

Vice-Presidency of the Regional Government

Ordinance nr. 24 of March 30th of 2021

The Regional Legislative Decree nr. 18/2019/A, of August the 5th of 2019, created the Azorean Diaspora Council, establishing in the terms of the number 7 of the article 5º that the electoral process is determined by the member of the Regional Government competent in the matters of emigration and Azorean communities.

Therefore, the Government of the Autonomous Region of the Azores, by the Vice- President of the Government decrees, in the terms of the paragraph e) of article 8º of the Implementing Regional Decree nr. 28/2020/A, of December 10th, and number 7 of the article 5º of the Regional Legislative Decree nr. 18/2019/A, of August the 5th, the following::

Article 1.º

Object

This ordinance regulates the electoral process of the Azorean Diaspora Council.

Article 2.º

Active electoral capacity

1. Any Azorean of age, resident in the Azorean community to be represented has active electoral capacity.
2. To exercise the voting right, it is necessary to be enrolled on the website acorianosnomundo.azores.gov.pt.
3. The recognition of the active electoral capacity occurs after the request for enrolment, as mentioned in the previous number, is accepted, with reference to the conditions defined on the numbers 2, 3 and 4 of the article 5º of the Regional Legislative Decree nr. 18/2019/A, of August the 5th.

Article 3.º

Recognition of the active electoral capacity

1. For the recognition of the active electoral capacity, it is necessary to attach to the request for enrolment, mentioned in the previous article, substantiating documents that sustain that you gather the following conditions:
 - a) Being 18 years or older;
 - b) Having had residence for at least five years in one of the geographic areas identified on the article 5º of the Regional Legislative Decree nr. 9/2016/A, of November 21th; and
 - c) Being Azorean.
2. To prove the verification of the condition identified on paragraph c) of the previous number you must attach a valid document that proves one of the following conditions:
 - a) Being born in the Autonomous Region of the Azores;
 - b) Being of Azorean ascent;
 - c) Having had residence in the Autonomous Region of the Azores for at least five years; or
 - d) Being married or the partner in a non-marital partnership with the people mentioned in the previous paragraphs.

Article 4.º

Passive Electoral Capacity

1. Any person who has validated active electoral capacity has passive electoral capacity.
2. To be elected Azorean Diaspora Councilors for a geographical area, you must present a candidacy, through the site acorianosnomundo.azores.gov.pt, during the period for the constitution of the electoral lists by geographic area.

Article 5.º

Candidacy process

1. The period for candidacy referred to on the number 2 of article 4º is announced to all the subscribers of the site acorianosnomundo.azores.gov.pt, with passive electoral capacity, by the email address used at the time of the subscription.
2. When submitting the candidacy is requested the presentation of a certificate of criminal record (Portuguese and of the country of residence).
3. The period for candidacy is defined by decree of the member of the Regional Government competent in the matters of emigration and Azorean communities.

Article 6.º

Geographic areas

1. For the determination of the Diaspora Councilors, elections are organized from the electoral lists by geographic areas.
2. The geographic areas are:
 - a) Bermuda;
 - b) The states of Rio Grande do Sul, Rio de Janeiro, Santa Catarina, São Paulo and one geographic area representing the other states of the Federative Republic of Brazil;
 - c) The provinces of British Columbia, Manitoba, Ontário, Quebec and another geographic area representing the other provinces and territories of Canada;
 - d) The states of Califórnia, Massachusetts, Rhode Island and another geographic area representing the other states of the United States of America;
 - e) Uruguay;
 - f) One geographic area representing the Portuguese mainland and the Autonomous Region of Madeira; and
 - g) One geographic area representing the rest of the world.
3. It is elected one Councilor by each geographic area identified in the previous number, except for the geographic area representing the other states of the United States of America mentioned in paragraph d) that elects two Councilors.

Article 7.º

Electoral lists

1. After the period for candidacy, the electoral lists by geographic area are prepared by the electoral commission that is validated by the member of the Regional Government competent in the matters of emigration and Azorean communities.
2. The candidates of each list will be presented chronologically according to the presentation of the candidacy.

3. The electoral lists are announced on the site acorianosnomundo.azores.gov.pt and are also sent by email to all the voters with active electoral capacity according to their geographic areas.

Article 8.º

Electoral commission

1. The electoral commission is established by decree of the member of the Regional Government competent in the matters of emigration and Azorean communities, and is responsible for the preparation of the electoral lists, after the candidacies are completed, as well the validation of the electoral results.

