

**Law no. 8/2011
of 22 June**

**Second Amendment to Law no. 7/2006 of 28 December
(Law on the Election of the President of the Republic)**

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, 15, 19, 20, 21, 32, 33, 36, 39, 40, 43, 44, 45 and 46 of Law no. 7/2006 of 28 December, as amended by Law no. 5/2007 of 28 March, shall read as follows:

**Article 4
Active electoral capacity**

1. Active electoral capacity is granted to all Timorese citizens over 17 (seventeen) 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. The itinerant voting process shall be subject to its own regulations and procedures.

**Article 12
(...)**

1. (...).
2. (...).
3. The second voting shall be held up to 30 (thirty) days before the term of office of the outgoing President expires.
4. (...).

Article 15

(...)

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. (...).

Article 19

Admission of candidacies

1. The STJ shall begin verifying the legitimacy of the process as well as the authenticity of the documents and the eligibility of the candidates as soon as the candidacies are submitted.

2. For the purposes of paragraph 19(1) above, the President of STJ shall be supported by the services of STAE.

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 candidacies, 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 candidacies shall be filed with 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 submitted lists 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 32

(...)

1. On election day, the polling centres and polling stations shall open at 07:00 (seven) hours and close at 15:00 (fifteen) hours and they shall operate uninterruptedly throughout this period.

2. (...).

3. For the purposes of paragraph 32(1) above, the voting abroad shall take place in accordance with the local timetable.

Article 33

(...)

1. Each polling centre shall be chaired by a president who shall be responsible for it as well as for its respective polling stations. Moreover, each polling centre shall comprise:

a) a secretary (*secretário*), who shall coordinate the work of the other electoral officers in their respective polling stations;

b) four identification verification officers (*oficial verificador de identificação*) for each polling station;

c) one ballot paper controller (*oficial controlador de boletim de voto*) for each polling station;

d) one ballot box controller (*oficial controlador de urna eleitoral*) for each polling station;

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

f) two queue controllers (*oficial controlador de fila*) for each polling station.

2. (...).

3. (...).

Article 36

(...)

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 39

(...)

1. (...).

2. Voters who have lost their voting card shall request STAE to issue a duplicate up to 15 (fifteen) days before election day.

3. Where a voter does not possess his/her voter's card on election day, he/she shall be allowed to exercise his/her right to vote by presenting his/her RDTL ID card or Timorese passport, as long as his/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 39(3) above, the applicable technical rules shall be included in a regulation submitted by STAE and approved by CNE.

Article 40

(...)

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

Article 43

(...)

1. (...).

2. (...).

3. Complaints must be the object of a decision approved by a minimum of 6 (six) electoral officers.

4. (...).

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.

Article 44

(...)

1. Counting of the 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 the delegates of the 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 analysed and decided upon pursuant to article 43(2) and (3) above.

3. Where more than 1 (one) hour has elapsed since the closing of the voting and the counting and tabulation process has not been initiated, the sealed and duly identified ballot boxes shall be immediately transported by the electoral officers to the district tabulation centre, who may be accompanied by the delegates of the candidacies.

4. Once the operations provided for in paragraph 44(1) above have been completed, the doubts and complaints have been analysed, and the claims have been decided upon or the circumstances referred to in paragraph 44(3) have been verified, minutes containing all the relevant occurrences shall be prepared and immediately forwarded to the district tabulation centre.

Article 45

(...)

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. (...).

5. (...).

Article 46

(...)

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 43(4).

2. (...).

Article 2

Addition

Articles 39-A and 65-A are hereby added to Law no. 7/2006 of 28 December, as amended by Law no. 5/2007 of 28 March and shall read as follows:

Article 39-A

Timorese citizens living abroad

1. Timorese citizens who are or reside abroad shall enjoy the protection of the State.

2. Pursuant to paragraph 39-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 65-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 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 65-A(2) above.

4. Such cases shall be considered as urgent and handled as such.

Article 3 Republication

Law no. 7/2006 of 28 December, in its current drafting, is published as an annex to this law, of which it is an integral part.

Article 4 Entry into force

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

Adopted on 28 April 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. 7/2006 of 28 December (Law on the Election of the President of the Republic)

Pursuant to United Nations Security Council Resolution No. 1338/01 of 31 January, it is the responsibility of the United Nations Transitional Administration in East Timor (UNTAET) to ensure free and fair elections in Timor-Leste in cooperation with the Timorese people. To that effect, Regulations Nos. 2002/1 (On the election of the first President of an Independent and Democratic East Timor) and 2002/2 (On electoral offences in relation to the election of the first President) were promulgated in 2002. On that same year, the first presidential elections took place.

The Constituent Assembly, elected on 30 August 2001, approved the Constitution of the Democratic Republic of Timor-Leste on 22 March 2002, and the same Constitution entered into force on 20 May 2002.

