



**EXCELENTÍSSIMO SENHOR JUIZ ELEITORAL RELATOR,
EGRÉGIO TRIBUNAL REGIONAL ELEITORAL DO RIO GRANDE DO SUL**

Recurso Eleitoral n.º 385-13.2012.6.21.0008

Procedência:

Relator:

Assunto:

Recorrente: ! "

Recorridos: # ! "

PARECER

RECURSO ELEITORAL. REPRESENTAÇÃO. PROPAGANDA ELEITORAL IRREGULAR. MATERIAL IMPRESSO. INFORMAÇÃO SABIDAMENTE INVERÍDICA. ART. 323 DO CÓDIGO ELEITORAL. \$ \$%&'()* +\$) (%,-./\$01*) (/234%\$+\$) 2*\$.*5-..*%6* 5-%5'3()* 2*\$ \$3)7%5(\$ +* (..*43'\$.(+\$+* %- /\$6*.\$' (/2.*)-8 3/\$ 9* : ;3* %- -) * 9*.(,(5-3 \$ 9*(53'\$0<- +* (%,-./\$0<-)\$=(+\$/%*6* (%9*.>+(5\$ **Parecer pelo desprovimento do recurso.**

I – RELATÓRIO

) \$36-) 9*(53'\$/ .*53.)- ***(6-.\$' (%6*.2-)6- 2*\$
5-%6.\$)%6*%0\$!,) ?@A ?@B" ;3* C3'4-3 (/2.-5*+%6* \$.*2.*)%6\$0<2-
%6%+*. %-< D\$9*. \$,(./\$0<-)\$=(+\$/%*6* (%9*.>+(5\$ %\$ 2.-2\$4\$%+\$ 9*(53'\$+\$ 2*\$
.2.*)%6\$+\$

/)+* .*53.)\$' !,) ?@E ? A"8 \$.*5-..*%6* \$*4\$8 */)>%6*)*8 ;3* \$
5-(4\$0<- .*5-..(+ \$ 9*(53'-3 */)3\$ 2.-2\$4\$%+\$ ***(6-.\$' +(9*.)\$) (%,-./\$01*)
)\$=(+\$/%*6* (%9*.>+(5\$) 5-/ .*\$0<- \$ 5-%)6.30<- +* D-)2(6\$'8 %F/*.- +* \$6*%+(/%6-)
2*\$ \$))(67%5(\$)-5(\$'8 \$3)7%5(\$ +* *%+(9(+\$/%6-)8*\$'(:\$0<- +* C-4-) +\$ -2\$ +-
! " # \$ % & ' (&))
*))! * + , - . ! / 01.222(0 3(04(- 5(



3%+- %- /3%(5>2(-8 *G()67%5(\$ +* 6.\$6\$/%6- +* *)4-6-8 .*43'\$.(:\$0<- ,3%+(&.\$8
 G()67%5(\$ + /H+3'-) +* 2-'(5(\$/*%6- 5-/3%(6&.\$ * 5-/ .*'\$0<- \$ 5-%)6.30<- +*
 D\$=(6\$01*)

-.\$/ \$2.*)*%6\$+\$) 5-%6.\$.\$:1*) I) ,') ? J ? E

2H) 9(*.\$/ -) \$36-) 5-/ 9()6\$ \$ *)6\$.-53.\$+-.(\$ *4(-%\$' '(6-.\$'

II – FUNDAMENTAÇÃO

. *53.)- K **tempestivo.**

2.-53.\$+-. +\$. *5-..*%6* ,-((%6(/\$+- +\$)*%6*%0\$ */ LL AM LAJL !,' ?@B 9"
 * (%6*.2N) - . *53.)- %- +(\$ L? AM LAJL !,' ?@E"8 +*%6.- +- 2.\$:- +* LO D-.)\$ 2.*9()6- %-
 \$.6(4- ?? +\$ *) % P L? ?E@ LAJJ ^J

- /K.(6-8 \$ (..*)(4%\$0<- %- /*. *5* 2.-)2*.\$.

\$C3(:-3 .*2.*)*%6\$0<- %\$..%+ - ;3* -

/ \$6*.(\$' 4.&,(5- +* 2.-2\$4\$%+\$ ***(6-.\$' 36('(:\$+- %\$ 5\$/2\$%D\$ +\$

* +- 5\$%+(+\$6- 9*(53'\$ (%,-./\$01*))\$=(+\$/%6*

(%9*.>+(5\$) -%5'3(\$.*2.*)*%6\$%6* 8 \$(%+\$8 *)6\$.* / 2.*)*%6*) **/*%6-))3,(5(*%6*) I

5\$.56*.(:\$0<- +* (%,. \$0<- 2*%\$'8 2.*9()6\$ %- \$.6 ?L? +- H+(4- '(6-.\$'8 *in litteris*Q

