

**Law no. 7/2011  
of 22 June**

**Second Amendment to Law no. 6/2006 of 28 December  
(Law on the Election of the National Parliament)**

The National Parliament, pursuant to article 65(5) and article 95(2)(h) of the Constitution, decrees the following that shall have the force of law:

**Article 1  
Amendments**

Articles 4, 12, 33, 34, 37, 40, 41, 45, 46, 47 and 48 of Law no. 6/2006 of 28 December, as amended by Law no. 6/2007 of 31 May, shall read as follows:

**Article 4  
(...)**

1. Active electoral capacity shall be granted to all Timorese citizens over 17 years of age.
2. (...).
3. Voters who possess an up-to-date voter's card (*cartão de eleitor*) and find themselves hospitalized or being held at penitentiary institutions are entitled to vote by means of the itinerant voting process (*processo de votação ambulante*).
4. The itinerant voting process shall take place within the hospital or penitentiary institution facilities where the voter is located, according to a schedule established by the management of the institution in accordance with STAE, and within the timeframe of the conventional voting process.
5. (...).

**Article 12  
Organisation of the lists**

1. (...).
2. (...).
3. The lists of effective and alternate candidates shall include at least 1 (one) woman candidate for every group of 3 (three) candidates, under pain of rejection.

**Article 33  
(...)**

1. On the day scheduled for the election, polling centres 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 polling station.

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

#### **Article 34**

(...)

1. Each polling centre or polling station shall include the following electoral officers:

a) one president (*presidente*), who shall be responsible for the polling centre and the respective polling stations;

b) one secretary (*secretário*), who shall be responsible for the voting station, for coordinating the work of the polling station officers and who reports directly to the president of the polling centre;

c) four identification verification officers (*oficial verificador de identificação*);

d) one ballot paper controller (*oficial controlador de boletim de voto*);

e) one ballot box controller (*oficial controlador da urna eleitoral*);

f) one controller for the use of the semi-permanent election ink (*oficial controlador para a aplicação da tinta indelével*);

g) two queue controllers (*oficial controlador de fila*).

2. (...).

3. (...).

#### **Article 37**

(...)

1. (...).

2. (...).

3. (...).

4. (...).

5. Civil servants and State agents who are on duty on election day as part of the electoral process shall vote in the geographic unit to which they have been assigned to perform their duties.

## **Article 40**

(...)

1. (...).
2. Voters who have lost their voter's card shall request STAE to issue a duplicate up to 15 (fifteen) days before the election day.
3. Where a voter does not possess his or her voter's card on election day, he or she shall be allowed to exercise his or her right to vote by presenting his or her RDTL ID card or Timorese passport, as long as his or her personal details feature on the list of voters for the geographic unit in question.
4. For the purposes of the provisions in paragraph 40(3) above, the applicable technical rules shall be included in a regulation submitted by STAE and approved by CNE.

## **Article 41**

(...)

Voters shall vote in the *suco* indicated as their Geographical Registration Unit (*Unidade Geográfica de Recenseamento*) in their updated voter's card

## **Article 45**

(...)

1. Any voter or any delegate of a political party or party coalition shall be allowed to raise doubts and present complaints or challenges relating to electoral operations.
2. (...).
3. Complaints presented according to paragraph 45(2) above shall be the object of a decision approved by a minimum of 6 (six) electoral officers.
4. (...).
5. (...).

## **Article 46**

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

1. The counting of the votes shall begin immediately after the closing of the polling centre or polling station and after a review of any doubts, complaints and challenges. It shall be carried out by the electoral officers at the polling centre or polling station, in the presence of the delegates of the candidacies and, whenever they are present, of national or international observers and media professionals.
2. After the counting of the votes, or while it is taking place, the delegates of the candidacies may present complaints which shall be assessed and decided upon pursuant to article 45(2) and (3) above.

3. If the counting of the votes and tabulation cannot be started up to 1 (one) hour after the closing of the voting process, the sealed and duly identified ballot boxes shall be immediately transported by the electoral officers to the district tabulation centre. These may be accompanied by the delegates of the candidacies if they so wish.