2. The electoral commission is formed by five permanent elements and two substitutes, selected from the workers of the Regional Directorate for the Communities, by decree of the member of the Regional Government competent in the matters of emigration and Azorean communities.

3. All decisions of the electoral commission are made by simple majority, in written and reasoned form.

Article 9.º

Electoral campaign

1. The period for the electoral campaign is defined by decree of the member of the Regional Government competent in the matters of emigration and Azorean communities.

2. Each candidate is responsible for the promotion and conduct of the campaign, without prejudice of the active participation of members of the community of their geographic area.

3. The electoral campaign shall respect the law applicable in the host country.

Article 10.º

Exercise of the right to vote

1. The right to vote is carried out on the site acorianosnomundo.azores.gov.pt by the voters defined in the terms of the article 2º.

2. Each voter can only vote once.

3. The date and time for voting will be defined by decree of the member of the Regional Government competent in the matters of emigration and Azorean communities, with reference to the Azores local time.

Article 11.º

Counting and announcement of results

1. After the voting, the results are counted by the regional directorate competent in the matters of emigration and Azorean communities, with reference to the votes counted on the site, that are validated by the electoral commission and approved by the member of the Regional Government competent in the matters of emigration and Azorean communities.

2. The candidate with the highest number of votes by geographic area is elected.

3. Beside the determination of the winner by each geographic area, the rest of the candidates are ordered by decreasing order according to the number of votes obtained.

4. The results are announced on the site acorianosnomundo.azores.gov.pt.

5. In the event of tied votes in a geographic area, a second round of election will take place with the tied candidates, on a date determined by the member of the Regional Government competent in the matters of emigration and Azorean communities.

6. In the case mentioned in the previous number, the second round will follow the previous electoral process, but only in the areas where the tied voting occurred.

Article 12.º

Beginning of term of the Councilors

The candidate elected begins his/her term after the conclusion of the process identified in the previous article and the signature of an acceptance document.

Article 13.º

Temporary substitution of a Councilor

The Councilors can request to the president of the Council their temporary substitution, for a period not exceeding 60 days.

Article 14.º

Suspension of term

The suspension of term is determined by:

- a) The approval of a request of temporary substitution;
- b) Indictment in a criminal procedure concerning the Councilor in Portugal or abroad.

Article 15.º

Substitute member

1. The suspension of the term of a Councilor determines his/her substitution by the candidate that follows on the order of precedence, that qualifies as substitute member.

2. The substitute candidate accepts the substitution, by signing an acceptance document, under penalty of losing the capacity to substitute.

3. The substitute member terminates automatically his/her functions on the date that the elected member resumes the exercise of his/her term, and occupies his place on the list, for the purpose of future substitutions.

Article 16.º

Resignation of term

1. The Councilors elected can resign the term by a written declaration sent to the member of the Regional Government competent in the matters of emigration and Azorean communities.

2. The resignation becomes effective after its acceptance and publication in the site acorianosnomundo.azores.gov.pt.

Article 17.º

Loss of term

1. The loss of term is determined by:

- a) The declaration of ineligibility following the verification of regularity of terms;
- b) The supervening occurrence of any incompatibility causes;
- c) The supervening occurrence of any incapacitating cause;
- d) The loss of the condition of emigrant or resident of the geographic area by which the member was elected;

- e) The non-acceptance or resignation of term;
- f) Judicial decision of a convicting sentence in a criminal procedure, of any of its members, in Portugal or abroad, that determines deprivation of liberty.

Article 18.º

Term vacancy

1. In the event of term vacancy, the elected member is permanently substituted by the first candidate that follows on the order of precedence, which gains the statute of elected member.

2. Shall not exist a candidate on the list of the geographic area for substitution, the place is considered vacant and a new process for election takes place, if it is determined by the member of the Regional Government competent in the matters of emigration and Azorean communities.

Article 19.º

Appeal and informations

1. All acts carried out by any entity mentioned in this diploma are subject to appeal to the member of the Regional Government competent in the matters of emigration and Azorean communities.

2. The member of the Regional Government competent in the matters of emigration and Azorean communities is responsible to clarify any subsequent information.

Vice-Presidency of the Regional Government

Signed on March 19th of 2021

The Vice-President of the Regional Government, *Artur Manuel Leal de Lima*.