

**GOVERNMENT DECREE No. 7/2017 of 27 February**

**REGULATION OF VOTING PROCEDURES, COUNTING OF VOTES AND DETERMINATION OF RESULTS**

**As Amended January 14, 2022**

**Republication of Full Decree 7/2017 with January 2022 amendments**

**Preamble**

The sixth amendment to the Electoral Law for the President of the Republic introduced, among other things, changes to the rules for voting in the municipality of registration, by establishing parallel voting centers allowing citizens who, can justify voting in Dili to vote there. Also, the continuing existence of the worldwide COVID 19 pandemic situation required some of the changes made in that Law. The use of protective suits, masks and visors by electoral officers, as well as the need to prove complete vaccination, demonstrate the change that the pandemic has had in the daily lives of citizens, but also in the conduct of electoral acts. Other, less visible changes were also introduced in the Law, so it is necessary to adapt the regulations to these changes.

Thus, the Government decrees, under the provisions of article 67 of Law No. 07/06, of December 28, amended by Laws No. 5/2007, of March 28, 8/2011, of June 22, 2/2012, January 13, 7/2012, March 1, 4/2017, February 23 and July 15, 2021, the following

**Chapter I  
General provisions**

**Article 1  
Subject and scope**

This decree approves the rules that govern the voting, vote counting and tabulation of results regarding the national operations for the election of the President of the Republic.

**Article 2  
Right to vote**

1. Timorese citizens at least seventeen years old have the right to vote.
2. Electoral registration is mandatory in order to exercise the right to vote.

**Chapter II  
Organization of the electoral process**

**Section I  
Polling centers and polling stations**

**Article 3  
Polling center**

1. A polling center is the place where the voter casts his/her ballot.
2. A polling center may comprise one or more polling stations.

**Article 4**  
**Place of operation**

Polling centers operate in the places determined by the Government Decree that approves the organization and operations of polling centers and polling stations.

**Article 5**  
**List of polling centers and polling stations**

1. The number and location of polling centers and polling stations is released by STAE at least thirty days before the election day, and their location may be amended until ten days before election day.
2. STAE sends a certified copy of the full list of the locations of polling centers and polling stations to the National Electoral Commission, hereinafter referred to as CNE, and to media for dissemination purposes.

**Article 6**  
**Identification codes of polling centers and the polling stations**

1. Each polling center and polling station has a numerical identification code.
2. The code described in the preceding paragraph is a code with five digits and to each polling station is given a code with nine digits, where the first five represent the polling center code and the last four the number of the relevant polling station, thus allowing a unique identification of each polling center and polling station which have been coded.
3. The codes mentioned in the preceding paragraphs shall appear in the ballot boxes, the voters lists and the records concerning the operation, counting and tabulation of votes.

**Article 7**  
**Operating hours**

1. On election day, polling centers open at six o'clock and close after the end of the counting of votes.
2. On election day, polling stations open at 7 am and close at 3 pm, operating uninterrupted during this time.
3. After fifteen hundred hours, only voters who are in the queue waiting to exercise their right to vote can vote, as verified by two queue controlling officials and advised to the president of the polling center.
4. For the purposes of paragraph 3 of this article, the voting process ends when all the voters in the queue have voted.

**Article 8**  
**Voting place**

Within the national territory, each voter must cast a ballot in the polling center of the suco stated in his/her voter card, with the exceptions provided for in the applicable regulations.

**Article 9**  
**Prohibited at the polling center**

1. Voters visibly drunk or under the influence of drugs, those with symptoms compatible with COVID-19, as provided for in the legal document which introduces exceptional and temporary health surveillance measures in response to the COVID 19 disease pandemic, those who are tested positively for COV1D-19 and those carrying any type of firearms or blunt instruments or disturbing or planning to disturb, by any means, order and discipline around the area used for voting or nearby

shall not be allowed inside polling centers and polling stations, without prejudice to potential criminal liability.

2. As well, voters who have already voted and are not candidates' agents, media professionals or accredited observers or monitors are not allowed inside the polling center or polling stations.

