

**Republication of Law no. 6/2006 of 28 December  
(Law on the Election of the National Parliament)  
(integrating amendments up to Law 9/2017 of May 5 2017)**

AMENDMENTS IN LAW 9/2017 ARE HIGHLIGHTED IN YELLOW

Pursuant to United Nations Security Council Resolution 1338/01 of 31 January, the United Nations Transitional Administration in East Timor (UNTAET) was entrusted the responsibility to ensure free and fair elections in cooperation with the Timorese people.

With the purpose of governing the election of the Constituent Assembly, UNTAET promulgated Regulation No. 2001/2 of 26 February (On the election of a Constituent Assembly to prepare a Constitution for an Independent and Democratic East Timor), later on amended by UNTAET Regulation No. 2002/3 of 23 March, and Regulation No. 2001/11 of 13 July (On electoral offences for the election of a Constituent Assembly). Following this, the first direct, universal and secret elections were held. The Constituent Assembly that was then elected approved and decreed the Constitution of the Democratic Republic of Timor-Leste and after its entry into force, the Constituent Assembly transformed itself into the National Parliament.

The country was thus endowed with a sovereign organ responsible for drafting laws and monitoring the activity of the Government and which, under new historic circumstances, comes up with the present law to regulate the election of the National Parliament in a clearly innovative manner, in compliance with the constitutional provisions on the matter. The experience acquired in both the election of the Constituent Assembly and, more recently, the election of the *suco* chiefs and *suco* councils, was obviously taken into account.

Lists of candidates may be presented by political parties running individually or in electoral coalition. Members of the National Parliament shall be elected from a single national constituency, through plurinominal lists, and the conversion of the votes into seats shall observe the system of proportional representation and be in accordance with the Hondt method which, applied to a total of 65 seats, will ensure a broad representation in the parliamentary composition. The present law provides however for a threshold of representation in order to prevent an excessive party fragmentation on one hand and, on the other hand, to enhance the representation of the political forces truly established in Timorese society.

In following a world trend among modern electoral law, the present law provides a concrete incentive to the political participation of women through their mandatory inclusion in the lists of candidates and their replacement by candidates of the same gender in case of vacancy.

The present law also defines fundamental principles relating to electoral campaigns and establishes general norms relating to the presentation of candidacies, method of election and voting process, the detailed definition of which shall be regulated.

From a procedural viewpoint, the present law does not distance itself from the procedural scheme of the draft law on the election of the President of the Republic, the objective being to lend coherence and harmony to the emerging Timorese electoral system.

Thus, pursuant to articles 65(5) and 95(2)(h) of the Constitution of the Democratic Republic of Timor-Leste, the National Parliament decrees the following to have the force of law

**TITLE I**  
**SCOPE AND GENERAL PRINCIPLES**

**Article 1**  
**Scope**

The present law shall regulate the election of Members of the National Parliament.

**Article 2**  
**General principles**

1. Members of the National Parliament shall be elected through universal, free, direct, equal, secret, personal and regular suffrage.
2. Members of the National Parliament shall be elected for a period of five years, corresponding to the duration of the legislative term.

**Article 3**  
**National Parliament**

The National Parliament is the organ of sovereignty of the Democratic Republic of Timor-Leste that represents all the Timorese citizens and is vested with legislative, supervisory and political decision-making powers.

**TITLE II**  
**ELECTORAL CAPACITY**

**Article 4**  
**Active electoral capacity**

1. Timorese citizens over seventeen years of age enjoy active electoral capacity.
2. For the exercise of the right to vote, it is mandatory to register in the voter register.
3. Voters in hospitals and prison facilities and with an up-to-date voter's card have the right to vote in the election of Members of the National Parliament.
4. Voting in hospital and prison establishments shall take place at a time fixed by the Technical Secretariat of the Electoral Administration, after consulting the head of those establishments.
5. Voting procedures in hospitals and prisons are subject to regulation approved by Government Decree.

**Article 5**  
**Active electoral disability**

[Repealed].

**Article 6**  
**Passive electoral capacity**

Timorese citizens with active electoral capacity are eligible to run for the National Parliament.

**Article 7**  
**Ineligibility**

The following are ineligible to run for the National Parliament:

- a) the President of the Republic;
- b) serving judicial magistrates or public prosecutors;
- c) serving career diplomats;
- d) serving civil servants;
- e) serving members of Timor-Leste's Defence Force (FALINTIL-FDTL);
- f) serving members of the Police;
- g) ministers of any religion or cult;
- h) members of the National Electoral Commission.