The election of the President of the Republic is a fundamental act of the free and democratic life of all Timorese with voting capacity. The entry of this law into the internal juridical order currently in force in the country is therefore of particular importance as this law regulates the election of this organ of sovereignty which is the symbol and guarantor of national independence, of the unity of the State and of the regular functioning of the democratic institutions.

The present law underscores the independent and suprapartisan character of the presidential office which is reflected in the obligation that the presentation of presidential candidacies be made by a minimum number of 5,000 voting citizens from all districts, and that none of the districts can be represented by less than 100 proposers.

The present law also defines fundamental principles relating to the electoral campaign and establishes general norms relating to the presentation of candidacies, mode of election and voting procedure, the detailed definition of which is subject to regulation.

From a procedural viewpoint, the present law does not distance itself from the procedural scheme inherent to the draft law on the election of the National Parliament, 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:

TITLE I SCOPE AND GENERAL PRINCIPLES

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.

TITLE II VOTING CAPACITY

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 (*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

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

TITLE III
ELECTORAL SYSTEM

Article 9
Single constituency

The 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.

TITLE IV ORGANISATION OF THE ELECTORAL PROCESS

CHAPTER I SCHEDULING OF THE DATE FOR ELECTIONS

Article 12 Scheduling of elections

1. After consulting the Government and the political parties seating in Parliament, the President of the Republic shall schedule by decree the election date with a minimum of 60 (sixty) days in advance.
2. In the case provided in article 11(2) above, the second voting shall be held on the 30th (thirtieth) day after the first voting.
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.

CHAPTER II PRESENTATION OF CANDIDACIES

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
Admission of candidacies

1. The STJ shall begin verifying the legitimacy of the process as well as the authenticity of the documents and the eligibility of the candidates as soon as the candidacies are submitted.

2. For the purposes of paragraph 19(1) above, the President of STJ shall be supported by the services of STAE.
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 candidacies, 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 candidacies 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 submitted lists 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. Lists 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 4th (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.

Article 26
New election date

1. In case of death of any candidate or of any other fact rendering the candidate disabled for the exercise of the presidential office, the electoral process shall be reopened.

2. The President of the Republic shall schedule a new election within 48 (forty-eight) hours from receiving the decision from STJ which verified the death or declared the disability of the candidate.

3. Proposers who repeat the act of presentation of candidacies shall be exempted from re-submitting the documentation previously presented.

CHAPTER III ELECTORAL CAMPAIGN

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 for all the 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 compliance with such principles 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 the candidacies, namely the publication of texts or images expressing or reproducing the contents of such activity.

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 (*Lei sobre Partidos Políticos*).

CHAPTER IV POLLING CENTRES

Article 31 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 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. There can be more than one polling station (*estação de voto*) in each polling centre.
3. The number and location of polling centres and polling stations shall be announced by STAE 30 (thirty days) before election day.

Article 32 Working schedule

1. On election day, the polling centres and polling stations shall open at 07:00 (seven) hours and close at 15:00 (fifteen) hours and they shall work uninterruptedly throughout this period.
2. After the closing time, 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 respective president.
3. For the purposes of paragraph 32(1) above, the voting abroad shall take place in accordance with the local timetable.

Article 33 Electoral officers

1. Each polling centre shall be chaired by a president who shall be responsible for it as well as for its respective polling stations. Moreover, each polling centre shall comprise:
 - a) a secretary (*secretário*), who shall coordinate the work of the other electoral officers in their respective polling stations;
 - b) four identification verification officers (*oficial verificador de identificação*) for each polling station;
 - c) one ballot paper controller (*oficial controlador de boletim de voto*) for each polling station;
 - d) one ballot box controller (*oficial controlador de urna eleitoral*) for each polling station;
 - e) one controller for the use of the semi-permanent election ink (*oficial controlador para a aplicação da tinta indelével*);

- f) two queue controllers (*oficial controlador de fila*) for each polling station.
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 the duty to attend their respective job or service, without prejudice to their rights or privileges, including the right to have their wages paid, which can be claimed upon proof of the exercise of such activities issued by STAE.

Article 34
Delegates of candidacies

Candidacies are entitled to nominate delegates (*fiscais das candidaturas*) to monitor voting operations and the tabulation of electoral results. The delegates shall enjoy the rights and privileges referred to in article 33(3) above.

Article 35
Prohibition of the presence of members of the Defence Force

1. The presence of members of FALINTIL-FDTL in service in the polling centres shall be prohibited.
2. Only the presence of members of the Timor Leste National Police (PNTL) in service shall be authorized. They shall be authorized to stay 25 (twenty-five) metres outside the polling stations.
3. A regulation to be adopted by STAE shall describe the circumstances under which the intervention of members of the security forces referred to in paragraphs 35(1) and (2) above shall be exceptionally authorized.