**Article 10**  
**Prohibition of electoral propaganda**

1. During election day, it is forbidden to place any type of electoral propaganda inside the polling center or the polling station or within 100 meters from it.
2. Electoral propaganda includes the display of stickers, shirts, leaflets, symbols, posters, pins, monograms, flags, among others, as well as activities promoting the candidates within the current electoral process.
3. Should there be electoral propaganda that clearly breaches paragraph 1 of this article, the president of the polling center shall request the removal of such propaganda.
4. The candidates' agents shall not, under any circumstances, present themselves at the polling center with any symbol or object that identifies them with any given candidate.
5. In the case described in the preceding paragraph, the president of the polling center orders the agent to remove the identifying elements of the given candidate and, if the agent does not comply with the order, the president of the polling center takes back his/her accreditation and ejects the agent from the polling center, recording the incident in the minutes of electoral operations.

**Section II**  
**Electoral officials**

**Article 11**  
**Electoral officials**

1. Electoral officials are national citizens who, after prior selection by STAE, ensure the operations of polling centers and polling stations during the electoral process.
2. On election day, and while their activity lasts, electoral officials who are civil servants, agents or workers of the Public Administration of the Democratic Republic of Timor-Leste, are exempt from attending their employment, without prejudice to their rights or benefits, including salary, as long as they produce evidence regarding their performance of duties through a document issued by STAE.

**Article 12**  
**Selection of electoral officials**

1. Electoral officials are selected by STAE from among voters registered in the geographic electoral registration unit where the polling center or polling station at which they will perform their duties is located.
2. Only citizens able to read and write and with basic arithmetic skills can be electoral officials.
3. In addition to the requirements indicated in the previous paragraph, electoral officials must hold a vaccination card or certificate of complete vaccination against COVID19, which must be proved to STAE.
4. The applicants for the positions of electoral officials are pre-selected by the Municipal Director of STAE corresponding to the geographic electoral registration unit where the polling center or polling station at which they will perform their duties is located.
5. After conclusion of the pre-selection process, the Municipal Director of STAE sends to the Director General of STAE a full list of the applicants deemed as fit to perform duties as an electoral official, together with their *Curriculum Vitae*.
6. Half of the selected applicants must be female.
7. Based on the information described at paragraph 4, the Director General of STAE, after consulting with CNE, appoints electoral officials to perform duties at polling centers.

8. No one can be obliged to perform duties as an electoral official against his/her own will.
9. The selection of applicants to perform duties as electoral officials is supervised by CNE.

**Article 13**  
**Training of electoral officials**

1. The applicants selected by STAE to perform duties as electoral officials shall before commencing duty attend a training prepared and given by STAE, under the supervision of CNE.
2. Officials cannot start performing their duties before signing a declaration of commitment in which they declare to keep secret facts, information and electoral procedures they have learned during the performance of their duties.
3. The declaration of commitment is drafted by STAE and binds the electoral official until the end of the electoral process for which he/she performs duties.
4. Representatives and agents of candidates, as well as accredited national and international observers and monitors, may attend the training without the right to intervene.

**Article 14**  
**Obligations of electoral officials**

1. While performing their duties, electoral officials must comply with the obligations below:
  - a) Attend the training provided by STAE;
  - b) Be neutral and impartial towards all candidates;
  - c) Keep secret any confidential information they become aware of through the implementation of their duties;
  - d) Perform their duties with diligence until the electoral process is complete;
  - e) Report to their superior any irregularity found during the process of voting, counting and tabulation of results;
  - f) Strictly comply with guidelines from their superiors.
2. Non-compliance by electoral officials with their obligations makes them liable under the laws in force.

**Article 15**  
**Composition of the polling centers and polling stations**

1. Each polling center and polling station is comprised of the following electoral officials:
  - a) A president of the polling center, responsible for the polling center and relevant polling stations;
  - b) A secretary of the polling station, responsible for the polling station, who coordinates the works performed by the officials of the polling station and reports directly to the president of the polling center;
  - c) Four identification checking officials;
  - d) One ballot paper controlling official;
  - e) One ballot box controlling official;
  - f) One indelible ink application controlling official;
  - g) Two queue controlling officials.
2. The polling station requires a minimum of 6 electoral officials to be operational.
3. If an electoral official is missing, a replacement shall be made in accordance with article 24.