**Article 8**  
**Immunities and privileges of candidates**

1. During the electoral process, no candidate can be held in preventive detention, except in case of "*flagrante delicto*" for committing an intentional crime punishable with a prison term of more than three years.
2. During the electoral campaign, candidates shall be entitled to be released from their respective professional functions, whether public or private, and the period of time spent in the electoral campaign shall be considered as time of effective service for all purposes, including for the payment of their wages.

**TITLE III**  
**ELECTORAL SYSTEM**

**Article 9**  
**Single constituency**

There shall be only one single constituency for the election of the National Parliament, corresponding to the entire national territory, with its headquarters in Dili.

**Article 10**  
**Number of Members of Parliament**

The total number of Members of Parliament shall be sixty-five.

**Article 11**  
**Method of election**

Members of Parliament shall be elected in plurinominal lists, presented by political parties or party coalitions, and each voting citizen shall be entitled to one single vote for a list.

**Article 12**  
**Organization of the lists**

1. Lists proposed for the election by a political party or a party coalition must contain 65 (sixty-five) effective candidates as well as no less than 25 (twenty-five) alternate candidates.
2. Candidates on each list shall be considered to be on the same order as the sequence of their respective candidacy statement.
3. The lists of effective and alternate candidates shall include at least 1 (one) woman candidate for every group of 3 (three) candidates, under penalty of rejection.

**Article 13**  
**Criteria for Election**

1. The conversion of votes into mandates shall observe the system of proportional representation in accordance with the Hondt method of the highest average and shall comply with the following rules:
  - a) The total number of valid votes received by each list shall be tabulated;
  - b) The number of valid votes counted for each list shall be divided, successively, by 1, 2, 3, 4, 5, etc., and the quotients shall be sorted in descending order, forming a series with as many terms as the number of mandates allocated to the single electoral constituency;
  - c) Mandates shall be attributed to the lists corresponding to the terms of the series established according to the rule provided for in subparagraph 13(1)(b) above, and each list shall receive as many mandates as its terms in the series;
  - d) Where there is only one mandate left to distribute, and the next terms of the series are equal and belong to different lists, that mandate shall be allocated to the list with the least number of votes.
2. Lists obtaining less than 4% (four percent) of the total of valid votes, blank votes excluded, shall not be entitled to allocation of mandates.

**Article 14**  
**Distribution of mandates**

1. Within each list the mandates are allocated to candidates in accordance with the order of precedence indicated in paragraph 12(2).
2. In the event of death of the candidate or illness that renders such candidate physically or mentally unable to become a Member of Parliament, the mandate shall be attributed to the next candidate on the same list in the afore-mentioned order of precedence.
3. Where the candidate to whom any of the circumstances referred to in the preceding paragraph applies is a woman, the mandate shall be attributed to the next woman candidate on the relevant list, where such a candidate exists, even as an alternate candidate.

**Article 15**  
**Vacancies in the National Parliament**

1. Vacancies in the National Parliament shall be filled by the candidate immediately next in order on the relevant list or, in the event of a party coalition, by the next candidate from the party which proposed the candidate that gave rise to the vacancy.
2. If by applying the rule contained in the final part of paragraph 15(1) above it is impossible to fill the vacancy with a candidate proposed by the same party, the seat shall be allocated to the next candidate in the list presented by the party coalition.
3. Where the candidate that gave rise to the vacancy is a woman, the seat shall be filled by the next woman candidate on the relevant list, where such a candidate exists, and the same rule shall apply to party coalitions.
4. The vacancy will not be filled where there are no more non-elected effective candidates or alternate candidates on the list to which the holder of the vacant seat belonged.
5. Members of Parliament who are appointed as members of the Government cannot hold their mandate until they cease these functions and shall be replaced in accordance with paragraph 15(1) above.

**Article 16**  
**Loss of mandate**

1. A Member of the National Parliament, elected from a list presented by a political party or party coalition, shall lose his/her mandate in the following cases:
  - a) With no justification, does not take his/her seat in the National Parliament until the fifth plenary session, or fails to attend five consecutive sessions of the Plenary or of committees, and also if he/she has fifteen non-consecutive absences without a justified reason;
  - b) If he/she joins a political party different from the one for which he/she was elected, if he/she becomes a part of a parliamentary caucus (bancada parlamentar)

belonging to a different political party from the one for which he/she was elected or if he/she is no longer present in a parliamentary caucus;

c) Infringes the discipline of the parliamentary caucus of which he/she is a part, in accordance with the statutes of the political party to which he/she belongs;

d) Is convicted of an intentional crime, for which there is an effective prison sentence of more than two years.

