

## **2021-07-14 AMENDED LAW ON ELECTION OF THE PRESIDENT OF THE REPUBLIC**

*This document contains an unofficial translation of: the 14 July 2021 amendment law, followed by a consolidated version of the law.*

### **Law 15/2021 of 14 July**

#### **SIXTH AMENDMENT TO LAW No. 7/2006, OF DECEMBER 28 ELECTORAL LAW FOR THE PRESIDENT OF THE REPUBLIC**

Law No. 7/2006, of December 28, establishes the set of principles and legal norms that govern the process of the election of the President of the Republic. In order to ensure the fulfillment of this electoral process and four years having already passed since the last elections, the present amendment takes into account several aspects, such as the review of previously unforeseen situations and the current situation in which the country lives. The recent reality of the Covid-19 global pandemic also obliges the consideration of the organization of the electoral process in order to foresee and prevent risky situations, in an event of enormous national relevance.

Regarding the admission of candidacies, it is clarified that the decision is up to the President of the Supreme Court of Justice, which can be appealed to its full bench.

As for the opening hours, a distinction is introduced between polling stations and polling centers, which have a longer opening hours.

Considering that the right of suffrage is a fundamental right, which has to be applied universally and equally, the prerogative granted to some professional categories of civil servants, when working outside their voting area, is extended to social communication professionals, to be able to exercise their right to vote wherever they are on duty.

The ballot papers have been changed, including in the template the number that corresponds to the order of the draw of each candidate.

An important clarification of the subsequent procedure when voting is to continue at another polling center or polling station after it has been stopped, has been made.

The position of electoral monitor is created, with the intention of providing legal cover for certain election monitoring activities, which in practice are being carried out by some entities in the country, during which they are faced with legal limitations.

The main innovation, in the amendment introduced by this law, also with the aim of ensuring the universality of the right to vote, is the creation of parallel voting centers, intended for voters who are in Dili and are prevented from moving to their respective polling centers located in other municipalities.

An operation that already existed is reintroduced to the calculation of results, which is the verification of the final tally of null, done during the national tabulation by the CNE.

Thus, the National Parliament decrees the following to be valid as law, pursuant to subparagraph h) of paragraph 2 of article 95 and paragraph 5 of article 65 of the Constitution of the Republic:

#### **Article 1 Objective**

This law approves the sixth amendment to Law No. 7/2006, of December 28, Law on the Election of the President of the Republic, amended by Laws No. 5/2007, of March 28, 8/2011, of June 22, 2/2012 of January 13th, 7/2012 of March 1st and 4/2017 of February 23rd.

**Article 2**  
**Amendments to Law No. 7/2006, of December 28**

Articles 19, 31, 32, 36, 38, 39, 40, 41, 44, 45, 46 and 68 of the Law No. 7/2006, of 28th of December, amended by Laws No. 5/2007, of March 28, 8/2011, of June 22, 2/2012, of 13 January, 7/2012, of March 1st and 4/2017, of February 23rd, are now worded as follows:

Article 19  
[...]

1. As soon as the candidate nominations have been received, the President of the STJ begins to verify the legitimacy of the processes, the authenticity of the documents and the eligibility of the candidates.
2. For the purposes of the provisions of the previous paragraph, the President of the STJ is supported by the services of STAE, namely in the verification of the regularity of the lists of proponents of candidacies.
3. [...]
- 4 [...]
5. [...]

Article 31  
[...]

1. [...]
2. [...].
3. [...]
4. The number and location of polling centers and polling stations are announced by STAE no later than thirty days before election day, the location of the voting center may be changed up to ten days before the date scheduled for voting.

Article 32  
[...]

1. On election day, the polling centers open at six o'clock and close after the end of the counting of votes.
2. On election day, polling stations open at 7 am and close at 3 pm.
3. After 3pm, only voters who are in the queue waiting to exercise their right to vote can vote, which is verified by the queue controller and communicated to the respective president.
4. For the purposes of paragraph 1 of this article, voting abroad takes place in accordance with local time.
5. For the purposes of paragraph 3 of this article, the voting process ends when all the voters in the queue have voted.

Article 36  
[...]

- 1.[...]
- 2 [...]

3. [...]

4. [...]

5. Members of the armed forces, members of the security forces, candidates' agents, civil servants and agents of the Public Administration who provide services within the scope of elections, on election day, exercise the respective right to vote in the polling center that is closest to the place where they provide services.

6. The provisions of the previous paragraph are equally applicable to the human resources of the diplomatic missions and to electoral observers, as well as to the professionals of the media organizations, who are providing the service of journalistic coverage of the presidential election.

#### Article 38

[...]

1. [...]