**Article 16**  
**President of the polling center**

The president of the polling center must:

- a) Declare the polling station open and verify the identity and accreditation of the secretaries of the polling stations;
- b) Ensure the smooth functioning of the polling center in accordance with the laws and regulations in force;
- c) Order the display of the list of candidates at the entrance of the polling center;
- d) Provide information and working guidelines that ensure the smooth unfolding of electoral operations in the polling center over which he/she presides;
- e) Suspend electoral operations in case of disturbance, aggression or violence, either inside or near the polling center;
- f) Notify the competent authority of the Ministry of Health and the person in charge of the PNTL present at the location, for the purposes provided for in the legal document that introduces exceptional and temporary surveillance measures in response to the COVID-19 disease pandemic, of the existence of voters presenting symptoms compatible with COVID19 infection, as described in that legal document;
- g) Inform the person responsible for the mandatory therapeutic isolation center closest to the polling center, of the transfer to that center of citizens who have tested positive for COVID19, following tests carried out under the terms of the previous subparagraph, so that they can exercise their right to vote there, after being manually enrolled in the additional list of the isolation center and deleted from the list of voters of the polling center in which they were originally supposed to vote;
- h) Manage the vote counting and the initial tabulation of results in the polling center;
  - i) Use his/her casting vote when necessary;
  - j) Sign the vote counting final minutes for the polling center;
- k) Organize the candidates' agents to sign the final minutes of vote counting and tabulation of results;
- l) Announce the results after counting and initial tabulation and display a copy in a visible location inside the polling center premises;
- m) Ensure the packaging and delivery of all electoral material to the municipal or regional tabulation center;
- n) Implement all other duties assigned to him/her by law, regulation or superior order which are not the responsibility of any other body.

**Article 17**  
**Secretary of the polling station**

The secretary of the polling station must:

- a) Declare the polling station open and verify the identity and accreditation of electoral officials, candidates' agents performing duties at the polling station, observers, monitors and media professionals;
- b) Direct the verification procedure for the voting compartments and working documents of the polling station;
- c) Show the empty ballot boxes to the officials, candidates' agents, observers, monitors and voters, requesting immediately afterwards that one of the identification checking officials and the ballot paper controlling official seal the ballot boxes, recording the relevant seal numbers;
- d) Order the display, in a visible place in the polling station, of a list with the members of the polling station staff;
- e) Ensure that all voters are free to cast a ballot in secret;
- f) Ensure and maintain order in the polling station so as to ensure the smooth functioning of electoral operations;

- g) Inform the president of the polling center if requirements are met to resume electoral operations previously interrupted due to unusual occurrence, natural disaster or civil disturbance;
- h) Order the departure from the polling station of citizens who cannot vote or who have already voted;
- i) Prevent access to the polling station by any voters who are clearly drunk or under the influence of drugs, who are acknowledged as mentally ill, those who present symptoms compatible with infection by COVID19, as legally defined, those who are confirmed as positive for COVID19 or who carry any type of blunt instrument;
- j) Forbid any type of propaganda inside the polling station or up to 25 meters from it, requesting police forces to enforce this;
- k) Authorize, as requested by the voter, the issue of a new ballot paper because he/she did a mistake while marking it or unintentionally damaged the ballot paper, recording this correctly;
- l) Stamp the word "Cancelled" on the returned ballot paper, sign it and keep it in the relevant envelope;
- m) Provide necessary clarification to a voter, at his/her request and in the presence of officials, candidates' agents, and electoral observers and monitors, regarding the voting process, without however influencing the voter's choice;
- n) Ask candidates' agents if there are any claims to be filed;
- o) Receive objections and claims and sign them, together with all officials of the polling station;
- p) Implement all other duties assigned to him/her by law, regulation or superior order which are not the responsibility of any other body.