2. The loss of mandate shall be declared by the Bureau of the National Parliament, following a proposal from the political party on whose list the member whose loss of mandate is proposed to be declared was elected and after hearing a response from the member.

3. The Bureau of the National Parliament's decision may be appealed to the Plenary by the member and the parliamentary caucus that proposed the loss of mandate, within ten days, with the member remaining in office until a final decision is taken by secret ballot.

4. The decision of the Plenary may be appealed to the Supreme Court of Justice with suspensive effect.

5. Vacancies occurring following the declaration of loss of mandate are filled in accordance with the terms of the preceding article.

## **TITLE IV ORGANIZATION OF THE ELECTORAL PROCESS**

### **CHAPTER I SCHEDULING THE DATE OF THE ELECTION**

#### **Article 17 Scheduling of the election**

1. After consulting the Government and the political parties with parliamentary seats, the President of the Republic shall schedule by decree the date for the election of the Members of Parliament at least 80 (eighty) days or, in the case of dissolution of the parliament, 60 (sixty) days, in advance.

2. Elections for organs of sovereignty shall not take place simultaneously and there shall be a minimum period of 3 (three) weeks separating them.

#### **Article 18 Electoral calendar**

The Technical Secretariat for Electoral Administration (STAE) shall publish the calendar of electoral operations in the Official Gazette within 8 (eight) days of the publication of the decree referred to in article 17(1) above.

**CHAPTER II**  
**PRESENTATION OF CANDIDACIES**

**Article 19**  
**Power of nominating candidacies**

1. Candidacies shall be presented by political parties individually or in party coalitions that are correctly registered, and the lists may include citizens not members of the relevant parties.
2. No political party or party coalition may present more than one list of candidates.
3. No one can be a candidate on more than one list, under penalty of ineligibility.

**Article 19A**  
**Compliance with the Law on Political Parties**

When submitting their application, the political parties or party coalition must demonstrate compliance with Article 7 (2), Article 18, Article 19 (3) and (4) of Law No. 3/2004, dated April 14, on Political Parties, amended by Law No. 2/2016 of February 3, with a penalty of rejection of the application.

**Article 20**  
**Party coalitions for electoral purposes**

1. Within twenty days of the announcement of the election date two or more political parties may form coalitions for electoral purposes with the objective of presenting one single list for the election to the National Parliament, in accordance with the provisions in the paragraphs below.
2. For the purposes of the present law, the formation of party coalitions for electoral purposes shall comply with the provisions of the law on political parties, and shall be immediately communicated to the National Electoral Commission (CNE) with details of the relevant name, acronym, flag and symbol.
3. The details referred to in the preceding paragraph must be transmitted by the CNE to STAE, which immediately announces them through a notice published in the Official Gazette.

**Article 21**  
**Representatives of the proposers**

In presenting lists of candidates, political parties and party coalitions shall be represented by a person nominated by them.

**Article 22**  
**Place and deadline for presentation**

The lists of candidates shall be presented to the Supreme Court of Justice (STJ) within a period of thirty days from the date of publication of the decree announcing the election date.

**Article 23**  
**Admission of applications**

1. The STJ, once it receives the applications, starts verifying the regularity of the processes, the authenticity of the documents and the eligibility of the candidates.
2. For the purpose of the preceding paragraph, the president of the STJ is supported by the services of STAE.
3. Ineligible applications are rejected.
4. In the event of procedural irregularities, the applicant's representative shall be notified immediately to resubmit it within two days.
5. The decision shall be made no later than ten days after the deadline for submission of applications, it shall cover all applications and shall be immediately notified to the representatives of the same, the CNE and STAE.

**Article 24**  
**Appeal**

1. Appeals against decisions relating to the presentation of applications shall be filed with the plenary of STJ within a period of 1 (one) day.
2. The appeal application contains the grounds of appeal, and shall be accompanied by all the evidence.
3. The appeal shall be decided within two days of the expiry of the period referred to in paragraph 1.
4. The list of definitely accepted applications is immediately sent to CNE and STAE.

**Article 25**  
**Draw of lists**

1. On the day following the day when the final admitted applications are published, the President of STJ implements a draw of the candidacies in the presence of the candidates or their representatives who turn up for the draw, in order to assign them an order on the ballot paper, and then drafts the minutes.
2. The result of the draw shall be posted at the entrance to the building housing the STJ and copies thereof shall be forwarded to CNE and to STAE



**Article 26**  
**Substitution and withdrawal of candidates**

1. It is lawful for any candidate to be withdrawn by means of a statement signed by him, with the signature verified by a notary, but the validity of the list presented shall remain valid.
2. Replacement of candidates is allowed up to 21 days before the elections in the following cases:
  - a) Deletion due to a final judgment on an appeal based on ineligibility;
  - b) Withdrawal of the candidate.
3. In the event of death or sickness of a candidate that makes candidacy physically or psychologically impossible, his/her replacement may be made up to seventy-two hours before the elections.
4. The replacement shall be optional, with the substitutes appearing on the list following the last of the alternates.