2. On each ballot paper shall be printed the numerical order of the candidates with their respective names and, in color, their respective photographs and the symbol freely chosen by them, arranged horizontally, as per the order determined by the draw, according to the sample proposed by STAE and approved by the CNE.

#### Article 39

[...]

1 [...]

2 [...].

3. If a voter does not have a voter's card on election day, he/she may exercise the right to vote by presenting a valid Timorese identity card or passport, provided that he/she is on the list of voters of the respective geographic registration unit, except in the cases of parallel polling stations.

4. [Repealed].

#### Article 40

[...]

1. Within the national territory, each voter votes at the polling center in the Suco indicated on his/her respective voter's card or at the parallel polling center where he/she is registered.

2 [...].

#### Article 41

[...]

1 [...].

2 [...].

3. [...].

4. In the cases provided for in subparagraph a) of paragraph 1, voters who have not yet voted and the agents (fiscais) are sent to another polling center in the same Suco, if any, or a closer polling station, and the electoral officials shall take with them the list of voters, a new ballot box and all other electoral material.

5. [...]

6. [...].

7. In the cases provided for in the paragraph 6 above, the election takes place on the second day after the date initially designated for the voting that could not be held.

#### Article 44

[...]

1. Counting of votes begins immediately after the closing of the polling station and the analysis of questions, claims and complaints, and is done in the same place by the electoral officials, in the presence of the candidates' agents and, when they are present, of the national or international observers and media professionals.

2. [...].

3 [...]

4. [...].

5. [...]

6. Parallel polling centers follow the same counting and tabulation rules as other polling centers

#### Article 45

[...]

1 [...]

2 [...].

3. [...]:

a) [...]

b. [...]

c) The municipal tabulation centre sends to CNE, within three days from the election date, the municipal tabulation minutes, null votes, disputed votes and complaints regarding electoral operations, and sends a copy of the minutes to STAE.

4. [...].

5. [...]

#### Article 46

[...]

1 The CNE, after receiving the minutes of municipal tabulation and tabulations abroad, proceeds within seventy-two hours to the national tabulation, verifying the minutes of the municipal tabulations and tabulations abroad, and deciding definitively the null votes and the votes on which there has been a dispute, as well as the claims that have been presented.

2 [...].

#### Article 68

##### National and international observation and monitoring

1. [...].

2. An electoral monitor is an entity which includes the competence to monitor the electoral process in its statutes and has a legitimate interest in the same, and informs STAE in advance

3. Election observers and election monitors may, inter alia, carry out the following tasks:

- a) monitor and observe the progress of voting operations, from the establishment of the polling center or polling station until its closure;
- b) monitor the transport of ballot boxes and other elements from the polling center or polling station to the municipal tabulation station;
- c) monitor the process of counting votes and tabulation of results;
- d) prepare an observation or monitoring report with recommendations, whenever this is required.

4. [...].

5. [...].

6. [...].

7. The requirements and capacities for acquisition and loss of electoral observer and electoral monitor status, follow the rules approved by Government Decree.

### **Article 3**

#### **Additions to Law No. 7/2006, of December 28**

To Law No. 7/2006, of December 28, amended by Laws No. 5/2007, of March 28, 8/2011, June 22, 2/2012, January 13, 7/2012, March 1 and 4/2017, February 23, are added Articles 31-A and 31-B, with the following wording:

#### **Article 31A**

##### **Parallel voting center**

1. A parallel voting center is a voting center located in the capital of the country, intended for voters registered in geographic registration units located outside the municipality of Dili, who are prevented, for medical, educational or public function reasons, to move to the place where their polling center is located.
2. Any other voters registered in geographic registration units located outside the municipality of Dili may also vote in parallel polling centers, as long as they justify the impediment to their travel to the place where their polling center is located.
3. There are three parallel voting centers, one for voters registered in the municipalities of Lautem, Baucau and Viqueque, one for voters registered in the municipalities of Manatuto, Liquica, Aileu, Ermera and Atauro Administrative Post, and one for registered voters in the municipalities of Ainaro, Bobonaro, Covalima, Manufahi and the Special Administrative Region of Oe-Cusse Ambeno.
- 4 Each parallel voting center can only function with a minimum of one hundred registered voters.

#### **Article 31B**

##### **Registration at parallel polling centers**

1. A voter who wants to vote in a parallel polling center, registers with the health or education entity or with the Public Service Commission, depending on whether he/she is a patient, student or teacher, a civil servant or public agent, respectively.
2. Other voters, other than those referred to in the previous paragraph, who wish to vote in a parallel voting center, register with STAE.
3. STAE sets and publicly announces the beginning and end dates of the registration period referred to in the previous paragraphs.