**Article 18**  
**Identification checking official**

The identification checking official must:

- a) Identify the voter through the examination of the current voter card and check if the voter data is included in the voters list corresponding to that geographic electoral registration unit or of the parallel voting center, in which he/she intends to vote;
- b) In the absence of the voter card, identify the voter through examination of his/her ID card or Timorese passport and confirm if the data is included in the voters list corresponding to that geographic electoral registration unit, with the exception of parallel voting centers where only voting is allowed with the voter's card;
- c) Verify if the voter is 17 or more years old on election day, as legally required;
- d) Inspect the voter's hands in order to ensure that he/she has not already voted for the election in question;
- e) Inform the ballot paper controlling official if the voter is entitled to be issued a ballot paper;
- f) In parallel voting centres, perforate the voter's card as soon as the respective holder has exercised the right to vote;
- g) Implement all other duties assigned to him/her by law, regulation or superior order which are not the responsibility of any other body.

**Article 19**  
**Ballot paper controlling official**

The ballot paper controlling official must:

- a) Stamp and sign the back of the ballot paper;
- b) Issue the ballot paper to the voter;
- c) Provide to a voter who has a ballot paper, and in the presence of candidate agents and observers and monitors at the polling station, information and clarification that he/she requests in order to cast a ballot, without stating any preference in terms of voting in favour of a specific candidate;
- d) Direct and send the voter to the voting compartment;

- e) Issue a new ballot paper to the voter, at his/her request, if it has been damaged or if the voter made any mistake while marking it, as authorized by the secretary of the polling station;
- f) Implement all other duties assigned to him/her by law, regulation or superior order which are not the responsibility of any other body.

**Article 20**  
**Ballot box controlling official**

The ballot box controlling official must:

- a) Ensure the security of the ballot box;
- b) Ensure that each voter places only one ballot in the ballot box;
- c) Implement all other duties assigned to him/her by law, regulation or superior order which are not the responsibility of any other body.

**Article 21**  
**Indelible ink application controlling official**

The indelible ink application controlling official must:

- a) After the voter casts his/her ballot, mark the right-hand index finger of the voter, until the cuticle, with indelible ink and ensure that the ink is dry;
- b) If the voter does not have the right-hand index finger, mark with indelible ink, until the cuticle, any other finger of the same hand or, if the voter does not have a right hand, of the voter's left hand and ensure that the ink is dry;
- c) If the voter does not have either hand, mark with indelible ink the end of one of the voter's upper limbs;
- d) Ask the voter to leave the polling station after casting a ballot;
- e) Implement all other duties assigned to him/her by law, regulation or superior order which are not the responsibility of any other body.

**Article 22**  
**Queue controlling official**

The queue controlling official must:

- a) Organize the voters waiting to vote in a queue, so that only authorized people may enter the polling station;
- b) Ensure all voters comply with social distancing measures according to the terms legally provided, ensuring that voters respect the distance markings;
- c) Inform the President of the Polling Center of the existence of voters who present symptoms compatible with infection by COVID 19, under the legally defined terms;
- ~~d) Ensure that all voters disinfect their hands and that they correctly use the protective mask;~~
- e) Ensure that voters with physical disabilities, pregnant women, the elderly aged over 65 years and voters with children in their arms, are prioritized to exercise their right to vote;
- f) Ask the voter to have ready his/her current voter card or, in its absence, Timorese ID card or passport, in order to show it to the identification checking official;
- g) Check at 3 pm on election day the last voter standing in the queue, preventing others after the last voter to vote, pursuant to law;
- h) Request candidate agents and electoral observers and monitors to show their identification and the credential issued by STAE authorizing them to monitor the whole electoral process;
- i) Request the identification and accreditation issued by STAE to media professionals, which allows them to cover the on-going electoral process;

- j) Implement all other duties assigned to him/her by law, regulation or superior order which are not the responsibility of any other body.

**Article 23**  
**Incompatibilities**

1. The President of the Republic, Members of Parliament, members of the Government, civil servants, agents and workers of the Public Administration of the Democratic Republic of Timor-Leste, F-FDTL and PNTL members, judges and public prosecutors, religious authorities, CNE members, candidates and candidates' agents cannot be electoral officials.
2. The preceding paragraph does not include diplomats.