**Article 27**  
**Withdrawal of list**

A list may be validly withdrawn up to 72 (seventy-two) hours before Election Day through communication by the respective representative to the STJ which, in turn, shall immediately communicate the fact to STAE and CNE.

**CHAPTER III**  
**ELECTORAL CAMPAIGN**

**Article 28**  
**Period of electoral campaign**

The electoral campaign shall have a duration of 30 (thirty) days and shall expire two days before the day scheduled for the election.

**Article 29**  
**Principles of the electoral campaign**

1. The electoral campaign shall be conducted while observing the following principles:
  - a) freedom of electoral propaganda;
  - b) equality of opportunities and treatment of the different candidacies;
  - c) impartiality of public entities insofar as candidacies are concerned;
  - d) transparency and monitoring of electoral accounts.

2. CNE shall verify the compliance with these principles, to be applied from the date of the scheduling of the election, and shall adopt measures to ensure they are achieved and the peaceful unfolding of the electoral campaign.

**Article 30**  
**Electoral propaganda**

Electoral propaganda shall mean all the activities directly or indirectly aiming at promoting candidacies, be it of candidates, political parties or party coalitions, such as the publication of texts or images that express or reproduce the content of such activities.

**Article 31**  
**Financing**

Financing of candidacies shall be governed by specific legislation and, with the necessary adaptations, by the applicable provisions of the law on political parties.

**CHAPTER IV**  
**POLLING CENTRES AND POLLING STATIONS**

**Article 32**  
**Polling centers**

1. There shall be at least one polling center in each *suco* and, depending on the number of voters or the distance between hamlets composing the *suco*, STAE may establish additional polling centers without prejudice to the need to safeguard the secrecy of the vote.

2. Abroad, where the necessary conditions permit, there shall be at least one voting center in each geographical unit of electoral registration that has at least 50 voters on the voter register.

3. If necessary, each polling center may have more than one polling station.

4. The number and location of polling centers and polling stations shall be announced by STAE no later than 30 days before the election day and may be amended up to ten days before the date scheduled for voting.

**Article 33**  
**Working hours**

1. On election day, polling centers and polling stations shall open at 07:00 (seven) hours and close at 15:00 (fifteen) hours and shall operate uninterruptedly throughout this period.

2. After 15:00 (fifteen) hours, only voters in the queue waiting to cast their vote shall be allowed to vote, and such fact shall be verified by the queue controller and communicated to the secretary of the relevant polling station.

3. For the purposes of paragraph 33(1) above, voting in foreign countries shall take place in accordance with local time.

**Article 34**  
**Electoral officials**

1. Each polling center or polling station shall include the following electoral officials:
  - a) A president, responsible for the polling center and its polling stations;
  - b) A secretary, responsible for the polling station, who coordinates the work of the polling station officials and who reports directly to the president of the polling center;
  - c) four identification verification officers;
  - d) a ballot paper control official;
  - e) a ballot box control official;
  - f) a controlling official for the application of indelible ink;
  - g) two queue control officials.
2. Only national citizens who can read and write may be electoral officials, and they shall be selected from among local voters and submitted to a preliminary training by STAE.
3. On election day, and for the entire duration of their activities, electoral officials shall be released from their duty to attend their respective job or service, without prejudice to their working rights, including the right to remuneration, which can be claimed upon proof of the exercise of such activities issued by STAE.
4. Abroad, the provisions of the preceding paragraph apply only to election officials who are civil servants, agents or workers of the Public Administration of the Democratic Republic of Timor-Leste.

**Article 35**  
**Party Agents**

1. Candidacies have the right to designate agents to monitor voting operations and results, who are have the rights referred to in paragraph 3 of the previous article.
2. The provisions of paragraph 4 of the previous article shall apply to the party agents.

**Article 36**  
**Prohibition of the presence of armed forces and police forces**

1. The presence of members of the armed forces and police forces in the exercise of their functions within polling centers or polling stations shall be prohibited while the voting process is in progress.

2. Members of the National Police of Timor-Leste (PNTL) are only be allowed to be more than 25 (twenty-five) meters from a polling center or polling station while the voting process is in progress.
3. The exceptional presence and intervention of members of the National Police of Timor-Leste (PNTL) in polling centers or polling stations, while voting is taking place, is subject to a regulation approved by Government Decree.