4. The entities referred to in paragraph 1 shall send STAE the list of voters who have registered, on the day following the end of the registration period.
5. STAE draws up lists of voters for each parallel voting center.
6. The voter registered at a parallel polling center is removed from the list of voters of the geographical registration unit where he/she is registered.
7. Registration at the parallel voting center is valid only for the election following the registration.
8. The Government may, through regulation, adopt other measures to prevent fraud, namely the destruction of the voter's card after the voter has exercised his/her right to vote.

#### **Article 4** **Transitional Provisions**

- 1 Voters admitted to a mandatory prophylactic isolation center, mandatory therapeutic isolation center, or in compliance with mandatory prophylactic isolation, or mandatory therapeutic isolation in their respective homes or a legally permitted place for this effect, and who have an updated voter's card, have the right to vote in the election of the President of the Republic following the approval of this law.
2. Voting in compulsory prophylactic isolation centers and obligatory therapeutic isolation centers shall take place at the permitted time which is established by the Technical Secretariat for Electoral Administration, after consultation with the competent health authorities.
3. Voting procedures in compulsory prophylactic isolation centers and compulsory therapeutic isolation centers are subject to regulation approved by Government Decree.

#### **Article 5** **Republication**

Law no. 7/2006, of 28<sup>th</sup> December, with the current wording, is re-published as an annex to the present law, forming an integral part thereof.

#### **Article 6** **Implementation**

This law enters into force on the day following its publication.

Approved on June 28, 2021.  
President of the National Parliament,  
Aniceto Longuinhos Guterres Lopes

Promulgated on July 12, 2021  
President of the Republic  
Francisco Guterres Lu Olo

## REPUBLICATION OF LAW 7/2006 ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC

### ARTICLE 1.

#### Scope

The present law shall regulate the election of the President of the Republic

### ARTICLE 2.

#### General principles

1. The President of the Republic shall be elected through universal, free, direct, equal, secret, personal and regular suffrage.
2. The President of the Republic shall be elected for a period of 5 (five) years.
3. The term of office of the President of the Republic may be renewed only once.

### ARTICLE 3.

#### Definition

The President of the Republic is the Head of State, the symbol and guarantor of national independence, of the unity of the State and of the regular functioning of the democratic institutions.

### ARTICLE 4.

#### Active electoral capacity

- 1 Active electoral capacity is granted to all Timorese citizens over 17 (seventeen) years of age.
- 2 In order to be able to exercise the right of vote it shall be a mandatory condition to be registered in the voter registration
- 3 Voters who are admitted to a hospital or prison and have an up-to-date voter card are entitled to vote in the election of the President of the Republic.
- 4 Voting in hospital establishments and prisons shall take place at a time fixed by the Technical Secretariat of the Electoral Administration (STAE), after consulting the heads of those establishments.
- 5 Voting procedures in hospitals and in prisons are subject to regulations approved by Government Decree.

### ARTICLE 5.

#### Active electoral disability

The following are not granted active electoral capacity:

- a) individuals judicially disabled due to a sentence imposed by a court of law which has the force of *res judicata*;
- b) individuals clearly and publicly known as mentally ill even where they are not judicially disabled.

### ARTICLE 6.

#### Passive electoral capacity

To stand as presidential candidates, Timorese citizens should meet the following requirements cumulatively:

- a) original citizenship;
- b) at least 35 (thirty-five) years of age;

c) to be in possession of his or her faculties.

**ARTICLE 7.  
Ineligibility**

The following are ineligible to run for President of the Republic:

- a) judicial magistrates or public prosecutors in service;
- b) serving career diplomats;
- c) civil servants in service;
- d) members of the Timor-Leste Defence Force (FALINTIL-FDTL) in service;
- e) members of the Police in service;
- f) ministers of any religion or cult;
- g) members of the National Electoral Commission (Comissão Nacional de Eleições, CNE).

**ARTICLE 8.  
Immunities and privileges of candidates**

1. During the electoral process, no candidate may be subject to preventive imprisonment, except in case of flagrante delicto for an intentional crime punishable by imprisonment for more than three years.
2. During the electoral campaign, candidates shall be entitled to be released from the exercise of their respective professional functions, public or private, and the period of time spent in the electoral campaign shall be considered as time of effective service, including for the purpose of payment of their wages.

**ARTICLE 9.  
Single constituency**

There shall be one single constituency for the election of the President of the Republic corresponding to the entire national territory, with headquarters in Dili.

**ARTICLE 10.  
Method of election**

The President of the Republic shall be elected on an uninominal list and each voter shall be entitled to one single vote.