**Article 24**  
**Replacement of electoral officials**

1. On election day if until thirty minutes before the scheduled time to open the polling station, the electoral officials appointed by the Director General of STAE are not present, the president of the polling center informs the Municipal Director of STAE.
2. The Municipal Director of STAE appoints, in order to replace the missing electoral officials, any voter with a well-known reputation, as agreed with the majority of the electoral officials present.
3. If the president of the polling center is absent, he/she shall be replaced by the secretary of the first polling station of the relevant polling center, who shall be replaced accordingly by an identification checking official, to be selected by the majority of the electoral officials of the relevant polling station;
4. After replacement, the appointment of the absent electoral officials shall be considered void, and the president of the polling center shall advise their names to STAE.
5. All replacements shall be explicitly recorded in the minutes.

**Article 25**  
**Maintenance of order and discipline**

The president of each polling center and the secretary of each polling station, with the support of the electoral officials, shall take the necessary measures to maintain order and discipline during electoral operations in order to guarantee normal operation of the freedom to vote.

**Section II**  
**Ballot papers**

**Article 26**  
**Definition**

The ballot paper is rectangular, of a size sufficient to include all candidates and is printed on white, plain and non-transparent paper.

**Article 27**  
**Ballot paper elements**

1. On each ballot paper are printed the names and numerical order of the candidates, and in colour their photographs and the symbols they have freely chosen, arranged horizontally, in the order determined by draw, in accordance with the template proposed by STAE and approved by CNE.
2. The names of the candidates are horizontally arranged in the ballot paper, according with the draw held by STJ, with each picture in front of the name and a square where the voter may mark his/her vote.



**Article 28**  
**Transport of ballot papers**

1. After being produced, the ballot papers are delivered by the Director General of STAE to the Municipal Directors of STAE, who are responsible for their transport to the municipalities.
2. The transport of the ballot papers must be by the most swift and safe means of transportation, and may be accompanied by the National Police of Timor-Leste.
3. The Municipal Directors of STAE ensure the allocation of ballot papers by polling centers, according with the operational plan approved by the Director General of STAE.
4. The Municipal Directors of STAE allocate ballot papers to polling centers corresponding to the number of voters registered in such center to vote, plus 10%.
5. The transport and allocation of materials mentioned in the preceding paragraph is supervised by CNE.

**Chapter III**  
**Voting process**

**Section I**  
**General rules**

**Article 29**  
**Right to vote**

1. Any citizen seventeen or more years old has the right to vote and to stand for election.
2. The exercise of the right to vote is personal and constitutes a civic duty.
3. The right to vote is exercised directly, personally and with the physical presence of the voter.
4. Each voter can vote only once.
5. The exercise of the right to vote depends on prior electoral registration by the voter.

**Article 30**  
**Voters on duty**

1. State officials and agents, members of the National Police of Timor-Leste, members of F-FDTL, media professionals covering the presidential election, diplomatic mission and electoral observation and monitoring mission officials working during election day for the electoral process, cast their ballots at the nearest polling center to the location where they are performing their duties.
2. Employers of civil servants, Public Administration agents or workers referred to in the preceding paragraph send to STAE at least twenty days prior to election day a full list of the employees and agents of the Public Administration performing duties for the electoral process and identify the location where such duties are being performed.
3. At each polling center, a list is available of the voters registered in different geographic electoral registration units who can exercise their right to vote in that polling center, pursuant to the preceding paragraphs.

**Article 31**  
**Freedom and secrecy of vote**

1. Voting is done freely, and no-one can be required to reveal, inside or outside the polling center or the polling station, for whom he/she has voted.
2. The voting compartment must be located in order to ensure the secrecy of the voter's vote.

**Article 32**  
**Blind or other voters with a disability**

1. A voter who is blind or has another disability and cannot vote on their own can exercise his/her right to vote assisted by another voter chosen by him/her.
2. The assistant is bound by secrecy regarding the vote of the voter who is blind or has another disability.
3. The secretary of the polling station must assess if the assistant was freely chosen by the voter to follow him/her during the exercise of his/her right to vote.
4. Should it be concluded that the choice of the assistant was not made freely, the secretary of the polling station facilitate the choice of another assistant by the voter to assist him/her to exercise the right to vote.
5. When the secretary of the polling station questions the true nature of the circumstances or facts referred to in paragraph 1, which enable the exercise of the right to vote with assistance, the secretary shall request the voter to provide a medical certificate stating the facts or circumstances that prevent the voter from exercising his/her right to vote on their own.

