to the cancellation of registration or removal from office for an 8(eight)-year period to be counted from the date of the election;

k) the President of the Republic, the Governor of the State and the Federal District, the Mayor, members from the National Congress, from State Legislatures, from the Legislative Chamber, from Municipal Councils, who have resigned from office since the filing of complaint or action that could lead to investigation on the violation of provision set forth in the Federal Constitution, the State Constitution, the Organic Law of the Federal District or the Organic Law of the Municipality, for elections to be held during their remaining terms and in the 8(eight)-year period subsequent to the end of the respective terms;

l) those who had their political rights suspended in an unappealable judgment (*res judicata*) or decision issued by a judicial collective body, for voluntary administrative corruption that caused damages to the public property and led to unjust enrichment, from the date of conviction or unappealable judgment until the completion of an 8(eight)-year period after the execution of the sentence;

m) those who have been prevented from exercising their profession by sanction decision issued by the competent body because of ethical-professional infringement, for an 8(eight)-year period, unless the said decision has been either nullified or suspended by the Judicial Power;

n) those who get to be convicted by an unappealable judgment (*res judicata*) or decision issued by a judicial collective body for having broken down or simulated to break to down marital relationship or steady union (in case of unmarried couple) with the purpose of avoiding the ineligibility clause, for an 8(eight)-year period after the issuance of the decision that acknowledges the fraud;

o) those who have been removed from public office as a result of administrative or judicial proceedings, for an 8(eight)-year period, to be counted from the date of the issuance of the decision, unless the said act has been either suspended or nullified by the Judicial Power;



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p) individuals and heads of legal entities responsible for electoral donations which have been considered illegal by an unappealable judgment (*res judicata*) or decision issued by a collective body of the Electoral Court, for an 8(eight)-year period after the issuance of the decision, in compliance with the proceedings set forth in Article 22;

q) judges and prosecutors who are forced to retire by sanction decision, whose loss of office has been declared in a legal decision or who have requested to be discharged from office or applied to voluntary retirement during disciplinary administrative proceeding, for an 8(eight)-year period;

.....

Paragraph 4 – The ineligibility case set forth in sub-item *e* of item I of this Article is neither applicable to unintentional crimes nor to petty offenses as established by law, not even to crimes subject to private criminal complaints.

Paragraph 5 – Resigning with the objective of complying with rules to run for an elective office or to take office will not fit in the ineligibility case set forth in sub-item *k*, unless the Electoral Court acknowledges the fraud to the provisions established in this Supplementary Law. (NR)

[**Translator's note**<sub>1</sub>: According to the legislative techniques adopted by Brazil, when the wording of any article is amended – which occasionally includes the adding of a paragraph, item or sub-item – the acronym “NR” is added in brackets at the end of the said article.]

“Article 15 – After the judgment becomes unappealable or after the decision issued by a collective body which declared the ineligibility of the candidate is published, the said candidate shall have his/her registration denied or cancelled in case he/she has already completed the registration process, and the term of office, if already issued, shall be deemed null and void.

Sole Paragraph. The decision referred in the caption of this Article, regardless the filing of an appeal, shall be immediately reported to the Electoral Prosecution Office and to the body of the Electoral Court authorized to carry out the registration proceedings related to the candidacy of the defendant as well as the issuance of his/her respective term of office. “ (NR)





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"Article 22 - .....

.....

XIV – should the complaint be deemed sufficient, even if after the proclamation of the elected candidates, the Court shall declare the ineligibility of the respondent and of those who have added to the practice of the act, prescribing an ineligibility sanction for them to be applied to elections to be held in the 8(eight)-year period subsequent to the election in which the practice of the said act has occurred, in addition to the annulment of the registration or certification of the candidate who directly benefited from the interference of economic power or from acts practiced under color of authority or from abuse of office or from means of communication, determining the submission of the action to the Electoral Prosecution Office with the aim of filing a disciplinary administrative proceeding, should that be the case, and a criminal proceeding, determining, also, any other measures that such act would occasionally require;

XV – (repealed);

XVI - in order to determine the constitution of an abusive act, the potential of the fact altering the results of the election will not be taken into account, but only the severity of the circumstances that characterize such act.

....." (NR)

"Article 26-A – Should the ineligibility provided for in this Supplementary Law be dismissed by the competent body, the provisions set forth in the act that establishes the rules for the elections shall be applicable to the registration of candidacies."

"Article 26-B - The Prosecution Office and the Electoral Court shall give priority to actions of misuse or abuse of economic power or abuse of office until such actions are adjudicated, exception made for ***habeas corpus*** actions and actions for a writ of *mandamus*.

Paragraph 1 – It is forbidden for the authorities referred to in this article to refrain from complying with any time limit provided for in this Supplementary Law under the allegation of excessive workload in the exercise of regular duties.



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Paragraph 2 – In addition to judicial police, the bodies affiliated to the federal, state and municipal revenue service, the courts of audit and their related bodies, the Central Bank of Brazil and the Controlling Council of Financial Activities shall assist the Electoral Court and the Electoral Prosecution Office in the investigation of electoral offenses, ensuring priority for such assistance over their regular duties.

Paragraph 3 – The National Council of Justice, the National Council of the Prosecution Office and the Electoral Disciplinary Boards shall monitor the monthly activity reports submitted by the units of the Electoral Court in order to detect occasional and unjustified non-compliance with established time limits, working to ensure, should that be the case, the appropriate responsibility and accountability.”

“Article 26-C - The Court’s collective body in charge to review the appeal against the collective decisions referred to in sub-items *d, e, h, j, l* and *n* of item I of Article 1 may suspend, as a provisional remedy, the ineligibility in case of plausibility of the appellate claim and as long as such remedy has been explicitly requested, under penalty of preclusion upon the filing of the appeal.

Paragraph 1 – Should the appeal operate as supersedeas, the decision on the said appeal shall have priority over all other appeals, exception made for appeals against decisions on writ of *mandamus* and ***habeas corpus***.

Paragraph 2 – Should the judgment of conviction that led to the ineligibility be sustained or should the preliminary suspension referred to in the **caption** of this article be revoked, either the registration or the certification occasionally granted to the appellant shall be nullified.

Paragraph 3 – In case the defense promotes the practice of explicitly frivolous or dilatory acts during the processing of the appeal shall lead to the revocation of the effect of supersedeas.”

The above translation does not imply any judgment on the form, authenticity and/or content of the translated document. Having nothing else to report, I sign below.

Brasília/DF, August 15<sup>th</sup>, 2012.



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SIGNATURE:

*Simonny Soares*

**Simonny Soares**

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**Translator's note:** I hereby certify that this page is an integrating part of the sworn translation of **EXCERPT FROM SUPPLEMENTARY LAW No. 135, OF JUNE 4, 2010**. This document consists of 7 pages, and this is page #7.