**ARTICLE 11.  
Election criterion**

1. The election of the President of the Republic shall be conducted through the system based on the majority of validly expressed votes, excluding blank votes.
2. Where no candidate obtains more than half of the validly expressed votes, a second voting (*segunda votação*) shall be held.
3. Only the two candidates obtaining the highest number of votes shall be eligible to stand in a run-off election, provided they have not withdrawn their candidacies

**ARTICLE 12.**  
**Scheduling of elections**

1. After consulting the Government and the political parties seated in Parliament, the President of the Republic shall schedule by decree the election date at a minimum of 60 (sixty) days in advance.
2. In the case provided for in paragraph 2 of Article 11, the second vote shall be held on the thirtieth day following that of the first ballot and shall not be convoked by presidential decree
3. The second voting shall be held up to 30 (thirty) days before the term of office of the outgoing President expires.
4. Elections for organs of sovereignty should not take place simultaneously and there shall be a minimum period of 3 (three) weeks separating them.

**ARTICLE 13.**  
**Electoral calendar**

The Technical Secretariat for Electoral Administration (Secretariado Técnico da Administração Eleitoral, STAE) shall publish the calendar of the electoral operations in the Official Gazette within 8 (eight) days from the publication of the decree referred to in article 12(1) above.

**ARTICLE 14.**  
**Death, resignation, permanent disability or destitution**

In case of death, resignation, permanent disability or destitution of the President of the Republic, the election shall be held within 90 (ninety) days following the verification or declaration thereof.

**ARTICLE 15.**  
**Power of nominating candidacies**

1. Candidacies shall be presented by a minimum number of 5,000 (five thousand) voting citizens from all districts and no district may be represented by less than 100 (one hundred) proposers.
2. Each voting citizen may only propose one single candidate

**ARTICLE 16.**  
**Place and deadline for presenting candidacies**

Candidacies shall be presented to the President of the Supreme Court of Justice (*Supremo Tribunal de Justiça*, STJ) within a period of 20 (twenty) days from the date of publication of the decree scheduling the election day.

**ARTICLE 17.**  
**Formal requirements for presenting candidacies**

1. Presenting a candidacy shall consist in handing over a statement expressing the will to present a candidate to the election of the President of the Republic and a statement of acceptance of the candidacy.
2. The statement shall contain the date of the election, the number of signatures of voting citizens as required in article 15(1), the identification data of the candidate and the representative of the candidacy, and shall be accompanied by a proof of registration of the proposers in the voter registration procedure.
3. The statement is further accompanied by an authenticated photocopy of the voting card and by documents that can prove the following as regards the candidate:

- a) a minimum of 35 years of age;
- b) original Timorese citizenship.

4. The statement shall also be accompanied by an authenticated photocopy of the voting card of the representative of the candidacy.

5. At the moment of presenting the candidacy, the candidate shall attach the statement of candidacy signed by him or her, in which he or she shall declare that he or she is not affected by any ineligibility, that he or she accepts the candidacy and in which he or she further appoints his or her representative.

**ARTICLE 18.**  
**Representatives of candidacies**

In presenting candidacies, each candidate shall be represented by a person designated by him or her.

**ARTICLE 19.**  
**Acceptance of candidate nominations**

1. As soon as the candidate nominations have been received, the President of the STJ begins to verify the legitimacy of the processes, the authenticity of the documents and the eligibility of the candidates.

2. For the purposes of the provisions of the previous paragraph, the President of the STJ is supported by the services of STAE, namely in the verification of the legitimacy of the lists of proponents of candidacies.

3. Ineligible candidates shall be rejected.

4. Upon detection of a breach of procedure, the representative of the candidate shall be immediately notified to correct the irregularity within 2 (two) days.

5. The decision, covering all the applications, shall be announced within 10 (ten) days from the end of the time limit for the presentation of candidacies and shall be immediately communicated to the representatives of the candidates, CNE and STAE

**ARTICLE 20.**  
**Appeals**

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. Petitions lodging appeals, duly substantiated, shall be accompanied by all pieces of evidence.
3. Appeals shall be decided upon within 2 (two) days from the end of the time limit referred to in paragraph 20(1) above.

**ARTICLE 21.**  
**Draw of candidacies**

1. On the day following the day when the admitted candidacies are published, the President of STJ shall proceed to a draw of the candidacies in the presence of the candidates or their representatives who turn up for the draw of the candidates with a view to determining their order on the ballot paper, and shall draft the respective minutes thereafter.

2. In the cases provided for in articles 24 and 25 below, the approved ballot paper is kept and the word "cancelled" is stamped over the name of the relevant candidate.