## **CHAPTER V VOTING**

### **Article 37 Right to vote**

1. The act of voting is a right and a civic duty.
2. The right to vote is exercised directly, personally and in person by the voting citizens.
3. Each voter is only allowed to vote once.
4. Managers of public or private services and companies working on Election Day shall arrange for their workers to be released from their duties for the period of time deemed necessary for exercising their right to vote.
5. Members of the armed forces, members of the security forces, candidate agents, officials and agents of the Public Administration who serve on election day shall exercise their voting rights polling place which is closest to where they provide these services.
6. The provisions of the preceding paragraph shall also apply to the human resources of diplomatic missions and electoral observation missions that are engaged in electoral observation activities.

### **Article 37-A Timorese citizens living abroad**

1. Timorese citizens who are or reside abroad shall enjoy the protection of the State.
2. Pursuant to the preceding paragraph, Timorese citizens who reside abroad may exercise their right to vote as long as they are registered in the voter register and display their voter's card.
3. The provisions of Article 40 (3) shall apply to voting abroad.
4. The regulation of voting abroad is approved by Government Decree.

## **Article 38**

### **Freedom and secrecy of vote**

Voting shall be free and nobody may be forced to disclose on whom they voted or are going to vote either inside or outside the polling center or polling station.

## **Article 39**

### **Ballot papers**

1. Ballot papers shall be rectangular in form and large enough to fit in all the candidacies and shall be printed on white, smooth, non-transparent paper.

2. Each ballot paper shall contain the name, acronym, flag or symbol of the political party or party coalition, in accordance with the sample proposed by STAE and approved by CNE, and the flag and symbol shall be of same color and be otherwise the same as those contained in the registration of the political party or party coalition with the STJ.

## **Article 40**

### **Identification of the voter**

1. Presentation of an updated voter's card shall constitute a necessary condition for the exercise of the right to vote.

2. Voters who have lost their voter's card shall request STAE to issue a duplicate up to 15 (fifteen) days before Election Day.

3. If a voter does not have his/her voter's card on election day, he or she may exercise his/her right to vote by presenting his/her Timorese ID card or passport, as long as his/her data appear on the voters list for that geographic unit.

4. [Revoked]

## **Article 41**

### **Polling locations**

1. Within the national territory, each voter shall vote in the polling center of the Suco indicated in his/her respective voter card.

2. Abroad, each voter votes at the polling center that operates in the geographic unit of voter registration in which he/she is registered.

## **Article 42**

### **Voting not implemented**

1. Voting may not be held in a polling center or polling station if:

- a) the polling center or polling station cannot be constituted, if any disturbance occurs that determines the interruption of the electoral operations for more than 2 (two) hours, or if a calamity occurs on election day;
  - b) a calamity occurs within the 3 (three) days prior to election day.
2. The impossibility of holding the election is reported to the CNE district representative immediately after any of the circumstances mentioned in the preceding paragraph is identified.
  3. If the voting process is interrupted for more than 2 (two) hours the polling station is closed and the sealed ballot boxes containing the votes cast until then, are dispatched to the district tabulation center or the tabulation center of the Special Administrative Region of Oe-Cusse Ambeno.
  4. In the cases provided in subparagraph 42(1)(a) above, voters shall be directed to the nearest polling center or polling station.
  5. In the case provided for in sub-paragraph b) of paragraph 1, STAE, with the agreement of the CNE municipal delegate or CNE delegate of the Oe-Cusse Ambeno Special Administrative Region, moves the location of the polling center or polling station to a safer location.
  6. Where the situations referred to in paragraph 1 above occur at a polling center or polling station in a consular office or diplomatic mission abroad, the head of the consular office or the diplomatic mission shall immediately inform CNE of the causes that make it impossible to carry out the election.
  7. In the cases provided for in the preceding paragraph, the election shall be held on the seventh day after the date originally designated for the voting that could not be held.

#### **Article 43** **Voting method**

1. The voter shall indicate his or her choice by placing a mark or by punching in the blank square in the corresponding line for the list for which he or she wishes to vote.
2. The voter then folds the ballot paper with the printed part on the inside, and places it in the ballot box.