4. Once the procedures provided for in paragraph 46(1) above have been completed, and the doubts and challenges analysed and the corresponding complaints decided upon, or under the circumstances provided for in paragraph 46(3) above, minutes shall be drafted detailing all the relevant occurrences which shall be immediately transmitted to the district tabulation centre.

#### **Article 47** **District tabulation centre**

1. A district tabulation centre (*assembleia de apuramento distrital*) shall be composed of the following members:

- a) a CNE commissioner (*comissário da CNE*) who shall oversee the tabulation procedure;
- b) a STAE coordinator (*coordenador do STAE*) who shall chair the tabulation centre;
- c) STAE staff;
- d) the chairpersons of the polling centres (*presidente do centro de votação*);
- e) brigade members (*brigadistas*) proposed by STAE.

2. (...).

3. Operation of the district tabulation centre:

- a) the district tabulation centre shall initiate its procedures once it has received the minutes of at least 5 (five) polling centres;
- b) on the basis of the minutes of the polling centres, minutes of the district tabulation (*acta de apuramento distrital*) shall be prepared;
- c) the minutes of the district tabulation shall be transmitted to CNE up to 2 (two) days after election day, together with the challenged votes, any complaints concerning the electoral procedures, and a copy of the minutes is sent to STAE.

4. (...).

#### **Article 48** **(...)**

1. Within 72 (seventy-two) hours of receiving the district tabulation minutes, CNE shall proceed to the national tabulation (*assembleia de apuramento nacional*) by verifying the

district tabulation minutes and deciding definitively on the ballot papers subject to protests and on the complaints filed pursuant to article 45(4).

2. (...).

## **Article 2 Addition**

Articles 37-A and 50-A are hereby added to Law no. 6/2006 of 28 December, as amended by Law no. 6/2007 of 31 May and shall read as follows:

### **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 paragraph 37-A(1) above, such Timorese citizens may exercise their right to vote as long as they are registered as voters and are in the possession of an updated voter's card and valid passport.
3. The applicable procedure shall be defined in a regulation to be adopted by the Government.

### **Article 50-A Institutional cooperation**

1. In the framework of the electoral process, CNE may request the assistance of any bodies or services of Public Administration.
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.

## **Article 3 Repeal**

Article 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72 and 74 of Law no. 6/2006 of 28 December are hereby repealed.

## **Article 4 Republication**

Law no. 6/2008 of 28 December, in its current drafting, is published as an annex to this law, of which it is an integral part.

**Article 5**  
**Entry into force**

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

Adopted on 4 May 2011.

The President of the National Parliament,

**Fernando La Sama de Araújo**

Promulgated on 16/6/2011

To be published.

The President of the Republic,

**José Ramos-Horta**

**ANNEX**

**Republication of Law no. 6/2006 of 28 December**  
**(Law on the Election of the National Parliament)**

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 by 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 pulverization 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 legislations, 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 to 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:

## **LAW ON THE ELECTION OF THE NATIONAL PARLIAMENT**

### **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. Active electoral capacity shall be granted to all Timorese citizens over 17 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 (*recenseamento eleitoral*).
3. Voters who possess an up-to-date voter's card (*cartão de eleitor*) and find themselves hospitalized or being held at penitentiary institutions are entitled to vote by means of the itinerant voting process (*processo de votação ambulante*).
4. The itinerant voting process shall take place within the hospital or penitentiary institution facilities where the voter is located, according to a schedule established by the management of the institution in accordance with STAE, and within the timeframe of the conventional voting process.
5. The itinerant voting process shall be subject to its own regulations and procedures.

### **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) judicial magistrates or public prosecutors in service;
- c) serving career diplomats;
- d) civil servants in service;
- e) members of Timor-Leste's Defence Force (FALINTIL-FDTL) in service;
- f) members of the Police in service;



g) ministers of any religion or cult;

h) members of the National Electoral Commission (*Comissão Nacional de Eleições*, CNE).