3. 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 22.**

**Announcement of accepted candidacies**

1. A list of candidates definitively accepted shall be immediately forwarded to CNE and STAE.
2. STAE shall promote the public disclosure of the candidacies that have been definitively accepted, namely through the national radio and other media, for 3 (three) consecutive days.

**ARTICLE 23.**

**Single candidacy**

Where a single candidacy has been accepted, the electoral process shall observe all its procedural steps with the necessary adaptations.

**ARTICLE 24.**

**Withdrawal of candidacy**

1. Any candidate intending to withdraw his or her candidacy may do so up to 72 (seventy-two) hours before election day through his or her written statement recognized by a public notary and submitted to the President of the STJ.
2. Once the statement of withdrawal of candidacy has been verified, the President of STJ shall immediately post a copy thereof at the entrance to the STJ building and shall notify CNE and STAE.
3. After the first voting has been held, the withdrawal of any of the two candidates with the highest number of votes may only occur within 48 (forty-eight) hours from the first voting.
4. In case of a withdrawal pursuant to paragraph 24(3) above, the remaining candidates shall be invited in accordance with the voting order, so that up to the 4<sup>th</sup> (fourth) day after the first voting, they may communicate their eventual withdrawal.

**ARTICLE 25.**

**Death or permanent disability of the candidate**

1. It shall be incumbent upon the Prosecutor-General to present a death certificate or to request the nomination of 3 (three) medical experts to verify the disability of the candidate, providing STJ with all the details in his or her possession.
2. Within a period not exceeding 1 (one) day, SJ, meeting in plenary, shall verify the death of the candidate or nominate the experts.
3. Unless otherwise instructed by STJ, the experts shall submit their report to it within 1 (one) day, after which the STJ, meeting in plenary, shall decide on the ability of the candidate.
4. Once the death or the disability of the candidate has been verified, the President of STJ shall immediately submit to the President of the Republic the corresponding statement.

5. In case of death or of a statement of permanent disability of any candidate admitted to the second-round, the remaining candidates shall be successively called upon, in accordance with the order of voting, so that, within 24 hours, they may state that they accept submitting their respective candidacy to the second-round.

**ARTICLE 26.**  
**New election date**

**REPEALED**

**ARTICLE 27.**  
**Period of electoral campaign**

The electoral campaign shall last for 15 (fifteen) days and shall end 2 (two) days before the day scheduled for the election.

**ARTICLE 28.**  
**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 the 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 29.**  
**Electoral propaganda**

Electoral propaganda shall mean all the activities directly or indirectly aimed at promoting candidacies, such as the publication of texts or images expressing or reproducing the contents of such activities.

**ARTICLE 30.**  
**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.

**ARTICLE 31.**  
**Polling centres**

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

2. Abroad, at least one polling centre shall function in each geographic unit of voter registration in which are registered at least 50 East Timorese citizens with active electoral capacity.

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

4. The number and location of polling centers and polling stations are announced by STAE no later than thirty days before election day, and the location of a polling center may be changed up to ten days before the date scheduled for voting.

**ARTICLE 31A**  
**Parallel voting center**

1. A parallel voting center is a voting center located in the capital of the country, intended for voters registered in geographic registration units located outside the municipality of Dili, who are prevented, for medical, educational or public function reasons, to move to the place where their polling center is located.

2. Any other voters registered in geographic registration units located outside the municipality of Dili may also vote in parallel polling centers, as long as they justify the impediment to their travel to the place where their polling center is located.

3. There are three parallel voting centers, one for voters registered in the municipalities of Lautem, Baucau and Viqueque, one for voters registered in the municipalities of Manatuto, Liquica, Aileu, Ermera and Atauro Administrative Post, and one for registered voters in the municipalities of Ainaro, Bobonaro, Covalima, Manufahi and the Special Administrative Region of Oe-Cusse Ambeno.

4 Each parallel voting center can only function with a minimum of one hundred registered voters.

**ARTICLE 31B**  
**Registration at parallel polling centers**

1. A voter who wants to vote in a parallel polling center, registers with the health or education entity or with the Public Service Commission, depending on whether he/she is a patient, student or teacher, a civil servant or public agent, respectively.

2. Other voters, other than those referred to in the previous paragraph, who wish to vote in a parallel voting center, register with STAE.

3. STAE sets and publicly announces the beginning and end dates of the registration period referred to in the previous paragraphs.

4. The entities referred to in paragraph 1 shall send STAE the list of voters who have registered, on the day following the end of the registration period.

5. STAE draws up lists of voters for each parallel voting center.

6. The voter registered at a parallel polling center is removed from the list of voters of the geographical registration unit where he/she is registered.

7. Registration at the parallel voting center is valid only for the election following the registration.

8. The Government may, through regulation, adopt other measures to prevent fraud, namely the destruction of the voter's card after the voter has exercised his/her right to vote.