**Article 33**  
**Continuity of electoral operations**

The voting takes place without interruption and in accordance with the hours of operation described in Article 7.

**Article 34**  
**Interruption of electoral operations**

1. Voting cannot take place in any polling center or polling station if:
  - a) The polling center or polling station cannot be set up, if any riot occurs requiring the interruption of electoral operations for more than two hours or if any natural disaster happens during election day;
  - b) Any natural disaster occurs during the three days before election day.
2. The local delegate of CNE is advised that it is not possible to conduct the elections, after obtaining information about the occurrence of any fact referred to in the preceding paragraph.
3. The polling station is closed if voting is interrupted for more than two hours and the sealed ballot boxes, containing the ballots cast so far, are despatched to the municipal or regional tabulation center.
4. In the cases described in sub-paragraph a) of paragraph 1, voters who have not yet voted and agents are sent to another polling center in the same suco, if any, or to the nearest polling station, and electoral officials must take with them the list of voters, a new ballot box and all other electoral material
5. In the case described in sub-paragraph b) of paragraph 1, STAE, with the agreement of CNE's local delegate, transfers the polling center or polling station to a safer location.
6. In the cases described in the preceding paragraph, voting occurs on the second day after the initially scheduled election day that could not be implemented.

**Section II**  
**Voting preliminary operations**

**Article 35**  
**Working elements of the polling station**

STAE ensures that each polling center and its polling stations are provided with the electoral materials needed to conduct the election, in accordance with Annex I to this regulation, which shall form an integral part thereof.

**Article 36**  
**Preliminary operations**

1. At 6 am on election day, the president of the polling center confirms the identity of the secretaries of the polling stations and the agents selected by presidential election candidates to monitor electoral operations conducted in the polling center.
2. At 6.15 am, the secretaries of the polling stations proceed with the identification of the electoral officials of the relevant polling stations, as well as the presidential election candidates' agents performing duties at the station.
3. At 6.30 am, the secretary of the polling station informs the president of the polling center about absent electoral officials in order to identify them and commence procedures.
4. At 6.35 am, the president of the polling center informs the Municipal Director of STAE about any absent electoral officials and requests their replacement.
5. At 6.45 am, the secretary of the polling station and the electoral officials, in the presence of the candidates' agents and electoral observers and monitors, proceeds to:
  - a) Check the voting compartments;
  - b) Check and display the interior of the ballot boxes;
  - c) Seal the ballot boxes and read aloud the numbers of the security seals;
  - d) Record in the minutes of electoral operations the numbers of the security seals;
  - e) Count and check the stamps received;
  - f) Count the ballot papers received;
  - g) Record the number of ballot papers received in the electoral operations minutes;
  - h) Display the list of candidates standing in the election at the entrance door of the polling center;
  - i) Display the list of electoral officials working at the polling station;
  - j) Record in the electoral operations minutes any irregular occurrences or incidents, as well as any claims or objections filed against the preliminary operations and the decisions made by the electoral officials in relation to them.

**Section III**  
**Voting operations**

**Article 37**  
**Order of voting**

1. Without prejudice to the situations foreseen in Article 34, the president of the polling center declares the polling center open at 7 am on election day and the secretaries of the polling stations proceed likewise regarding these.
2. After the declaration described in the preceding paragraph, the electoral officials exercise their right to vote in the station where they perform their duties, in accordance with this regulation.
3. After concluding the voting process for electoral officials, other voters exercise their right to vote on a first-come, first-served basis, subject to the order of precedence described in paragraph 5.

4. In order to access the polling station to exercise the right to vote, voters stand in line, in accordance with the instructions given by the queue controlling officials.
5. The following voters have priority, according to the order of precedence below:
  - a) Pregnant voters;
  - b) Voters over sixty-five years old;
  - c) Voters with any kind of infirmity or physical disability;
  - d) Voters carrying children;
  - e) Public administration officials, agents and workers performing duties within the organization and conduct of the electoral process.