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

1. No candidate can be held in preventive detention during the electoral process, except in case of “*flagrante delicto*” for committing a fraudulent crime punishable with a prison sentence of more than one year.

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 65 (sixty-five).

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

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

**Article 12**  
**Organisation 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 of each list shall be considered to be sorted in accordance with the sequence of their respective candidacy statement (*declaração de candidatura*).

3. The lists of effective and alternate candidates shall include at least 1 (one) woman candidate for every group of 3 (three) candidates, under pain of rejection.

### **Article 13**

#### **Election criteria**

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 counted;
- 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 out in a 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 attributed to the list with the least number of votes.

2. Lists obtaining less than 3% (three percent) of the total of valid votes, blank votes excluded, shall not be entitled to attribution of mandates.

### **Article 14**

#### **Distribution of seats**

1. Within each list, seats shall be attributed 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 seat 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 paragraph 14(2) above applies is a woman, the seat shall be attributed to the next woman candidate on the respective 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 next candidate on the list in the respective order 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 attributed 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 respective 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 seats while exercising functions as members of Government and shall be replaced in accordance with paragraph 15(1) above.

#### **Article 16** **Forfeiture of seat**

1. A Member of Parliament elected to the National Parliament on a list presented by a political party or a party coalition who, after his or her election, transfers himself or herself to another party, shall forfeit his or her seat.
2. In the case provided for in paragraph 16(1) above, the vacancy shall be filled in accordance with article 15 above.

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

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

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

1. After hearing the Government and the political parties seating in the National Parliament, 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 National 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 (*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 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 as long as they are duly registered, and the lists may include citizens not belonging to the respective 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 pain of ineligibility.

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

1. Once the election date has been scheduled and within the subsequent 20 (twenty) days, 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 observe the provisions of the law governing the political parties and shall be immediately communicated to the National Electoral Commission (*Comissão Nacional de Eleições*, CNE) with an indication of the respective denomination, acronym, flag and symbol.
3. The information referred to in paragraph 20(2) above shall be communicated by CNE to STAE, which will immediately disclose it 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 of candidacies**

The lists of candidates shall be presented to CNE within a period of 30 (thirty) days from the date of publication of the decree scheduling the election date.

### **Article 23 Draw of the lists**

1. On the day following the end of the deadline set for the presentation of candidacies, CNE shall draw the lists submitted in the presence of the candidates or their

representatives who turn up for the draw, with a view to determining their order on the ballot papers, and shall draft the respective minutes thereafter.

2. The holding of the draw and the printing of the ballot papers shall not imply the admission of the candidacies and they shall be considered ineffective with respect to the list or lists that may eventually be rejected.

3. The result of the draw shall be posted at the entrance of the building housing CNE, and a copy thereof shall be forwarded to STAE.

#### **Article 24** **Admission of candidacies**

1. After the draw, CNE shall verify the legitimacy of the process and the authenticity of the documents submitted, and shall request STAE to verify the identity and registration of the candidates in the voter registry (*recenseamento eleitoral*).

2. Ineligible candidates shall be rejected.

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

4. The decision by CNE, which shall concern all candidacies, shall be announced within 10 (ten) days from the end of the deadline for presentation of candidacies and shall be immediately communicated to the representatives of the candidacies and to STAE.

#### **Article 25** **Complaints and appeals**

1. Complaints relating to the process of presentation of candidacies shall be filed with CNE and the resulting decisions shall be appealed against to the Supreme Court of Justice (*Supremo Tribunal de Justiça, STJ*).

2. The decisions by CNE and STJ shall be mandatorily communicated to STAE.

#### **Article 26** **Replacement and withdrawal of candidacies**

1. Any candidate is free to withdraw through a written statement containing his or her certified signature. The list presented which included his or her name shall nevertheless remain valid.

2. Candidates may only be replaced up to 21 (twenty-one) days before election day in the following cases:

a) removal of the candidate by virtue of a final judgement on an appeal based on his or her ineligibility;

b) withdrawal of the candidate from the list.

