

EXTRACT FROM TIMOR-LESTE LESTE PENAL CODE

TITLE III CRIMES AGAINST DEMOCRATIC PRACTICE

CHAPTER IV ELECTORAL CRIMES

Article 229. Registration fraud

1. Any person who hinders another person from registering, knowing that said person has the right to do so, records facts knowing the same to be untrue, omits facts that should be recorded, or otherwise falsifies electoral registration, is punishable with up to 3 years imprisonment or a fine.
2. If a person is hindered from registering or persuaded to register by means of violence or cunningly devised deceit, the applicable penalty is 2 to 6 years imprisonment.
3. The attempt is punishable.

Article 230. Obstructing a candidacy

Any person, who, by any means, hinders another person, political party or force from running in an election, knowing that the same has the right to do so, is punishable with 2 to 8 years imprisonment.

Article 231. Ineligible candidate

1. Any person who, knowing that he or she is ineligible to run for election, presents his or her candidacy, is punishable with up to 1 year imprisonment or a fine.
2. The attempt is punishable.

Article 232. Lack of electoral rolls

Any person who, in order to hinder the holding of an election, being responsible for preparing or correcting an electoral roll, fails to do so or hinders their legal substitute from doing so, is punishable with up to 3 years imprisonment or a fine.

Article 233. Unlawful electoral canvassing

- 1 Any person who uses a means of canvassing prohibited by law, or continues canvassing beyond the set deadline or at a prohibited place is punishable with up to 1 year imprisonment or a fine.
- 2 Any person who hinders the exercise of the right to electoral canvassing or unlawfully destroys canvassing material, is punishable with up to 2 years imprisonment or a fine.

Article 234. Obstructing freedom of choice

1. Any person who, by means of violence, threat of violence or through fraudulent deceit, compels another person to not vote or to vote in a certain manner or to buy or sell votes, is punishable with up to 3 years imprisonment or a fine.
2. Any person who, having been asked to aid a sight-impaired person to vote, or having the legal right to do the same, disregards the choice of the vote communicated by said person, incurs the same penalty.
3. The attempt is punishable.

Article 235. Disrupting an election

1. Any person who, by any means, disrupts the operation of a voting center, is punishable with up to 1 year imprisonment or a fine.
2. The perpetrator is punishable with 2 to 6 years imprisonment if the disturbance results from:
 - a) Violence or threat of violence;
 - b) Riot or gathering of a mob near a voting center;

- c) Intentional cut of electrical power;
- d) Absence of someone indispensable to the election and that seriously affects the initiation or continuation of the same.

3. The previous sub articles are correspondingly applicable if the acts are committed at the time of tallying the results after voting has been concluded.

Article 236. Obstructing the monitoring of an election

1. Any person who, by any means, hinders the representative of any political party or force, legally established and running in the election, from exercising monitoring duties, is punishable with up to 3 years imprisonment or a fine.
2. The attempt is punishable.

Article 237. Voter fraud

1. Any person who votes without the right to do so or votes more than once in the same election is punishable with up to 3 years imprisonment or a fine.
2. Any person who intentionally allows the acts referred to in the previous sub article to be committed incurs the same penalty.
3. The attempt is punishable.

Article 238. Vote-counting fraud

1. Any person, who, by any means, alters the counting of votes while electoral results are being tallied or published, is punishable with 2 to 6 years imprisonment.
2. Any person who, with fraudulent intent, replaces, destroys, suppresses, removes, tampers with, biases or forges ballot papers or vote tallying records, or documents relating to the election, incurs the same penalty.

Article 239. Refusing an electoral post

Any person who is appointed to serve as an electoral official and unjustifiably refuses to assume or ceases to perform said duties, is punishable with up to one year imprisonment or a fine.

Article 240. Breach of voting secrecy

Any person who, in an election held by secret ballot, breaches said secrecy, either by becoming privy to or making others privy to the voting intention of another person, is punishable with up to 1 year imprisonment or a fine.

Article 241. Duty of neutrality and impartiality

Officials of the electoral administration or those collaborating with the same who breach the duties of neutrality and impartiality are punishable with up to 2 years imprisonment or a fine.

Article 242. Aggravation

Any person who commits any of the crimes described in this chapter and holds public office, namely in the Government, Parliament, the Armed Forces, as a judicial magistrate or Public Prosecutor, in any law enforcement or other administrative organ, shall have the limits to the penalties provided herein doubled.