

## PRESS RELEASE

### CNE clarification regarding no voting in Australia

The National Elections Commission (CNE), in relation to the functioning of the Electoral Bodies and the cancellation of voting in Australia for the Election of the President of the Republic, provides the public with the following clarification:

1. Under the terms of the Constitution of the Democratic Republic of Timor-Leste (CRDTL), specifically Article 65(5) of the CRDTL, supervision of the census and electoral acts is the responsibility of an independent body, whose powers, composition, organization and functioning are defined by law.
2. And Law No. 16/2021, of 28 July, which defines and regulates the Electoral Administration Bodies.
3. The Electoral Administration Bodies are, under the terms of article 1 of this law, the National Elections Commission and the Technical Secretariat of Electoral Administration.
4. In the extraordinary meetings of the CNE that took place on the 25th and 26th of February, it was decided to deliberate on two agendas: the approval of the ballot paper and the establishment of polling center in Australia.
5. On the 25th of February, the plenary session managed to resolve the approval of the ballot paper, under the terms of article 38 of the Electoral Law for the President of the Republic.
6. For the second question, the plenary decided to send a letter to the Court of Appeal for its consideration, and the Court replied on March 1st.
7. Due to the Court of Appeal's response, the President of the CNE convened the plenary session, with the presence of the Director General of STAE.
8. At the plenary session, the presentation by DG-STAE and its reasoning was again heard.
9. The CNE, in its letter addressed to the Court of Appeal, defended citizens right to vote.
10. On the other hand, as an electoral body, the CNE must comply with the Constitution and the laws in force in its action, namely with paragraph 2 of article 65 of the RDTL Constitution.
11. The CNE plenary is composed of 7 members, including the President, Vice-President and Secretary, appointed by the following bodies:
  - One appointed by the President of the Republic;
  - Three elected by the National Parliament;
  - One appointed by the Government;
  - A Judicial Magistrate; and
  - A Public Prosecutor.
12. The composition of the CNE shows that the State of Timor-Leste is represented in this body, and there can be no doubts regarding its impartiality in decision-making.
13. In this respect, with full powers on the matter, the CNE clarifies that it was unanimously decided in the Plenary Session to have "no vote" in Australia in the Election for President of the Republic, on March 19, 2022, a resolution already published in Jornal da Republica, based on article 65, no. 2, of

the CRDTL, according to which the "electoral registration is mandatory and updated every year", in addition to the fact that, according to the law, each voting center has to have 50 voters.

14. Therefore, as there was no voter registration in Australia due to the covid 19 pandemic and the ban by the Australian government, the CNE decided to comply with the Constitution of the Democratic Republic of Timor-Leste.

15. The Court of Appeal or STJ decides on complaints, claims and protests about the plenary deliberation.

Dili, March 04, 2022

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