

GOVERNMENT DECREE NO. 6/2017
27th February

REGULATING THE ORGANIZATION AND OPERATIONS OF POLLING CENTERS AND POLLING STATIONS

As amended January 14, 2022

Republication of Full Decree 6/2017 with January 2022 amendments

PREAMBLE

The sixth amendment to the Electoral Law for the President of the Republic introduced relevant changes to rules for voting in the municipality of registration, by establishing parallel voting centers. These centers allow some professional classes or citizens who have justification to do so, to vote in Dili, without having to travel to the municipality of registration. This new process results, on the one hand, from the pandemic situation that is still being experienced worldwide due to COVID19, with the aim of avoiding travel within the country that enhances the transmission of the virus and, on the other hand, from the intention of increasing the participation of citizens in voting, who otherwise might feel unmotivated to travel to the municipalities, either because of the financial burden it has on their salaries, or because of the difficulty in guaranteeing transportation in the days before voting day.

Some changes were also introduced to improve the functioning of polling centers and stations, also due to the pandemic and the experience acquired in previous electoral activities.

Thus, the Government decrees, under the provisions of article 67 of Law No. 07/06, of 28 December, amended by Laws No. 5/2007, of 28 March, 8/2011, of 22 of June, 2/2012. of January 13, 7/2012, March 1, 4/2017, February 23 and June 15, 2021, the following to have the force of Regulation:

Republication of Decree 6-2017 with amendments.

CHAPTER I
SCOPE AND CONTENT

Article 1
Scope

This regulation governs the election of the President of the Republic and is applicable to the organization and operations of polling centers and polling stations.

SECTION I
POLLING CENTERS

Article 2
Definition

A polling center is the place where a voter casts his/her ballot and is comprised of one or more polling stations.

Article 3
Place of operation

1. Each suco has at least one polling center and STAE, taking into account the number of voters or the distance between villages that make up the suco, may establish more polling centers, always assuring the secrecy of voting.
2. If necessary, each polling center may be comprised of one or more polling stations.

Article 3 – A
Parallel polling centers

1. The parallel polling center is a polling center located in the capital of the country, intended for voters registered in geographical registration units located outside the municipality of Dili, who are prevented, for medical, education or public functions reasons, to go to the place where their voting center is located.
2. Any other voters registered in geographical registration units located outside the municipality of Dili may also vote in the parallel polling centers, provided that they justify their impediment in traveling to the place where their polling center is located and are accepted by STAE.
3. STAE sets and publicly announces the start and end dates of the registration period referred to in the previous paragraphs.
4. A citizen qualified to vote attests to an impediment to travel to his/her municipality of registration, under the terms of the previous paragraphs supported by:
 - a) Medical certificate, for medical reasons, sent by the Central, Municipal or Referral Hospitals to the Ministry of Health;
 - b) Declaration by a university, Polytechnic Institutes, or Secondary School, sent to the Ministry of Higher Education, Science and Culture or the Ministry of Education, Youth and Sport, respectively, for education reasons;
 - c) Declaration by the direct superior, in the case of civil servants, sent to the Civil Service Commission;
 - d) Declaration by the direct superior, in the case of the security forces, PCIC and F-FDTL, sent to the Ministry of the Interior, Ministry of Justice and Ministry of Defence, respectively;
 - e) Declaration by the Suco Chief, in all other cases.
5. The documents referred to in sub paragraphs a), b), c) and d) of the previous paragraph, are sent by the entities referred to therein to STAE, on the day following the deadline for the registration of citizens voters in the parallel polling centers.
6. The declaration mentioned in sub paragraph e) is delivered by the citizen voter to STAE, which makes a statement, within 5 days, on the admissibility of the registration for the parallel voting center.
7. STAE defines the declaration template to be used.
8. The voter registered in a parallel polling center is deleted from the list of voters of the geographical registration unit where he/she is registered.
9. STAE prepares voter lists for each parallel polling centre.
10. Registration in the parallel voting center is valid only for the election subsequent to registration.

Article 3 - B
Registration and operating requirements

1. There are three parallel polling centers:
 - a) one for voters registered in the municipalities of Lautem, Baucau and Viqueque;
 - b) one for voters registered in the municipalities of Manatuto, Liquica, Aileu, Ermera and Atauro;
 - c) one for voters registered in the municipalities of Ainaro, Bobonaro, Covalima, Manufahi and the Special Administrative Region of Oe-Cusse Ambeno.
2. Each parallel polling center can operate only if it has a minimum of one hundred (100) registered voters.
3. Voters registered in parallel polling centers can only vote upon presentation of their respective voter card.
4. The voter's card is punched immediately after its holder exercises his/her right to vote in the parallel polling centre.