3. In the case of death or illness of a candidate leading to physical or mental disability, his or her replacement may take place up to 72 (seventy-two) hours before the election.

4. Replacement shall be optional and the substitutes shall be included in the list after the last alternate candidate.

**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 CNE which, in turn, shall immediately communicate the fact to STAE.

**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 election day.

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

1. The electoral campaign shall be conducted in due respect for the following principles:

- a) freedom of electoral propaganda;
- b) equal opportunity 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 their enforcement 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 norms of the law on political parties (*Lei sobre os Partidos Políticos*).

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

**Article 32**  
**Polling centres**

1. There shall be at least one polling centre (*centro de votação*) in each *suco* and, depending on the number of voters or the distance between hamlets composing the *suco*, STAE may establish additional polling centres without prejudice to the need to safeguard the secrecy of the vote.
2. Where deemed necessary, each polling centre may be subdivided into more than one polling station (*estação de voto*).
3. The number and location of polling centres and polling stations shall be announced by STAE until 30 (thirty) days before election day.

**Article 33**  
**Opening hours**

1. On the day scheduled for the election, polling centres 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 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 officers**

1. Each polling centre or polling station shall include the following electoral officers:
  - a) one president (*presidente*), who shall be responsible for the polling centre and the respective polling stations;
  - b) one secretary (*secretário*), who shall be responsible for the voting station, for coordinating the work of the polling station officers and who reports directly to the president of the polling centre;

- c) four identification verification officers (*oficial verificador de identificação*);
- d) one ballot paper controller (*oficial controlador de boletim de voto*);
- e) one ballot box controller (*oficial controlador da urna eleitoral*);
- f) one controller for the use of the semi-permanent election ink (*oficial controlador para a aplicação da tinta indelével*);
- g) two queue controllers (*oficial controlador de fila*).

2. Only national citizens who can read and write may be electoral officers, 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 officers 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 functions issued by STAE.

### **Article 35 Delegates of candidacies**

The lists are entitled to nominate delegates (*fiscais das candidaturas*) to supervise voting operations and tabulation of results and who shall be entitled to the right referred to in paragraph 34(3) above.

### **Article 36 Prohibition of presence of the Defence Force**

1. The presence in polling centres and polling stations of members of FALINTIL-FDTL in service shall be prohibited.

2. Only members of the Timor-Leste National Police (PNTL) shall be authorized to stay more than 25 (twenty-five) metres outside the polling centres or polling stations.

3. A regulation, to be approved by STAE, shall indicate the circumstances under which the intervention of members of the security forces referred to in paragraphs 36(1) and (2) above shall be exceptionally authorized.

## **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 shall be exercised in a direct and personal manner by the voting citizen.



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 duty for the period of time deemed necessary for exercising their right of vote.
5. Civil servants and State agents who are on duty on election day as part of the electoral process shall vote in the geographic unit to which they have been assigned to perform their duties.

**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 paragraph 37-A(1) above, such Timorese citizens may exercise their right to vote as long as they are registered as voters and are in the possession of an updated voter's card and valid passport.
3. The applicable procedure shall be defined in a regulation to be adopted by the Government.

**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 centre or polling station.

**Article 39**  
**Ballot papers**

1. Ballot papers shall be rectangular in form and large enough to fit in the indication of all the candidacies and shall be printed in 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 in colour.

**Article 40**  
**Identification of the voter**

1. Presentation of the updated voter's card shall constitute a necessary condition for exercising 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. Where a voter does not possess his or her voter's card on election day, he or she shall be allowed to exercise his or her right to vote by presenting his or her RDTL ID card or

Timorese passport, as long as his or her personal details feature on the list of voters for the geographic unit in question.

4. For the purposes of the provisions included in paragraph 40(3) above, the applicable technical rules shall be included in a regulation submitted by STAE and approved by CNE.

#### **Article 41** **Location for exercising the right to vote**

Voters shall vote in the *suco* indicated as their Geographical Registration Unit (*Unidade Geográfica de Recenseamento*) in their updated voter's card.