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*/ .\$.<- -) .*2.*)*%6\$%6*) . *5-..*%6*)

^JArt. 33. *Contra a sentença proferida por Juiz Eleitoral é cabível recurso eleitoral para o respectivo Tribunal Regional Eleitoral, no prazo de 24 horas da publicação em cartório, assegurado à parte recorrida o oferecimento de contrarrazões, em igual prazo, a contar da sua notificação, ressalvadas as hipóteses previstas no art. 31 desta resolução.*



2.2\$4\$%+\$ ***(6-\$' */ ;3*)6<-8 9*(53'\$+\$ 2*-) .2.*)**%6\$+-)8 6*/ -
 (%63(6- +* +(93'4\$. \$) 2.(%5(2\$() -=.\$) .*\$':(\$+\$) 2*\$ \$ 63\$' \$+/(%)6.\$0<-8 9(6- ;3* -
 \$63\$' 2.* ,*(6- K 5\$%+(+\$6- 1.***(0<-

) , \$6-))32-)6\$/*%6* (%9*.>+(5-) +(93'4\$+-) %\$ 2.-2\$4\$%+\$8 5-%6.\$ \$;3\$'
 (..*)(4%\$/*) * .5-..**%6*)8 2-+*/)*. \$)/(**%5\$+-)Q 5-%)6.30<- +* D-)2(6\$'R
 %F/*.- +* \$6*%+(/*%6-) 2*\$ \$)))(67%5(\$)-5(\$'R \$3)7%5(\$ +* %)+(9+(\$/*%6-)R .*\$':(\$0<-
 +* C-4-) +\$ -2\$ +- 3%+- %- /3%(5>2(-R *G)(67%5(\$ +* 6.\$6\$/*%6- +* *)4-6-R
 .*43'\$.(:\$0<- ,3%+(&.(R *G)(67%5(\$ +* /H+3'-) +* 2'-(5(\$/*%6- 5-/3%(6&.- * 5-%)6.30<-
 +* D\$=(6\$01*) -+\$) \$) (%,-./\$01*) (/234%\$+\$) *)6<- 5-%6(+)\$ %- /\$6*.(\$ 23='(5(6&.-
 \$5-)6\$+- 1,' BE

-/ .*\$0<- 1 \$,(./\$0<- 5-%6(+)\$ %\$ 2.-2\$4\$%+\$ +- 5\$%+(+\$6- .2.*)**%6\$+-
 +* ;3* *)6&)**%+- 5-%)6.3>+- - -)2(6\$' +- .=\$D\$+- .8 \$*'4\$ - .5-..**%6*)*.
 (%9*.>+(5\$8 2-() %\$.*\$'(+\$\$+ 6.\$6\$)* +* 3/\$ %(+\$\$+ +* .-%6- 6*%+(/*%6- +* >9*'
 !+5) ,) AE A@" -. -36.- '\$+-8 -) .2.*)**%6\$+-))3)6**%6\$/ 6.\$6\$.)* +* -)2(6\$'8
 C3%6\$%+- +53/*%6-) %***)* **%6(+ 1) ,) L@B ?AA

%+*2**%+**%6*/*%6* +\$,./\$ 5-/-)*& 5\$))),(5\$+\$8 K 5*.6- ;3* D&
 5-%)6.30<- +* 3/\$ %(+\$\$+ +* \$F+*8)(63\$0<- ;3* *(+* \$ \$*'4\$0<- +* ;3* \$
 (%,-./\$0<- K 5-/2*6\$/*%6* (%9*.>+(5\$

+*/(\$)(8 \$%3%5(\$ - ,-'D*6- ***(6-\$' !,' BE" 6*./)(+ .*\$':(\$+-) /(\$) +* @A
 /(' \$6*%+(/*%6-) 2*\$ \$)))(67%5(\$)-5(\$' *)6* 2-%6- \$.5-..**%6* \$+3:)*. (/2-))>9*'
 \$6*%+(/*%6- +* @A /(' 2*))-\$) +(\$%6* +- %F/*.- +* D\$=(6\$%6*) +- /3%(5>2(-

-+\$9(\$8 (% ,.*)* ;3* - %F/*.- \$%3%5(\$+- .*,.*)* \$-) \$6*%+(/*%6-) * %<-
 \$- %F/*.- +* 2*))-\$) \$6*%+(+\$)8 +* /+- ;3* 3/\$ 2*))-\$ 2-+* 6* .)(+- \$6*%+(+\$
 +(9*.)\$) 9*.*)2*-)*.9(0- +* \$)))(67%5(\$)-5(\$'8 %<-)3=)(6(%+- - \$*'4\$+- 2*\$
 .5-..**%6*