Article 4
Notification of the places of operation

1. The number and location of polling centres and polling stations is disclosed by STAE at least thirty days before the election day, and their location may be amended until ten days before election day.
2. STAE publishes the places of operation of polling centres and polling stations in the Official Gazette 30 days prior to election day, sends a copy to CNE and releases the information through media.

3. Each polling center has a code with five digits.
4. Each polling station has a code with nine digits, where the first five represent the polling center code and the last four the number of the relevant polling station.
5. The codes must appear on the ballot boxes, the voters lists and the records concerning the operation, counting and tabulation of votes.

Article 5

Setting up of polling centers

1. Polling centers are set up in public premises, preferably schools, which offer security and accessibility to the voters.
2. If there are no public premises offering the conditions mentioned in the preceding paragraph, the suco office or community centers shall be made available.
3. If the premises mentioned in this article are unavailable, STAE shall arrange for a structure in which to set up the polling center and polling stations.

Article 6

Forbidden locations

A polling center cannot be set up in any:

- a) Police unit;
- b) Military unit;
- c) Traditional leader's house;
- d) Private house;
- e) Political party property;
- f) Place of worship;
- g) Hospitals or any health-related facilities, subject to what is stated regarding voting rights in hospitals.

Article 7

Disclosure of the voting location

1. The voter must cast a ballot in the suco stated as his/her registration unit according to his/her voter card except for voters authorized to vote in parallel voting centers or other situations provided for by law.
2. For the purposes of the preceding paragraph, STAE discloses the voters' list per suco, giving a card to the voter with his/her registration number in the voters' list so as to confirm his/her voting place and to facilitate the electoral procedures during election day.
3. This disclosure must occur within 7 days from the date of publication of the polling centers' locations.

Article 8

Support to electoral activities

The electoral administration bodies may request assistance, within the scope of the electoral process, from any Public Administration services and organizations.

Article 9

Operating hours

1. On election day, polling centers and polling stations open at 7 am and close after the end of the vote count.
2. On election day, polling stations open at seven o'clock and close at fifteen hours operating without interruption within this time period
3. After closing, only voters already standing and waiting to cast a ballot may vote, as verified by the queue controlling officer and advised to the secretary of the polling station.
4. For the purposes of the previous paragraph, the voting process ends when all the voters in the queue have voted.

**SECTION II
ELECTORAL OFFICIALS**

Article 10

Composition of polling centers and polling stations

1. Each polling center and polling station is comprised of the following electoral officials:
 - a) A president, responsible for the polling center and relevant polling stations;
 - b) A secretary, responsible for the polling station, who coordinates the work performed by the electoral officials of such polling station and reports directly to the president of the polling center;
 - c) Four identification checking officials;
 - d) One ballot paper controlling official;
 - e) One ballot box controlling official;
 - f) One indelible ink application controlling official;
 - g) Two queue controlling officials.
2. On election day, if the replacements foreseen in this regulation cannot take place, the polling station requires a minimum of six electoral officials to be operational.

Article 11

Appointment requirements for electoral officials

1. Electoral officials are selected from local voters who are national citizens, and are able to read and write.
2. No one can be obliged to perform the duties of an electoral official.
3. Election officials must hold a vaccination card or certificate of complete vaccination against COVID 19, to be confirmed by STAE
4. The selected electoral officials are subject to pre-election training provided by STAE.
5. After training, the Director General of STAE sends to CNE a full list of the electoral officials deemed as fit to perform the duties and displays a notice with this information at its entrance.
6. Electoral officials cannot start performing their duties before signing a declaration of commitment to keep secret any information they become aware of through implementing their duties.
7. The declaration referred to in the preceding paragraph is drafted by STAE.

Article 12

Training of electoral officials

1. Training of electoral officials shall be supervised by CNE.
2. Candidates' representatives and agents, as well as accredited observers and monitors, may observe the training without the right to intervene.

Article 13

Rights and obligations of electoral officials

1. On election day, and while their activity lasts, electoral officials are exempt from attending their employment, without prejudice to their rights or benefits, including salary, as long as they produce evidence regarding their performance of duties through a document issued by STAE.
2. In performing their duties, electoral officials must:
 - a) Attend the training provided by STAE;
 - b) Be neutral and impartial towards all candidates;
 - c) Keep secret any information they become aware of through implementing their duties;
 - d) Diligently perform their duties until the completion of the voting process and the tabulation of results.