#### **Article 42** **Non-voting in a polling centre or polling station**

1. Voting shall not take place 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 within the 3 (three) days prior to election day.
2. The impossibility of carrying out the election shall be reported to the CNE district representative immediately after any of the circumstances mentioned in paragraph 42(1) above is identified.
3. The interruption of the voting process for more than 2 (two) hours shall determine the closing of the polling station and the dispatch of the sealed ballot boxes containing the votes received until that moment to the district tabulation centre (*assembleia de apuramento distrital*).
4. In the cases provided in subparagraph 42(1)(a) above, voters shall be directed to the nearest polling centre or polling station.
5. In the cases provided in subparagraph 42(1)(b) above, STAE shall transfer the polling centre or polling station to a safer place with the consent of the CNE district representative.

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

1. The voter shall mark his or her choice by putting a cross in the blank square appearing in front of the list for which he or she opted or by piercing that same square, as shall be established in a specific regulation.
2. After this, the voter shall fold the ballot paper with the printed part on the inside, so that it may be inserted in the ballot box.

**Article 44**  
**Blank or null and void vote**

1. A vote shall be considered blank when no mark has been written on the ballot paper.
2. The ballot paper shall be considered null and void in the following situations:
  - a) when more than one box has been selected or pierced or when there are doubts about which box has been selected or pierced;
  - b) when a box has been selected or pierced that corresponds to a list that has been withdrawn from the elections or that has not been admitted;
  - c) when the ballot paper has been torn or any drawing or erasure has been made or any word has been written on it.

**Article 45**  
**Doubts, complaints and protests**

1. Any voters or any delegate of a political party or party coalition shall be allowed to raise doubts and present complaints or challenges relating to electoral operations.
2. Doubts, complaints and challenges presented during the voting or after it has been completed shall be immediately reviewed by the electoral officers and, if need be, the latter may consult STAE.
3. Complaints presented according to paragraph 45(2) above shall be the object of a decision approved by a minimum of 6 (six) electoral officers.
4. Decisions shall be communicated to the complainants who, if they so wish, shall be allowed to address the complaint to CNE. The complaint shall be submitted in the same polling centre or polling station and attached to all the other documents relating to that polling centre.
5. Complaints presented at district tabulation centres during the counting and tabulation process shall be submitted to CNE for appreciation.

**Article 46**  
**Counting of votes and initial tabulation**

1. The counting of the votes shall begin immediately after the closing of the polling centre or polling station and after a review of any doubts, complaints and challenges. It shall be carried out by the electoral officers at the polling centre or polling station, in the presence of the delegates of the candidacies and, whenever they are present, of national or international observers and media professionals.
2. After the counting of the votes, or while it is taking place, the delegates of the candidacies may present complaints which shall be assessed and decided upon pursuant to article 45(2) and (3) above.

3. If the counting of the votes and tabulation cannot be started up to 1 (one) hour after the closing of the voting process, the sealed and duly identified ballot boxes shall be immediately transported by the electoral officers to the district tabulation centre. These may be accompanied by the delegates of the candidacies if they so wish.

4. Once the procedures provided for in paragraph 46(1) above have been completed, and the doubts and challenges analysed and the corresponding complaints decided upon, or under the circumstances provided for in paragraph 46(3) above, minutes shall be drafted detailing all the relevant occurrences which shall be immediately transmitted to the district tabulation centre.

### **Article 47** **District tabulation centre**

1. A district tabulation centre (*assembleia de apuramento distrital*) shall be composed of the following members:

- a) a CNE commissioner (*comissário da CNE*) who shall oversee the tabulation procedure;
- b) a STAE coordinator (*coordenador do STAE*) who shall chair the tabulation centre;
- c) STAE staff;
- d) the chairpersons of the polling centres (*presidente do centro de votação*);
- e) brigade members (*brigadistas*) proposed by STAE.

2. Delegates of candidacies and, where they exist, observers and media professionals, shall be allowed to watch the district tabulation process.