CHAPTER VI
ELECTION

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 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
Freedom and secrecy of vote

Voting shall be free and nobody shall be forced to disclose on 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 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 proposed by STAE and approved by CNE.

Article 39
Identification of the voter

1. Presentation of an updated voting card shall constitute a necessary conditions for the exercise of the right to vote.
2. Voters who have lost their voting card shall request STAE to issue a duplicate up to 15 (fifteen) days before election day.
3. Where a voter does not possess his/her voter's card on election day, he/she shall be allowed to exercise his/her right to vote by presenting his/her RDTL ID card or Timorese passport, as long as his/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 39(3) above, the applicable technical rules shall be included in a regulation submitted by STAE and approved by CNE.

Article 39-A
Timorese citizens living abroad

1. Timorese citizens who are or reside abroad shall enjoy the protection of the State.
2. Pursuant to paragraph 39-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 40
Place for exercising the right of vote

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

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 (two) hours, or if a calamity occurs on election day;
 - b) if a calamity occurs in the 3 (three) days prior to election day.
2. Impossibility to hold the voting shall be communicated to the district representative of CNE as soon as any of the facts referred to in paragraph 41(1) above are known.
3. Interruption of the voting for a period longer than 2 (two) hours shall determine the closing of the polling station and the forwarding of the sealed ballot boxes contained the votes cast until that time to the district tabulation centre (*assembleia de apuramento distrital*).
4. In the cases provided for in subparagraph 41(1)(a) above, the voters shall be referred to the closest polling centre or polling station.
5. In the cases provided for in subparagraph 41(1)(b) above, STAE shall transfer the location of the polling centre or polling station to a safer place with the agreement of the CNE district representative.

Article 42
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 corresponding to a candidacy that has been withdrawn from the election 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 43
Doubts, complaints and protests

1. Any voter or any of the delegates of the candidacies may raise doubts and file complaints or protests relating to electoral operations.
2. Doubts, complaints and protests presented during the voting or after it has been completed shall be analysed immediately by the electoral officers and, if need be, the latter may consult STAE.
3. Complaints must 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, 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 the 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.

CHAPTER VI
TABULATION OF RESULTS

Article 44
Counting of the votes and initial tabulation

1. Counting of the 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 the delegates of the 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 analysed and decided upon pursuant to article 43(2) and (3) above.
3. Where more than 1 (one) hour has elapsed since the closing of the voting and the counting and tabulation process has not been initiated, the sealed and duly identified ballot boxes shall be immediately transported by the electoral officers to the district tabulation centre, who may be accompanied by the delegates of the candidacies.
4. Once the operations provided for in paragraph 44(1) above have been completed, the doubts and complaints have been analysed, and the claims have been decided upon or the circumstances referred to in paragraph 44(3) have been verified, minutes containing

all the relevant occurrences shall be prepared and immediately forwarded to the district tabulation centre.

Article 45 **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. The tabulation process shall take place uninterruptedly until such time as all the ballot paper have been counted.

5. It shall be incumbent upon PNTL to guarantee the security of the district tabulation centres, pursuant to article 35(2) above.

Article 46 **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 43(4).

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 (*acta de apuramento provisório*) 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 time limit provided for in paragraph 47(1) above has expired without any appeal being filed, CNE shall forward the minutes of the tabulation of the national results to 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 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.

CHAPTER VII SECOND VOTING

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

1. 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.

2. 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.

TITLE V
ELECTORAL OFFENCES

Article 52
Proposer of more than one candidacy

[Repealed].

Article 53
Obstruction to candidacy

[Repealed].

Article 54
Candidature of an ineligible citizen

[Repealed].

Article 55
Illicit electoral propaganda

[Repealed].

Article 56
Obstruction to freedom of choice

[Repealed].

Article 57
Disturbance of the voting

[Repealed].

Article 58
Obstructing supervision of the voting

[Repealed].

Article 59
Violation of the right to vote

[Repealed].

Article 60
Violation of the counting of votes

[Repealed].

Article 61
Non-compliance with duties to take part in the electoral procedure

[Repealed].

Article 62
Violation of secrecy of vote

[Repealed].

Article 63
Breach of duties of neutrality and impartiality

[Repealed].

Article 64
Infringement of freedom of electoral assembly

[Repealed].

Article 65
Non-compliance with other obligations

[Repealed].

Article 65-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 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 65-A(2) above.

4. Such cases shall be considered as urgent and handled as such.

TITLE VI FINAL AND TRANSITIONAL PROVISIONS

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

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 67(1) above.

3. The regulations and codes of conduct referred to in paragraphs 67(1) and (2) above shall be adopted in a meeting to that effect to be held in the week following the respective swearing-in ceremony.

Article 68 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 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.

Adopted on 21 December 2006.

The President of the National Parliament,

Francisco Guterres “Lu-Olo”

Promulgated on 26 December 2006.

To be published.

The President of the Republic,

Kay Rala Xanana Gusmão