

**LAW NO. /2007**

**FIRST CHANGE TO LAW NO. 7/2006**

**LAW ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC**

Considering the need to clarify the electoral administration procedures stemming from the Law on the Election of the President of the Republic;

With the objective of preserving the freedom and secrecy of vote, principles that are enshrined in the Constitution of the Democratic Republic of Timor-Leste;

Considering the remarks made by the United Nations Electoral Certification Team;

The undersigned Members of Parliament hereby present the following draft law:

Pursuant to paragraph 5 of article 65, and to sub-paragraph h), paragraph 2, of article 95 of the Constitution of the Democratic Republic of Timor-Leste, the National Parliament enacts the following to have the force of law:

**Article 1**

Article 38 of Law No. 7/2006, of 28 December, shall read as follows:

**“Article 38  
Ballot paper**

1. Ballot papers shall be rectangular in form and large enough to fit in all the candidacies, and shall be printed in white, smooth, non-transparent paper.
2. Each ballot paper shall contain the names of the candidates and their respective color photographs and symbols freely chosen by them laid down horizontally as per the order determined by the draw, in accordance with a sample to be approved by CNE, under proposal of STAE”.

**Article 2**

Article 41 of Law No. 7/2006, of 28 December, shall read as follows:

**“Article 41  
Non-voting in a polling centre 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 hours, or if a calamity occurs on the election day;
- b. If a calamity occurs in the three days prior to the election day;
2. Impossibility to hold the voting shall be communicated to the district representative of CNE immediately after any of the facts provided for in sub-paragraph b. above is known;
3. Interruption of the voting for a period longer than 2 hours shall determine the closing of the polling station and the forwarding of the sealed ballot boxes containing the votes obtained until that time to the district tabulation station.
4. In the cases provided for in sub-paragraph a) of paragraph 1 above, the voters shall be referred to the closest polling centre or polling station.
5. In the case provided for in sub-paragraph b) of paragraph 1 above, STAE, with the agreement of the CNE district representative, shall transfer the location of the polling centre or polling station to a safer place.”

### Article 3

Article 44 of Law No. 7/2006, of 28 December, shall read as follows:

#### “Article 44 Counting of votes and initial tabulation

1. Counting of votes shall commence immediately after the closing of the polling centre or polling station and the analysis of doubts, claims and complaints shall be undertaken at the very same place by the electoral officers in the presence of delegates of candidacies and, where they exist, of observers, both national and international, and media professionals.
2. After the counting of the votes or while the counting process is taking place, delegates of candidacies may file claims, which shall be analyzed and decided upon pursuant to items 2 and 3 of article 43 above.
3. Where more than one hour has elapsed since the closing of the voting and the counting and tabulation process has not been initiated, the sealed and identified ballot boxes shall be immediately transported by the electoral officers to the district tabulation station.
4. Once the operations provided for in paragraph 1 above have been completed, the doubts and complaints presented have been analyzed, and the claims have been decided upon or the circumstance referred to in item 3 has been verified, the

minutes containing all the pertinent occurrences shall be prepared and immediately forwarded to the district tabulation station.

#### Article 4

Article 68 of Law No. 7/2006, of 28 December, shall read as follows:

#### “Article 68

1. Electoral observer shall mean an individual representing a national or international organization who requests his or her registration with STAE and is accepted as such.
2. The functions of an observer shall namely be the following:
  - a) Follow up on the unfolding of the voting operations from the installation of the polling centre or polling station up until its closing;
  - b) Follow up the transportation of the ballot boxes as well as other items from the polling centre or polling station to the district tabulation station;
  - c) Follow up on the process of counting of votes and tabulation of results;
  - d) Prepare a report of the observation whenever so requested.
3. The acquisition of 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 5

#### Entry into force

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

20 March 2007.

The Speaker of the National Parliament

[signed]

Francisco Guterres “Lu-Olo”

[*in hand writing*]

Promulgated on 26 March 2007

For publication

[signed]