#### **Article 44** **Classification of votes**

For the purposes of counting votes and tabulating results, the following are defined:

- A) Valid Votes - voters' ballots, removed from the ballot box, duly stamped and signed by the voting officer, which clearly and unequivocally express the meaning of each voter's vote, without, however, revealing the identity of the voter;
- B) Blank - ballot papers, removed from the interior of the ballot box, duly stamped and signed by the ballot control officer, which do not display any type of mark;

- C) Null and Void - ballot papers removed from the ballot box, duly stamped and signed by the ballot control official, which are marked or punched without being able, however, to understand the meaning of the choice made by the voter, or that allow the identification of the voter, or that indicate the selection of a candidate who has withdrawn from the election or in which any cut, drawing or erasure has been made or on which any words have been written;
- D) Rejected - ballot papers removed from the interior of the ballot box that are not stamped and signed by the ballot control officer;
- E) Canceled - ballot papers that have been returned by the voter to the election officials, for the purpose of substitution by another ballot paper, based on an error in marking the voter's choice on the ballot or that have been involuntarily damaged by the voter;
- F) Abandoned - ballot papers that have been found lost at the polling station.

#### **Article 45**

##### **Questions, complaints and protests**

1. Any voter or any agent of a party or party coalition shall be allowed to raise questions and present complaints or protests relating to electoral operations.
2. The questions, complaints and protests presented during the voting or after it has been completed shall be immediately reviewed by the electoral officials and, if need be, the latter may consult STAE.
3. Claims submitted in accordance with the preceding paragraph, shall be submitted to a vote of the electoral officials and shall be considered accepted if they obtain a vote in favor of at least six of them.
4. The results of the voting as described in the preceding paragraph shall be communicated to the claimants who, if they so wish, may address the complaint to the CNE. The complaint shall be submitted to the same polling center or polling station and shall be attached to all the documents relating to that polling center.
5. In relation to complaints submitted to CNE under the terms of the preceding paragraph, CNE shall make a decision within seventy-two hours.
6. Appeals against decisions made by CNE can be filed with STJ within forty-eight hours.
7. The STJ shall decide on the appeals described in the preceding paragraph within forty-eight hours.
8. Complaints and appeals to CNE and the STJ, respectively, regarding voting operations, counting of votes or tabulation of results carried out in a polling center or polling station operating abroad shall be presented to the highest ranking consular or diplomatic representative who is stationed within the geographic unit of electoral registration where the polling center or polling station works.

9. In the situations described in the preceding paragraph, the manager who receives a complaint or appeal on electoral matters certifies the date and time of its presentation and sends the documents relating to the complaint or appeal, by electronic mail, to the CNE and STJ in Dili.

10. The CNE and the STJ create an electronic mail account to receive, respectively, the complaints or the appeals that are submitted to them for voting operations, counting of votes and the tabulation of results that take place abroad.

#### **Article 46**

##### **Counting of votes and initial tabulation**

1. Counting of the votes shall begin immediately after the closing of the polling center or polling station and the analysis of questions, claims and complaints shall be undertaken at the very same place by electoral officials in the presence of the party agents and, where they are present, of observers, nationals or internationals and media professionals.

2. After the counting of the votes, or while the counting process is taking place, party agents may file claims, which shall be analyzed and decided upon pursuant to article 45(2) and (3) above.

3. If, after more than one hour after the closing of voting, the counting and the initial tabulation of results cannot begin, the sealed and identified ballot boxes shall be immediately transported by the electoral officers to the municipal tabulation center or the Special Administrative Region of Oe-Cusse Ambeno tabulation center, and the party agents may accompany them if they so wish.

4. Once the operations referred to in paragraph 1 have been completed, the questions and claims presented and analyzed and the complaints decided, or the circumstance referred to in paragraph 3 above have been verified, the minutes shall be drawn up with a report of all relevant occurrences reported, which are immediately forwarded to the municipal tabulation center or tabulation center for the Special Administrative Region of Oe-Cusse Ambeno.

5. Once the operations referred to in the preceding paragraph have been completed, the president of the polling center posts a copy of the minutes of the initial tabulation of the electoral results, in a place visible to the public, in the voting center, according to the model approved by the electoral regulation relative to the voting procedures, counting of votes and tabulations of results.

6. The president of the polling center shall deliver to party agents who have signed the minutes of the initial tabulation a copy of the same.

