

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

MINISTRY OF STATE ADMINISTRATION

ELECTORAL ADMINISTRATION TECHNICAL SECRETARIAT

REGULATION NO. 22/STAE/2004

**REGULATION ON TECHNICAL PROCEDURES FOR RECEPTION AND
ANALYSIS OF COMPLAINTS AND CLAIMS DURING ELECTORAL
REGISTRATION**

PREAMBLE

In compliance with paragraph 2 of article 28 and paragraph 1 of article 34 of Law No. 2/2004 on the Election of Suco Chiefs and Suco Councils, the Electoral Administration Technical Secretariat (STAE) presents the Procedures for Reception and Analysis of Complaints and Claims during Electoral Registration to the National Electoral Commission (CNE), for approval.

CHAPTER I

Exposure

Article 1

Exposure of Registration Rolls

1. Once the initial phase of electoral registration has been completed, STAE shall print and deliver the registration rolls for purposes of consultation and presentation of claims by the interested parties for a period of seven days.
2. After the deadline for presentation of claims and appeals has lapsed, STAE shall immediately undertake the necessary rectifications and shall announce them within five working days.
3. STAE shall inform CNE of any corrections occurred during the period of consultation and presentation of complaints.

CHAPTER II
Claims and Appeals

Article 2
Claims

1. During the period of exposure, any voter and political party may present claims, in writing, to STAE on omissions or undue registrations on registration rolls.
2. In case of claim for improper registration, STAE shall immediately inform the voter so that, where he/she so wishes, he-she may respond within two days.
3. STAE shall decide on the claims on the two days following their presentation and shall immediately affix its decisions at its headquarters of place of business, as well as in the registration posts, if any.

Article 3
Competent court

1. Appeals against decisions made by STAE on matters referred to in article 2 above shall be filed with CNE.
2. Appeals against decisions made by CNE shall be filed with the competent court.

Article 4
Deadline for filing appeals

The appeals provided for in the preceding article shall be filed within five days from the date of the posting of STAE decisions or CNE decisions.

Article 5
Legitimacy for appealing

Claiming voters, as well as political parties, shall have legitimacy for filing appeals.

Article 6
Filing of appeals and processing

1. Applications for filing appeals, which should contain the respective justification, shall be submitted to the CNE office or the office of the competent court, depending on the type of appeal, together with every element of proof.
2. CNE, or the competent court, shall order the immediate notification of the following for them to respond, if so wished, by gathering every element of proof within two days, as follows:
 - a) STAE;
 - b) The voter whose registration is considered to be improper by the appellant, where this is the case.

Article 7 Decision

1. CNE, or the competent court, shall make a final decision within four days from the date of the filing of the appeal.
2. The decision shall immediately be communicated to STAE, the appellant, and other interested parties.
3. Where the decision of CNE, or of the competent court, implies a change to the registration roll, such decision shall be communicated to STAE within two days.
4. Once the deadlines for presenting claims and for filing appeals have lapsed, the registration brigades shall communicate the claims resulting thereof to STAE within three days.

Article 8 Period of inalterability

The registration rolls shall not be altered in the 30 days prior to any electoral act or referendum or outside of the period for exposure and presentation of claims.

CHAPTER III ALTERATION, TRANSFER AND REMOVAL FROM REGISTRATION

Article 9 Change of Identification

1. Any alteration to the elements contained in the registration form, notably typing error, error in the name, or error on the date, shall be undertaken by filling up a new registration form.
2. In the case provided for in the preceding paragraph, the registration number of the voter shall not be altered.

Article 10
Change of residence

Change of residence to another district, sub-district, or suco shall imply the transfer of the respective registration pursuant to article 11 below as well as the removal of the previous registration.

Article 11
Transfer of registration

1. Voters interested in transferring registration shall undertake such transfer with the STAE registration brigades by handing over the voter registration card and filling in a new registration form during the period for presentation of complaints and claims.
2. Removals of registration determined by STAE for reasons of transfer shall be mandatorily undertaken in the respective manual and-or electronic voter files and as soon as they are received.

Article 12
Officious removal of registration

The following shall be officiously removed by STAE:

- a) Registrations of voters lacking active electoral capacity as provided for in the electoral laws;
- b) Registrations of voters who have lost the Timorese nationality pursuant to the law;
- c) Registrations of voters who have passed away;
- d) Registrations cancelled pursuant to article 13 below.

Article 13

Multiple registrations

1. Whenever cases of multiple registration are detected, the most recent registration shall prevail, and the other registrations shall be cancelled.
2. Where the registrations have the same date, the interested party shall be notified to opt for one of them within 20 days.
3. Where there is no reply from the interested party, STAE, in a duly substantiated act, shall make a decision on the prevailing registration and shall communicate such decision to the interested party and the STAE registration brigades.

Article 14 Entry into force

This regulation shall enter into force on the date of its approval by CNE and shall be published in the Official Gazette.

Dili, 4 April 2004

The Director of STAE

[signed]
Tomás do Rosário Cabral

Approved by CNE on 5 April 2004

CNE Commissioners:

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