3. Operation of the district tabulation centre:

- a) the district tabulation centre shall initiate its procedures once it has received the minutes of at least 5 (five) polling centres;
- b) on the basis of the minutes of the polling centres, minutes of the district tabulation (*acta de apuramento distrital*) shall be prepared;
- c) the minutes of the district tabulation shall be transmitted to CNE up to 2 (two) days after election day, together with the challenged votes, any complaints concerning the electoral procedures, and a copy of the minutes is sent to STAE.

4. PNTL shall be responsible for ensuring the security of the district tabulation centres, pursuant to article 36(2).

**Article 48**  
**National tabulation centre**

1. Within 72 (seventy-two) hours of receiving the district tabulation minutes, CNE shall proceed to the national tabulation (*assembleia de apuramento nacional*) by verifying the district tabulation minutes and deciding definitively on the ballot papers subject to protests and on the complaints filed pursuant to article 45(4).
2. Once the operations referred to in paragraph 48(1) above have been completed, and within the same time limit, CNE shall prepare the minutes of the provisional tabulation of the national results (*apuramento provisório dos resultados nacionais*) and shall post them at its headquarters, with copies being sent to STAE and the national media.

**Article 49**  
**Appeals**

1. The provisional tabulation of national results published by CNE may be the subject of appeals. Such appeals shall be presented to the plenary of STJ within 48 (forty-eight) hours after the disclosure of the results. The STJ shall immediately notify the interested parties and rule on such appeals within an identical period of time.
2. After the period of time provided in paragraph 49(1) above has expired without any appeal being filed, CNE shall forward the minutes of the national tabulation results to the STJ together with the minutes of the district tabulations as well as any other documents it deems important, with a clear indication that no appeal has been filed.

**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 period has expired without any appeal being filed, STJ shall proceed to an analysis of the documents forwarded to it by CNE and shall issue a decision on the validation of the elections for the National Parliament and, through its President, it shall proclaim the final results within a maximum period of 72 (seventy-two) hours. It shall announce mandatorily the total number of registered voters and actual voters, the total number of votes obtained per list, the blank votes and the null and void votes, the distribution of the seats in Parliament by the running lists and the names of the candidates elected from each list.
2. The decision of STJ shall be sent for publication in the Official Gazette, and copies of it shall be sent to CNE and STAE.

**Article 50-A**  
**Institutional cooperation**

1. In the framework of the electoral process, CNE may request the assistance of any bodies or services of Public Administration.

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 V  
ELECTORAL OFFENCES**

**Article 51  
Obstruction to candidacy**

[Repealed]

**Article 52  
Candidature of an ineligible citizen**

[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  
Violation of the right to vote**

[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**  
**Slanderous report**

[Repealed]

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

[Repealed]

**Article 75**  
**Possession of weapon**

[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**

1. The norms of procedure relating to the presentation of candidacies, electoral campaign, the functioning of the polling centres and the counting of votes and tabulation of results shall be contained in regulations prepared by STAE and approved by CNE.
2. The conduct of candidates, observers, electoral officers, delegates of candidacies and media professionals shall be guided by codes of conduct approved pursuant to paragraph 77(1) above.
3. The regulations and codes of conduct referred to in paragraphs 77(1) and (2) above shall be approved in a meeting to that effect to be held in the week following the respective swearing-in ceremony.

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

1. 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. The functions of an observer shall be the following:
  - a) to monitor the unfolding of the voting operations from the establishment of the polling centre or polling station until its closure;
  - b) to monitor the transportation of the ballot boxes as well as other items from the polling centre or polling station to the district tabulation centre;
  - 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 status of national or international observer and the performance of the respective functions shall be in compliance with rules contained in a code of conduct to be prepared by STAE and approved by CNE.

**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**  
**Repeal**

1. The following regulations are expressly revoked:
  - 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 hereby revoked.

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

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

Adopted on 18 December 2006.

The President of the National Parliament,

**Francisco Guterres “Lu-Olo”**

Promulgated on 22 December 2006.

To be published.

The President of the Republic,

**Kay Rala Xanana Gusmão**