**Article 38**  
**Voter identification procedure**

1. When entering the polling station, the voter gives to the queue controlling official any image-capturing mobile devices in his/her possession.
2. After complying with the provision of the preceding paragraph, the voter goes to the identification checking official and shows his/her voter card or, or in its absence, his/her Timorese ID card or passport.
3. In parallel voting centers, only the voter's card can be used to identify the voter, and the use of an identity card or passport for this purpose is not allowed.
4. The identification checking official, after observing the formality foreseen in the preceding paragraph, verifies if the voter is already seventeen years old by election day, if he/she has the right-hand index finger marked with indelible ink and if his/her name is included in the voters list as registered in the geographic electoral registration unit corresponding to the polling center.
5. In the cases where the voter identifies himself/herself in accordance with paragraph 2, his/her name is included in the list pursuant to paragraph 3, is already seventeen years old and none of his upper limbs is marked with indelible ink, the identification checking official minutes the name of the voter by drawing a line on such name in the list and directs the voter to the ballot paper controlling official.
6. If the voter identifies himself/herself with a voter card on which it is stated that he/she is registered in the geographic electoral registration unit corresponding to the polling center, the identification checking official includes the voter's name in the additional list of voters.
7. The additional list of voters, as described in the preceding paragraph, includes the following information in relation to regarding each voter:
  - a) The voter's name;
  - b) The voter card number;
  - c) Full address;
  - d) Signature of the voter.
8. If the voter is unable to produce evidence regarding his/her identity or registration in the geographic electoral registration unit corresponding to the polling center where he/she intends to exercise the right to vote, the identification checking official directs him/her to leave the polling station.

**Article 39**  
**Issue of ballot paper and voting procedure**

1. After concluding the voter identification procedures pursuant to the preceding article and paragraph 6 is not applicable, the ballot paper controlling official issues the ballot paper to the voter.
2. The ballot paper is signed and stamped by the ballot paper controlling official prior to its issue to the voter.
3. After receiving the ballot paper, the voter shall go to an empty voting compartment and marks his/her ballot.

4. The voter marks his choice by putting a sign or punching the white square in the same line as the candidate for which he/she intends to vote.
5. Then the voter folds the ballot paper with the printed part turned inside, in order to insert it in the ballot box.
6. If the voter makes a mistake or damages the ballot paper:
  - a) The voter goes to the ballot paper controlling official and requests its replacement;
  - b) The ballot paper controlling official requests authorization from the secretary of the polling station prior to the replacement of the damaged ballot paper by a new ballot paper;
  - c) The secretary of the polling station authorizes the replacement of the damaged ballot paper by stamping it with the word "cancelled" and signing it;
  - d) After authorizing the replacement of the damaged ballot paper, the ballot paper controlling official issues a new ballot paper to the voter requesting the replacement of the damaged ballot paper, who goes to an empty voting compartment to mark his/her ballot.
7. The ballot paper is inserted in the ballot box by the voter in the presence of the ballot box controlling official.
8. After the voter inserts the ballot paper in the ballot box, he/she goes to the indelible ink application controlling official, who applies in accordance with article 21.
9. In parallel voting centers, the identification controller punches the voter card, then applies the indelible ink, before returning it to the voter.
10. After applying the indelible ink, the voter leaves the polling station, and the queue controlling official returns any image-capturing mobile devices handed over by the voter.

**Article 40**  
**Questions, claims and objections**

1. Any voter or candidate agent, during the operating hours of the polling station, can raise questions and file objections and claims regarding electoral operations.
2. The questions, claims and objections submitted during or after voting are immediately reviewed by the electoral officials, in the presence of the candidate agents and, when they are present, in the presence of national and international observers and monitors and media professionals, and who may consult with STAE if needed.
3. The claims filed in accordance with the preceding paragraph are subject to voting by the electoral officials and are considered as accepted if at least six officials vote in favour.
4. The decisions are advised to the claimants, who can file a claim to CNE's representative at the same polling center or polling station where the question was raised, accompanied by all documentation in relation to this polling center.
5. For the purposes of the preceding paragraph, CNE makes its decision in seventy-two hours.
6. CNE's decisions can be subject to an appeal filed with STJ within forty-eight hours.
7. STJ makes a decision within forty-eight hours on an appeal filed.