-%)6\$ %- 9-'\$%6* !,' BE"Q*Mais de 400 famílias beneficiadas com moradia
 própria*" *43%+- \$.2.*)**%6\$%6* \$) /-.\$+(\$) ,-\$/ 5-%)6.3>+\$) \$6.\$9K) +- 2.-4.\$/\$
 S (%D\$ \$)\$8 (%D\$ (+\$T +- 4-9*.- ,+*.\$' * %<- 2*\$ \$+/(%)6.\$0<- /3%(5(2\$'
 %6.*6\$%6-8 %<-)* 2-+* -'9(+\$. ;3* - .*,.*(+ 2.-4.\$/\$ D\$=(6\$5(-%' K .*\$':(\$+-



5-%C3%6\$/**%6* 5-/ \$ 2\$.6(5(2\$0<- +- /3%(5>2(-8 - ;3\$' /3(6\$) 9*:*) K .*)2-%)&9* 2-
)**5(-%\$. -) +*)6(%\$6&.-) +- =*%*(,5(-

U3\$%6- \$- 23='(5(:\$+- (%>5(- +- 6.\$6\$/**%6- +* *)4-6-8 *G21* - .*5-..**%6*)*.
 (%9* .>+(5-8 9()6- ;3* - *)4-6-)-/*%6* 5-/*0\$.& \$)*. *,*6(9\$/**%6* 6.\$6\$+- \$ 2\$.6(. +-
 \$%- +* LAJO8 5-%,-./ * +53/*%6- +* , ?

\$/=K/ %<-) * 9*.(, (5\$ (%9* .+\$* %*)6* (6*/8 3/\$ 9* : ;3*8 %-) 6*./-) +\$
 2.-2\$4\$%+\$ ***(6-.\$'8 *%6*%+*) * 6*./) * (%(5(\$+- \$) -=.\$) 2\$. \$ - '\$5%\$5* +* 6\$'
 -=C*6(9-8 %\$;3\$' \$(%+\$ 5-%)6\$;3*)*.& .*\$':(\$+\$ */ 6.7) *6\$2\$) * *G*536\$+\$ 2*\$'
 -.)\$%

- /*)/- /-+-8 5-%)6\$ %- (/2.*)- ;3* \$ \$63\$' \$+/(%)6.\$0<- "trouxe para
 o município seis núcleos da polícia comunitária", ;3\$%+-8 +* \$5-.- 5-/ \$.*2.*)**%6%6*8
 %<- D& %**%D3/

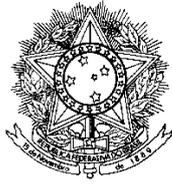
5-..* ;3* D& *(/3%(5(2\$' %*)6*)**%6(+ - !*(%P B BJE LAJL"8 \$36-.(:%%+-
 5-%97%(- 5-/ - 4-9*.%- +-)6\$+- 2\$. \$ \$ (%)(6\$'\$0<- +*)6\$)8 *)6\$%+- *%5\$/(%D\$+\$)3\$
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- ;3* 6\$%4* \$ (%,-./\$0<- +* **%6- -%0\$'9*) 6* .)(+- *)5-'D(+ \$ 2\$. \$
 .*5* =*.)**01*) +3.\$%6* \$ -2\$ +- 3%+- +* LAJO8 D& \$2\$.**%6* * ;3>9-5-8 2-() \$(%+\$
 %<- D& +*, (%(0<- %*)6*)**%6(+ -8 \$ 5(+\$+\$ \$2*%\$) *)6& 5-%5-..**%+- | 5-%+(0<- +*)3=
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* ;3\$';3* ./-+-8 6\$' ,6- %<- 2-+*)*. 5-%)(+*.\$+- 6-6\$/**%6* (%9* .>+(5-8
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&8 \$(%+\$8 (/234%\$0<- | +*5'\$. \$0<- ;3* \$ \$63\$' \$+/(%)6.\$0<- %<- +*(G\$.& \$
 5(+\$+\$ *%+(9(+\$\$8 \$))(/ 9*(53'\$+\$Q "A administração vai deixar muitas obras e
 realizações sem endividamentos."