Article 14
President of the polling center

The President of the polling center must:

- a) Ensure the smooth functioning of the polling center in accordance with the electoral law and regulations;
- b) Provide technical assistance to the polling center;
- c) Use his/her casting vote whenever there is a tied decision or resolution;
- d) Verify if requirements are met to resume electoral operations previously interrupted due to an abnormal situation, natural disaster or civil disturbance;
- e) Request the presence of forces for maintaining public order and suspend electoral operations in case of disturbance, aggression or violence, either inside or near the polling center;
- f) Order the withdrawal of forces for maintaining public order when their presence is no longer justified;
- g) Communicate to the competent authority of the Ministry of Health and to the person in charge of the PNTL present at the polling center, for the purposes provided for in the legal document that introduces exceptional and temporary surveillance measures in response to the COVID-19 disease pandemic, the existence of voters presenting symptoms compatible with infection by COVID19, as legally described;
- h) Inform the person responsible for the mandatory therapeutic isolation center closest to the polling center, of the transfer to that center of citizens who have tested positive for COVID19, following tests carried out under the terms of the previous subparagraph, so that they can exercise their duties and right to vote, after being manually subscribed to the additional isolation center list and deleted from the voter list of the polling center in which they were originally supposed to vote;
- i) Display the list of candidates at the entrance of each polling station;
- j) Manage the vote counting in the polling center;
- k) Sign the vote counting minutes;
- l) Organize the candidates' agents to sign the vote counting minutes;
- m) Forward the ballot boxes to the municipal tabulation center;
- n) Implement any other duties that may be assigned to him/her by law or regulation.

Article 15
Secretary of the polling station

The secretary of the polling station must:

- a) Declare the polling station open and verify the identity and accreditation of electoral officials, candidates' agents, observers, monitors and media professionals;
- b) Direct the verification procedure for the voting compartments and working documents of the polling station;
- c) Show the empty ballot boxes to the officials, candidates' agents, observers monitors and voters present, requesting immediately afterwards that one of the identification checking officials and the ballot paper controlling officer seal the ballot boxes, recording the relevant seal numbers;
- d) Order the display, in a visible place in the polling station, of a list of the members of the polling station staff;
- e) Ensure freedom of voting for all voters;
- f) Ensure and maintain order in the polling station so as to ensure the smooth functioning of electoral operations;
- g) Order the departure from the polling station of citizens who cannot vote or who have already voted;
- h) Prevent access to the polling station by any voters who are clearly drunk or under the influence of drugs, who are acknowledged as mentally ill, those who present symptoms compatible with COVID 19 infection, as legally defined, those who are confirmed positive for COVID 19, and those who are carrying any type of weapon or blunt object;

- i) Forbid any type of propaganda inside the polling station and up to 100 meters from it;
- j) Authorize, as requested by the voter, the issue of a new ballot paper because he/she made a mistake while marking it, or unintentionally damaged the ballot paper, and record this in the minutes;
- k) Stamp the word "Cancelled" on the returned ballot paper, sign it and keep it in the relevant envelope;
- l) Stamp the words "Null and Void" on a ballot paper deemed as null and void, sign it and keep it in the relevant envelope;
- m) Stamp the word "Discarded" on a ballot paper deemed as discarded, sign it and keep it in the relevant envelope;
- n) Stamp the word "Rejected" on a ballot paper deemed as rejected, sign it and keep it in the relevant envelope;
- o) Provide necessary clarification to a voter, at his/her request and in the presence of officials, candidates' agents, electoral observers and monitors, regarding the voting process, without influencing the voter's choice;
- p) Ask the candidates' agents if they have any claims to submit and receive them, as well as any objections;
- q) Sign the objections referred to in the preceding sub-paragraph, together with all officials of the polling station;
- r) Implement any other duties that may be assigned to him/her by law or regulation.

Article 16

Identification checking official

The identification checking official must:

- a) Identify the voter by examining the voter card;
- b) Verify if the voter is 17 or more years old on election day;
- c) Inspect the voter's hands in order to ensure that he/she has not already voted in the relevant election;
- d) Verify if the voter card is updated and if the voter's name is included in the voters list for the suco or parallel voting center where the voter intends to cast his or her vote;
- e) Inform the ballot paper controlling official if the voter is entitled to be issued a ballot paper;
- f) In parallel voting centres, perforate the voter's card as soon as the respective holder has exercised the right to vote
- g) Implement any other duties that may be assigned to him/her by law or regulation.

Article 17

Ballot paper controlling official

The ballot paper controlling official must:

- a) Stamp and sign the back of the ballot paper;
- b) Issue the ballot paper to the voter;
- c) Show and direct the voter to the voting compartment;
- d) Issue a new ballot paper to the voter, at his/her request, if it has been damaged or if the voter made any mistake while marking it;
- e) Inform the secretary of the polling station of the invalidation of the first ballot paper, as described in the preceding sub-paragraph;
- f) Implement any other duties that may be assigned to him/her by law or regulation.

Article 18

Ballot box controlling official

The ballot box controlling officer must:

- a) Ensure the security of the ballot box;
- b) Ensure that each voter places only one ballot in the ballot box;
- c) Implement any other duties that may be assigned to him/her by law or regulation.

