

TELEGRAM

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R 252301Z
FM AMEMBASSY RIODEJANEIRO
TO ZEN/SECSTATE WASHDC 429
INFO RUESUZ/AMEMBASSY BRASILIA 30
ZEN/AMCONGEN SAO PAULO UNN
STATE GR210
BT
CONFIDENTIAL AUGUST 25

REF: EMBTEL 298

1. GUANABARA ELECTORAL COURT UNANIMOUSLY DECIDED ON AUGUST 24 AGAINST ALLOWING LEGAL REGISTRATION OF PTB GUBERNATORIAL CANDIDATE, MARSHAL TEIXEIRA LOTT. DECISION BASED ON RECENT CONSTITUTIONAL AMENDMENT REQUIRING CANDIDATES TO HAVE AT LEAST FOUR YEARS ELECTORAL DOMICILE ON DATE OF ELECTIONS AND REPRESENTS FULL ACCEPTANCE PUBLIC PROSECUTOR'S CASE.
2. GUANABARA COURT DECISION GROUNDED IN STATE OF RIO DE JANEIRO ELECTORAL COURT DECISION AUGUST 21, THAT LOTT'S TRANSFER OF ELECTORAL DOMICILE TO THAT STATE IS LEGALLY COMPLETE ACT. IN ACCORDANCE WITH LAW, COURT REFUSED CONSIDER NEW TRANSFER ELECTORAL RESIDENCE BACK TO GUANABARA UNTIL ONE YEAR ELAPSED.
3. LOTT AND PTB HAVE ANNOUNCED THAT GUANABARA DECISION WILL BE APPEALED TO SUPERIOR ELECTORAL COURT, BUT THEY REFUSED TO SAY WHETHER CASE WILL THEN BE APPEALED TO SUPREME COURT, IF NECESSARY. APPEALS THROUGH SUPERIOR ELECTORAL COURT GOVERNED BY RIGID TIME LIMITS, BUT NO TIME LIMITS EXIST ON APPEALS TO SUPREME COURT. IF ELECTORAL COURT SUSTAINS GUANABARA DECISION, HOWEVER, FURTHER APPEAL DOES NOT SUSPEND ITS EXECUTION.
4. CARLOS LACERDA'S GUBERNATORIAL CANDIDATE, FLEXA RIBEIRO, ISSUED NOTE AGAINST LEGAL CONTESTATION OF CANDIDACIES AND IN FAVOR FREE AND DIRECT ELECTIONS THIS YEAR AND NEXT.
5. COMMENT: IN SPITE APPARENT DETERMINATION LOTT AND RADICALS SUPPORTING HIM TO EXTEND APPEALS UNTIL ALL POSSIBILITIES CONFUSION AND EMBARRASSMENT TO GOVERNMENT EXHAUSTED, NEWSPAPERS REPORT INCREASING EFFORTS BY PTB MODERATES AND PSD SUPPORTERS LOTT TO STOP APPEAL AFTER SUPREME ELECTORAL COURT DECISION SO THAT ANOTHER CANDIDATE CAN BE CHOSEN IN TIME TO DEFEAT LACERDA'S CANDIDATE. NAME MOST WIDELY CONJECTURED IS NEGRAO DE LIMA.

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Guanabara

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