#### **Article 47**

##### **Municipal and Special Administrative Region of Oe-Cusse Ambeno tabulation centers**

1. The municipal tabulation assembly and the tabulation assembly of the Special Administrative Region of Oe-Cusse Ambeno shall be composed of the following members:

a) CNE municipal delegate or the CNE delegate of the Oe-Cusse Ambeno Special Administrative Region, who supervises the tabulation process;



- a) STAE municipal director or STAE director of Oe-Cusse Ambeno Special Administrative Region, who chairs the center;
  - b) STAE officials, appointed for this purpose by order of the respective Director General;
  - c) All presidents of polling centers that function in the area of the municipality or in the area of the Special Administrative Region of Oe-Cusse Ambeno;
  - d) Electoral officials appointed for this purpose by order of the Director General of STAE.
2. Party agents, observers and media professionals, may attend the municipal tabulation and the tabulation in the Special Administrative Region of Oe-Cusse Ambeno.
  3. Municipal tabulation centers and the tabulation center of the Special Administrative Region of Oe-Cusse Ambeno shall operate in the following manner:
    - a) The works starts as soon as the center receives minutes from at least five polling centers;
    - b) Based on the minutes of the polling centers, the minutes of the municipal tabulation and the minutes of the Special Administrative Region of Oe-Cusse Ambeno shall be prepared, using the electronic means provided for that purpose by STAE;
    - c) Within two days of the date of the election, municipal tabulation centers and the tabulation center for the Special Administrative Region of Oe-Cusse Ambeno, shall send to CNE minutes of their tabulations, votes against which complaints have been lodged, and complaints related to election operations, sending a copy of the minutes to STAE.
  4. PNTL shall be responsible to ensure the safety of the municipal and the Special Administrative Region of Oe-Cusse Ambeno tabulation locations.
  5. The results of the tabulation of the results carried out by the municipal tabulation centers and by the Special Administrative Region of Oe-Cusse Ambeno tabulation center shall be displayed, and delivered to party agents, media, and observers and broadcast by the public services of TV and radio.

#### **Article 47A**

##### **Counting votes and tabulation of results abroad**

1. For the operations of counting of votes and of calculation of results that are carried out abroad, the provisions of Article 44 of the present law are applicable, with the appropriate adaptations.
2. The results of the counting of votes and of tabulations done abroad are immediately transmitted, electronically, to STAE, which after receipt provides the same information to CNE.
3. The minutes of counting operations and tabulation of results abroad, as well as the votes subject to complaint, are delivered, in physical form, to the national tabulation center, within seventy-two hours, starting from the end of the relevant counting operations and the tabulation of results.

4. The minutes of the tabulation of results minutes are displayed at the headquarters of the consular service or diplomatic mission and copies delivered to party agents.
5. The regulation on the counting of votes and the tabulation of results abroad are approved by Government Decree.

#### **Article 48** **National tabulation center**

1. CNE, after receiving the minutes of municipal tabulations, of the Special Administrative Region of Oe-Cusse Ambeno tabulation and of tabulations abroad, implements within seventy-two hours the national tabulation, verifying the municipal tabulation minutes, the minutes of the Special Administrative Region of Oe-Cusse Ambeno tabulation and the minutes of tabulations abroad, and deciding definitively the votes subject to complaints, as well as the complaints that have been submitted.
2. Once the operations referred to in the preceding paragraph have been completed and within the same time limit, the CNE shall prepare the minutes of the provisional tabulation of the national results and display it at its headquarters, sending copies to STAE, to party agents and mass media.

#### **Article 49** **Appeals**

1. Appeals against the provisional tabulation of the national results published by CNE shall be filed within 24 (twenty-four) hours of their posting with the plenary of STJ, which shall immediately notify the interested parties and make a decision within the same time limit
2. After the deadline for lodging an appeal has expired without an appeal being lodged, the CNE shall forward to the STJ the minutes of the tabulation of the national results, accompanied by the minutes of municipal tabulations, of the Special Administrative Region of Oe-Cusse Ambeno tabulation and of tabulations abroad, and any other documents which it deems important, with the express reference that no appeal has been lodged.

#### **Article 50** **Proclamation of results and validation of the election**

1. Once appeals have been decided upon pursuant to article 49(1) above, or after the time limit has expired without any appeal being filed, STJ shall proceed to the analysis of the documents forwarded to it by CNE and shall issue a decision on the validation of the election for the National Parliament and, through the President of STJ, it shall proclaim the final results within a maximum period of seventy-two hours, announcing the total number of registered voters and actual voters, the total number of votes obtained by each list of blank votes and null and void votes, the distribution of mandates by list and the determination of the candidates elected from each list.
2. The decision of the STJ is sent for publication in the Official Gazette, with copies to CNE and STAE.

**Article 50A  
Assistance**

1. Within the framework of the electoral process, electoral administration bodies may request the assistance of any public administration services and bodies.
2. The Public Prosecution Service shall appoint a special prosecutor to oversee any cases concerning electoral infringements.
3. The STJ shall appoint 3 (three) judges to decide on any cases referred to in paragraph 50-A(2) above.
4. Such cases shall be considered as urgent and handled as such.