**ARTICLE 32.**  
**Working schedule**

1. On election day, the polling centers open at six o'clock and close after the end of the counting of votes.

2. On election day, polling stations open at 7 am and close at 3 pm.

3. After 3pm, only voters who are in the queue waiting to exercise their right to vote can vote, which is verified by the queue controller and communicated to the respective president.

4. For the purposes of paragraph 1 of this article, voting abroad takes place in accordance with local time.

5. For the purposes of paragraph 3 of this article, the voting process ends when all the voters in the queue have voted.

**ARTICLE 33.**  
**Electoral Officials**

1. Each polling centre and polling station shall be comprised of the following electoral officials:

A) A president, responsible for the polling centre and its polling stations;

B) A secretary, responsible for the polling station, who coordinates the work of the officials of the polling station and reports directly to the polling centre president;

C) four identification verification officials;

D) A ballot paper control official;

E) One 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 the duty to attend their respective job or service, without prejudice to their work rights, including the right to remuneration have their wages paid, which can be claimed upon proof of the exercise of such activities issued by STAE

4. Abroad, the provisions of paragraph 3 above apply only to electoral officials who are civil servants, agents or workers of the Public Administration of the Democratic Republic of Timor-Leste.

**ARTICLE 34.**  
**Candidate Agents**

1. Candidates shall be entitled to designate agents to monitor voting operations and who 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 candidates' agents.

**ARTICLE 35.**  
**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 centres or polling stations shall be prohibited while the voting process is in progress.

2. Members of the National Police of Timor-Leste (PNTL) are allowed to be more than twenty-five meters from the polling centre 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 in polling stations while voting is taking place is subject to a regulation approved by Government Decree.

**ARTICLE 36.  
Right to vote**

- 1 The act of voting is a right and a civic duty.
- 2 The right of vote shall be exercised in a direct and personal manner by the voting citizens
- 3 Each voter is only allowed to vote once
- 4 Managers of public or private services and companies operating on election day shall arrange for their staff 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, candidates' agents, civil servants and agents of the Public Administration who provide services within the scope of elections on election day, exercise the respective right to vote in the polling center that is closest to the place where they provide services.
- 6 The provisions of the previous paragraph are equally applicable to the human resources of the diplomatic missions and to electoral observers, as well as to the professionals of the media organizations, who are providing the service of journalistic coverage of the presidential election.

**ARTICLE 37.  
Freedom and secrecy of vote**

Voting shall be free and nobody shall be forced to disclose for whom they voted or are going to vote, either inside or outside the polling centre or polling station.

**ARTICLE 38.  
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. On each ballot paper shall be printed the numerical order of the candidates with their respective names and, in color, their respective photographs and the symbol freely chosen by them, arranged horizontally, as per the order determined by the draw, according to the sample proposed by STAE and approved by the CNE.

**ARTICLE 39.  
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 a voter's card on election day, he/she may exercise the right to vote by presenting a valid Timorese identity card or passport, provided that he/she is on the list of voters of the respective geographic registration unit, except in the cases of parallel polling stations.

4. [Repealed]

**ARTICLE 39. A.**  
**Timorese citizens living abroad**

1. Timorese citizens who are or reside abroad shall enjoy the protection of the State.
2. For the purposes of the preceding paragraph, Timorese citizens residing abroad may exercise their right to vote, provided that they are registered in the voter register and display their voter card.
3. The provisions of Article 39 (3) shall apply to voting abroad.
4. The regulation of voting abroad is approved by Government Decree.

**ARTICLE 40.**  
**Polling locations**

1. Within the national territory, each voter votes at the polling center of the Suco indicated on his/her respective voter's card or at the parallel polling center where he/she is registered
2. Abroad, each voter shall vote in the polling centre that operates in the geographic unit of voter registration in which he/she is registered.

**ARTICLE 41.**  
**Non-voting in a polling center or polling station**

1. Voting may not be held in a polling centre or polling station if:
  - a) the polling centre 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 in the 3 (three) days prior to election day.
2. The impossibility of holding voting is communicated to the Municipal Delegate of the CNE immediately after the knowledge of the occurrence of any of the facts referred to in paragraph 1 above.
3. If voting is interrupted for a period of more than two hours, the polling station is closed and the sealed ballot boxes, containing the votes cast until then, are transferred to the municipal tabulation centre.
4. In the cases provided for in subparagraph a) of paragraph 1, voters who have not yet voted and the candidate agents (fiscais) are sent to another polling center in the same Suco, if any, or a closer polling station, and the electoral officials shall take with them the list of voters, a new ballot box and all other electoral material.
5. In the case provided for in sub paragraph b) of paragraph 1 above STAE, with the agreement of the Municipal Delegate of CNE, moves the location of the polling centre or polling station to a safer location.
6. Where the situations referred to in paragraph 1 above occur at a polling centre or polling station in a consular office or diplomatic mission the head of the office or mission shall immediately inform the CNE of the causes that make it impossible to carry out the election.