Article 19

Indelible ink application controlling official

The indelible ink application controlling official must:

- a) Apply the indelible ink to the right-hand index finger of each voter who has exercised his/her right to vote;
- b) Ask the voter to leave the polling station after casting a ballot;
- c) Implement any other duties that may be assigned to him/her by law or regulation.

Article 20

Queue controlling official

The queue controlling official must:

- a) Organize the voters waiting to vote in a queue, so that only authorized people may enter the polling station;
- b) Ensure all voters comply with social distancing measures according to the terms legally provided, ensuring that voters respect the distance markings;
- c) Inform the President of the Polling Center of the existence of voters who present symptoms compatible with COVID19 infection, under the legally defined terms;
- d) ~~Ensure that all voters disinfect their hands and that they correctly use the protective mask;~~
- e) Ensure that voters with physical disabilities, pregnant women, the elderly, aged over 65 years and voters with children in their laps, (sac) prioritized to exercise their right to vote
- f) Ask the voter to have ready his/her current voter card to show it to the identification checking official;
- g) Verify, and inform the secretary of the polling station, who is the last voter in the queue at 3 pm on election day, so that no-one else is allowed to vote;
- h) Implement any other duties that may be assigned by law, regulation or superior order which are not the responsibility of another body.

Article 21

Incompatibilities

The President of the Republic, Members of Parliament, members of the Government, civil servants, F-FDTL and PNTL members, judges and public prosecutors, religious authorities, CNE members, the Ombudsman for Human Rights and Justice and his/her aides, candidates and candidates' agents cannot be electoral officials.

CHAPTER II

TRANSITIONAL AND FINAL PROVISIONS

Article 22

Replacement of electoral officials

1. On election day, if until 30 minutes before the scheduled time to open the polling station, it has not been possible to form the bench of officials because the electoral officials required are not present, the STAE representative must appoint replacements from among local voters with well-known reputations.
2. If, after setting up the polling station bench of officials, one of the electoral officials is absent, the president of the polling center replaces such official with any available voter with well-known reputation, as agreed with the majority of the electoral officials and candidates' agents who are present.
3. If the president of the polling center is absent, he or she shall be replaced by the secretary of the first polling station of the relevant polling center, who shall be replaced accordingly by an identification checking official of the relevant polling station;
4. After replacement, the appointment of the absent electoral officials shall be considered void, and the president of the polling center shall advise their names to STAE.
5. All replacements shall be explicitly recorded in the minutes.

Article 23

Prohibited in the polling center

1. Voters visibly drunk or under the influence of drugs. Those who are recognised as mentally ill, those who present symptoms compatible with infection by COVID 19, under the legally defined terms, those who are tested positively to COVID 19 , those carrying any type of weapon or blunt object or disturbing, by any means, order and discipline shall not be allowed inside polling centers and polling stations, without prejudice to potential criminal liability.
2. Alcohol cannot be sold or drunk within 100 meters of a polling center.
3. Voters who have already voted and are not candidates' agents, media professionals or accredited observers or monitors are not allowed inside polling centers or polling stations.
4. The presence of members of PNTL, national and international observers and monitors, candidates' agents and media professionals in polling centers and polling stations is governed by a separate regulation.

Article 24

Prohibition of propaganda

1. On election day, it is forbidden to place any type of electoral propaganda inside a polling center or polling station, or within 100 meters from it.
2. Electoral propaganda includes stickers, shirts, leaflets, symbols, signs, pins, posters and banners, among others, as well as activities promoting the candidates.
3. The president of the polling center shall request PNTL to remove propaganda that breaches paragraph 1 of this article.
4. Candidates' agents cannot carry any symbol or object that connects them with the candidate.
5. In the case described in the preceding paragraph, the secretary (*sic*) of the polling center orders the agent to remove the symbol or object. If the agent does not comply with the order, the secretary takes back his/her accreditation and ejects the agent from the polling station, recording the incident in the minutes of electoral operations.

Article 25

Secrecy during operations at the tabulation centers

1. All members of tabulation committees, CNE delegates and IT system operators that perform duties at the center and at the municipal or national tabulation centers are bound to secrecy concerning all data, information and documents that they become aware of during the performance of their duties.
2. Each person governed by the preceding paragraph must sign a declaration of confidentiality before the commencement of operations at the relevant center.

Article 26

Repeal

Any rules contrary to this regulation are hereby repealed.

Article 27

Entry into Force

This government decree enters into force on the day following its publication

Approved by the Council of Ministers on February 24th, 2017

To be published.

The Prime Minister,
DR. Rui Maria de Araújo,

The Minister of State Administration,
Dionísio Babo Soares