%6**+* \$ 5-'(4\$0<- .*5-..**%6* ;3* 2\$. \$,\$. \$.*,*(+\$ \$,(./\$0<-8 \$ \$+/(%)6.\$0<- 6*.\$;3* ;3(6\$. \$6K - ,(/ +*)3\$ 4*)6<-8 6-+\$) \$) +>9(+)\$ +\$ 5(+\$\$+*

)6 6-5\$%6*8 6\$/=K/ %<-) * 9() '3/=.\$ \$,(./\$0<- (%9*.>+(5\$8 2-() 6\$' \$%3%5(- K \$=*6- \$ (%6*.2.*6\$01*)8 2-+*%+-)*. **%6**%+(+- \$6.\$9K) +**);3* \$) 5-%6\$) + - /3%(5>2(- *)6<- */ -.+*/8 -3)*C\$8 D& %- -.0\$/*%6- 2.-9()<-)3,(5(**%6* 2\$. \$;3(6& '\$)

- . ,(/8 \$*4\$ \$.*2.*)**%6\$%6*)*. (%9*.>+(5\$ \$ 2.-2\$4\$+\$ \$.*43\$.(:\$0<- ,3%+(&.\$ \$ / -(- =\$(.-)8 3/\$ 9*: ;3* - *4)6.- +* /H9*() (%,-./-3 I) ,') E? EE ;3* */ \$'43/ +-)=\$(.-) 5(6\$+-) %\$ 2.-2\$4\$%+\$8 \$(%+\$ %<- D\$9(\$)(+- .*;3()(6\$+\$ \$ +*/\$.5\$0<-

-=* \$;3*)6<- **%9-'9*%+- \$.*43\$.(:\$0<- ,3%+(&.\$8 5-'D*) * +\$)**%6**%0\$ 5-/\$6(+\$\$) *43(%6*) 2-%+*. \$01*) ! , ' ? @ ? " Q

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))(/8 +\$ \$%&'()* +* 6-+\$) \$) (%,-./\$01*) (/234%\$+\$) 2**\$.*5-..**%6*8 5-%5'3() * 2**\$ %<- *)6\$. 2.*)**%6* \$ /\$%(,*)6\$ (%9*.+\$+* ;3* \$ '*4)'\$0<- ;3* .5-(= (. %\$ 2.-2\$4\$%+\$8 \$,\$)6\$+\$ \$ 5-%,(43.\$0<- +- 5.(/ * 2.*9()6- %- \$.6 ?L? +- H+(4- '**(6-.\$'8 3/\$ 9*: ;3* %<-) * 9*.(, (5-3 \$ +(93'4\$0<-8 %\$ 2.-2\$4\$%+\$8 +* , \$6-) \$=(+\$/*%6* (%9*.>+(5-)8 */ .*\$0<- \$ 2\$.6(+)- 3 5\$%+(+\$6-) * 5\$2\$:*) +* *G*.5*.* / (%,'37%5(\$)-.* - ***(6-.\$+-

4.K4(- .(=3%\$' 32*.(. '(6-.\$' C& +*5+(3 %*)6* /*)/-)**%6(+8 5-%,-./ * 5-'\$5(-%-Q

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5 4 .9,: \$ 5:#5:,:;9 <=> ? % @%

!) " # \$ % & ' (&))
*)) ! * + , - . ! / 01.222(0 3(04(- 5(



7 A%&A &&B 5 .0 1 C 53>, 3):59> 1::D;
 65:69> # , A%&A &&B 0

36.-))(/8 \$ 2.-2\$4\$%+\$ ***(6-.\$' */ ;3*)6<- 6\$/=K/ %<- *%5-%6.\$;3\$;3*.
 9*+\$0<- %- \$.6 J? +\$ *)-'30<- L? ?@A LAJJ8 - ;3\$' .*2.-+3:-Q

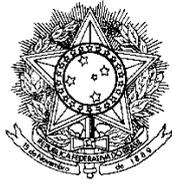
% ; 2

.C7

: E F 6 6G 3 ? 'E&&AE% 3 C ?
 BFAH& 0"
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 66 I K J
 666 I L J
 6M I N ! J
 8 J
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 + 2 J
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 8 J
 M66 I 4
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 M666 I 4 + - J
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 7 8 J
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*'- *G2)-6-8 %<-)* 9*.(, (5\$%+- \$ *G())67%5(\$ +* (%,-./\$0<-)\$=(+\$/%*6*
 (%9*.)>+(5\$ %\$ 2.-2\$4\$%+\$ ***(6-.\$' +-). *2.*)*%6\$+-)8 +*9*)*. +*)2.-9(+-- . *53.)-

III – CONCLUSÃO



/ , \$5* +- *G2-)6-8 -2(%\$ - (%)6K.(- F=(5- *(6-.\$' 2*- +*)2.-9(/*%6-
+- . *53.)-

-6- '*4.*8 +* -9*/=- +* LAJL

FÁBIO BENTO ALVES

.-53.\$+- . *4(-%\$' *(6-.\$'

QV .;3(9-) +* 2.-4.\$(\$V 2\$5D* -6W\$.*
-3%+\$6(-%V 2\$5D*L LVD6+-5V)(6*/\$)V5-%9*.).X2+,V6/2VMBM=?*+@,+)/-L+54O@X? BJ?XLAJLXJO@XJLJJAMJEBOO +-6