7. In the cases provided for in the paragraph 6 above, the election takes place on the second day after the date initially designated for the voting that could not be held.

#### **ARTICLE 41-A.**

##### **How each voter votes**

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

#### **ARTICLE 42.**

##### **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 43.**

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

1. Any voter or any of the candidates' agents may raise questions and file complaints or protests relating to electoral operations.
2. Questions, complaints and protests presented during the voting or after it has been completed shall be reviewed immediately by the electoral officials and, if need be, the latter may consult STAE.
3. Claims submitted, in accordance with paragraph 2 above, are submitted to a vote of the electoral officers and are considered accepted if they obtain a vote in favour from at least six of them.
4. Decisions shall be communicated to the complainants who, if they so wish, may address the complaints to CNE. The complaints shall be submitted to the respective polling centre or polling station and shall be attached to all other documents relating to that polling centre.
5. For the purposes of the provisions in paragraph 43(4) above, CNE shall announce a decision within 72 (seventy-two) hours.

6. Appeals against decisions made by CNE can be filed with STJ within 48 (forty-eight) hours.

7. The STJ shall decide on those appeals within 48 (forty-eight) hours

8. Complaints and appeals to the CNE and the STJ, respectively, regarding voting operations, counting of votes or counting of votes made at a polling centre or polling station operating abroad are presented to the highest ranking diplomatic or consular representative who is stationed within the geographic unit of voter registration in which the relevant polling centre or polling station works.

9. In the situations provided for in paragraph 8, the manager who receives a complaint or appeal 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 appeals that are submitted to them for voting operations, counting of votes and tabulation of results that take place abroad.

#### **ARTICLE 44.**

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

1. Counting of votes begins immediately after the closing of the polling station and the analysis of questions, claims and complaints, and is done in the same place by the electoral officials, in the presence of the candidates' agents and, when they are present, of the national or international observers and media professionals.

2. After the counting of the votes, or while the counting process is taking place, candidate agents may file claims, which shall be analysed and decided upon pursuant to article 43(2) and (3) above.

3. If, after more than one hour after the closing of voting, the counting and initial tabulation of results cannot begin, the sealed and identified ballot boxes shall be immediately transported by the electoral officials, and the agents of the candidates may accompany them to the municipal tabulation centre.

4. Once the operations referred to in paragraph 1 have been completed, after the questions and claims have been presented and analyzed and the claims have been decided, or the circumstance referred to in paragraph 3 above have been verified, minutes shall be drawn up with a report of all relevant occurrences, which are immediately forwarded to the municipal tabulation centre.

5. The president of a polling centre displays at the entrance of the building where the polling centre is located an extract of the minutes of the vote tabulation that includes the results of the tabulation.

6. Parallel polling centers follow the same counting and tabulation rules as other polling centers.

#### **ARTICLE 44-A.**

##### **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 centre, within seventy-two hours, starting from the end of the relevant counting operations and the tabulation of results.

4. The regulations on the counting of votes and the tabulation of results abroad are approved by Government Decree.

#### **ARTICLE 45.**

##### **Municipal Tabulation Centre**

The municipal tabulation centre shall be composed of the following members:

- A) Municipal Delegate of the CNE, who supervises the tabulation;
- B) STAE's Municipal Director, who chairs the centre;
- C) STAE officials, appointed for this purpose by order of the respective Director General;
- D) All Presidents of polling centres that function in the area of the municipality;
- E) Electoral officials appointed for this purpose by order of the Director General of STAE

2. The agents of the candidates and, when present, the observers and media professionals, can attend the municipal tabulation.

3. Operation of the municipal tabulation centre:

- A) The municipal tabulation centre begins work as soon as it receives the minutes of at least five polling centres;
- B) Based on the minutes of the polling centers, the minutes of the municipal tabulation will be prepared, using the electronic means that for this purpose are made available by STAE;
- C) The municipal tabulation centre sends to CNE, within three days from the election date, the municipal tabulation minutes, null votes, disputed votes and complaints regarding electoral operations, and sends a copy of the minutes to STAE.

4. PNTL shall be responsible for ensuring the safety of municipal locations in accordance with Article 35 (2).

5. The results of the determination of results carried out by the municipal tabulation centres are displayed and delivered to candidates' agents, media professionals, electoral observers and broadcast by the public services of radio and television.