**TITLE  
ELECTORAL OFFENCES**

**Article 50B  
Misuse of an acronym or symbol**

1. Those who, during the election campaign, use an acronym or symbol of any candidate or political party without the authorization of that body, to obtain votes, shall be punishable with imprisonment for up to 3 years.
2. Criminal proceedings depend on a complaint being made.

**Article 51  
Obstruction to candidacy**

[Repealed]

**Article 52  
Ineligible candidature**

[Repealed]

**Article 53  
Illicit electoral propaganda**

[Repealed]

**Article 54  
Obstruction to freedom of choice**

[Repealed]

**Article 55  
Disturbance of the voting**

[Repealed]

**Article 56**  
**Obstructing supervision of the voting**

[Repealed]

**Article 57**  
**Voting fraud**

[Repealed]

**Article 58**  
**Violation of the counting**

[Repealed]

**Article 59**  
**Non-compliance with duties to participate in the electoral procedure**

[Repealed]

**Article 60**  
**Violation of secrecy of vote**

[Repealed]

**Article 61**  
**Breach of duties of neutrality and impartiality**

[Repealed]

**Article 62**  
**Infringement of freedom of electoral assembly**

[Repealed]

**Article 63**  
**Non-compliance with other obligations**

[Repealed]

**Article 64**  
**Undue utilization of name or symbol**

[Repealed]

**Article 65**  
**Campaigning after expiration of period for electoral campaign**

[Repealed]

**Article 66**  
**Sale or consumption of alcoholic beverages**

[Repealed]

**Article 67**  
**Abuse of public or equivalent functions**

[Repealed]

**Article 68**  
**Terminating or threat to terminate job**

[Repealed]

**Article 69**  
**Electoral corruption**

[Repealed]

**Article 70**  
**Fraudulent insertion of ballot papers and absconding**

[Repealed]

**Article 71**  
**Refusal to receive complaints**

[Repealed]

**Article 72**  
**Absence of the police**

[Repealed]

**Article 73**  
**Slandorous report**

[Repealed]

**Article 74**  
**Complaint made in bad faith**

[Repealed]

**Article 75**  
**Possession of weapons**

[Repealed]

**TITLE VI**  
**FINAL AND TRANSITIONAL PROVISIONS**

**Article 76**  
**Exemptions**

Documents required for presentation of candidacies, notary certifications of documents for electoral purposes and appeals and complaints referred to in the present law shall be exempt of any charge and fee or costs.

**Article 77**  
**Regulation**

The following matters are regulated by Government Decree:

- a) The presentation and admission of candidacies;
- b) The implementation of the election campaign;
- c) The organization and operation of polling centers and polling stations;
- d) The implementation of voting procedures, counting of votes and tabulation of results;
- e) The implementation of electoral observation activities;
- f) The implementation of party agents' activities in the electoral process;
- g) The implementation of journalistic coverage of the electoral process.

**Article 78**  
**National and international observers**

1. Electoral observer shall mean an individual representing a national or international organization who requests his or her registration with STAE and is accepted as such.
2. Election observers may, in particular, carry out the following tasks:
  - a) to follow the voting operations from the establishment of the polling center or polling station until its closure;

- b) to accompany the transportation of the ballot boxes and other elements of the polling center or polling station to the municipal tabulation center or the tabulation center of the Special Administrative Region of Oe-Cusse Ambeno;
  - c) to monitor the process of counting the votes and tabulation of results;
  - d) to prepare a report of the observation whenever so requested.
3. The acquisition and loss of observer status, national or international, and the performance of their respective functions shall comply with the rules approved by Government Decree.
  4. A foreigner recognized by STAE as an electoral observer is granted a special stay permit whose duration is based on the duration of the respective election observation mission.
  5. The granting of a special stay permit is requested by the head of the electoral observation mission or by the representative of the organization sending the electoral observation mission.
  6. The authorization for a special stay expires with the loss of electoral observer status.

**Article 79**  
**Judicial functions**

Until such time as STJ initiates its functions, the powers attributed to it in the present law shall be exercised by the Court of Appeal (*Tribunal de Recurso*).

**Article 80**  
**Repeals**

1. The following shall be expressly repealed:
  - (A) UNTAET Regulation No. 2001/2 of 26 February;
  - (B) UNTAET Regulation No. 2002/3 of 23 March;
  - (C) UNTAET Regulation No. 2001/11 of 13 July.
2. Any statutes or norms that are contrary to the provisions of the present law are also revoked.

**Article 81**  
**Entry into force**

The present law shall enter into force on the day following its publication.