#### **ARTICLE 46.**

##### **National tabulation centre**

1. The CNE, after receiving the minutes of municipal tabulation and tabulations abroad proceeds within seventy-two hours, to the national tabulation, verifying the minutes of the municipal tabulations and tabulations abroad, and deciding definitively the null votes and the votes on which there has been a dispute, as well as the claims that have been presented.

2. Once the operations referred to in paragraph 46(1) above have been completed, and within the same time limit, CNE shall prepare the minutes of the provisional tabulation of the national results and shall post them at its headquarters, with copies being sent to STAE and the national media.

**ARTICLE 47.**

**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, the CNE shall forward to the STJ the minutes of the determination of the national results, accompanied by the minutes of municipal tabulations and tabulations abroad, and any other documents which it deems important, with the express reference that no appeal has been lodged.

**ARTICLE 48.**

**Proclamation of results and validation of the election**

1. Once appeals have been decided upon pursuant to article 47(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 President of the Republic and, through the President of STJ, it shall proclaim the final results within a maximum period of 72 (seventy-two) hours, announcing mandatorily the total number of registered voters and actual voters, of blank and null and void votes, as well as the number and respective percentage of the votes assigned to each candidate and the name of the elected candidate or the names of the two candidates standing in the run-off election.
2. The decision of STJ shall be sent for publication in the Official Gazette, with copies to CNE and STAE.

**ARTICLE 49.**

**Second voting**

The general provisions of the present law, with the necessary adaptations, shall apply to the second voting (*segunda votação*).

**ARTICLE 50.**

**Candidates admitted to the second voting**

3. Based on the results referred to in article 46(2), the President of STJ shall indicate within 72 (seventy-two) hours the candidates admitted to the second voting through a Notice.
4. On the same day, and after the publication of the Notice referred to in paragraph 50(1) above, the President of STJ shall proceed to a draw of the candidacies admitted with a view to determining their order on the ballot papers

**ARTICLE 51.**

**Polling stations, electoral officers and delegates**

1. For the purposes of the second voting, the number and location of the polling centres previously determined, as well as the composition of the polling stations, shall remain unchanged.
2. Candidates or their respective representatives may nominate delegates of the candidacies up to 10 (ten) days before the holding of the second voting. Absence of nominations shall be construed as a confirmation of the delegates nominated for the first voting.

**ARTICLE 52-65**

REPEALED

#### **ARTICLE 65-A.**

##### **Assistance**

1. Within the framework of the electoral process, electoral management bodies may request the assistance of any public administration services and bodies.
- 2 The Public Prosecution Service shall appoint a special prosecutor during and after the vote to oversee any cases concerning electoral infringements.
- 3 The STJ shall appoint three judges to decide on any cases referred to in paragraph 65A(2) above.
- 4 Such cases shall be considered as urgent and handled as such.

#### **ARTICLE 66.**

##### **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 67.**

##### **Regulation**

The following matters are regulated by Government Decree:

- A) The presentation and admission of candidacies;
- B) The implementation of electoral campaign;
- C) The organization and operation of polling centres and polling stations;
- D) The implementation of voting procedures, counting of votes and the 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 68.**

##### **National and international observation and monitoring**

1. An electoral observer shall mean an individual representing a national or international organisation who requests his or her registration with STAE and is accepted as such.
2. An electoral monitor is an entity which includes the competence to monitor the electoral process in its statutes and has a legitimate interest in the same, and informs STAE in advance.
3. Election observers and election monitors may, inter alia, carry out the following tasks:
  - a) monitor and observe the progress of voting operations from the establishment of the polling centre or polling station until its closure;
  - b) monitor the transport of ballot boxes and other elements from the polling center or polling station to the municipal tabulation station
  - c) monitor the process of counting of votes and tabulation of results;
  - d) provide an observation or monitoring report with recommendations, whenever this is required

4. A foreigner recognized by STAE as an electoral observer is granted a special stay permit whose duration is limited to the duration of the respective electoral 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 shall lapse with the loss of electoral observer status.
7. The requirements and capacities for acquisition and loss of electoral observer and electoral monitor status, follow the rules approved by Government Decree.

**ARTICLE 69.**  
**Transitional provisions**

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*), pursuant to article 164 of the Constitution.

**ARTICLE 70.**  
**Repeal**

1. The following regulations are expressly revoked:
  - a) UNTAET Regulation No. 2002/1 of 16 January;
  - b) UNTAET Regulation No. 2002/2 of 5 March;
2. Any statutes or norms that are contrary to the provisions of the present law are also hereby revoked.

**ARTICLE 71.**  
**Entry into force**

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