**Article 41**  
**Closing voting**

1. Voters in the queue to vote are admitted to the polling station until 3 pm on election day.
2. After 3 pm, only voters verified by the queue controlling official and reported to the secretary of the polling station as having been already standing in line and waiting to vote at the polling station can vote.
3. The secretary of the polling station closes the voting after every registered voter has voted or, after 3 pm, when every voter standing in line at this time has voted.

**Article 42**  
**Closing of operations at a polling station**

1. After voting is closed and questions, claims or objections are resolved, the secretary of the polling station proceeds with:
  - a) Counting the unused ballot papers, entering their number in the polling station minutes and rendering them useless by stamping them with the words “not used”, inserting them afterwards in the envelope for unused ballot papers;
  - b) Counting the cancelled ballot papers, entering their number in the polling station minutes and rendering them useless by stamping them with the word “cancelled”, inserting them afterwards in the envelope for cancelled ballot papers;
  - c) Counting the abandoned ballot papers, entering their number in the polling station minutes and rendering them useless by stamping them with the word “abandoned”, inserting them afterwards in the envelope for abandoned ballot papers;
  - d) Counting the number of voters marked off in the voters list and the additional list of voters that voted in that polling station, entering such numbers in the polling station minutes.
2. The secretary of the polling station, assisted by the other electoral officials, takes the ballot boxes, the polling station operations minutes and the material referred to in paragraph 2 (*sic*) of this article to the location chosen by the president of the polling center to proceed with the vote counting and the initial tabulation of results.
3. For the purposes described in the preceding paragraph, the president of the polling center chooses the most appropriate and spacious location within the polling center in order to ensure that the candidates’ agents, electoral observers, monitors and media professionals can follow the vote counting and the initial tabulation of electoral results.

**Chapter IV**  
**Counting process**

**Section I**  
**Vote classification**

**Article 43**  
**Vote classification**

In terms of vote counting and tabulation of results, the votes are considered as:

- a) Valid, ballot papers taken out of the ballot box, duly stamped and signed by the ballot paper controlling official, which clearly and unequivocally express the choice of the voter without, however, revealing the identity of the voter;
- b) Blank, ballot papers taken out of the ballot box, duly stamped and signed by the ballot paper controlling official, which do not display any type of mark;
- c) Null and void, ballot papers taken out of the ballot box, duly stamped and signed by the ballot paper controlling official, which are marked or punched without being able however, to understand the choice made by the voter, or that allow the identification of the voter, or that indicate the choice of a candidate who has withdrawn from the election, or on which any cut, drawing or erasure has been made or any word written;
- d) Rejected, ballot papers taken out from the ballot box that are not stamped and signed by the ballot paper controlling official;
- e) Cancelled, ballot papers returned by the voter to the electoral officials to be replaced by another ballot papers, based on an error in marking the voter’s choice or that have been unintentionally damaged buy the voter;
- f) Abandoned, ballot papers that have been found lost in the polling station.

**Section II**  
**Vote counting and tabulation of electoral results**

**Subsection I**  
**Counting and initial tabulation**

**Article 44**  
**Collection and opening of ballot boxes**

1. The ballot boxes are delivered by the secretary of the polling station, together with the remaining electoral officials, and collected by the president of the polling center at the previously selected location.
2. The president of the polling center, after collecting the ballot boxes, reads aloud the numbers of the security seals and asks the candidates' agents to confirm such numbers.
3. After confirming the numbers on the security seals, the president of the polling center, in the presence of electoral officials, candidates' agents, electoral observers, monitors, media professionals and other attending citizens, opens the ballot box.

**Article 45**  
**Vote counting**

1. After opening the ballot box, the president of the polling center takes out the ballot papers, unfolds them and places them on the counting table, with the back side facing up and verifies if they are duly stamped and signed by the ballot paper controlling official.
2. The president of the polling center enters in the polling center results minutes the number of ballot papers inside the ballot box duly stamped and signed by the ballot paper controlling official.
3. The ballot papers inside the ballot box that are not stamped or signed by the ballot paper controlling official are separated from the remaining ballot papers, stamped as "rejected", read and counted aloud by the president of the polling center and the number of them is entered in the polling center results minutes.
4. The ballot papers inside the ballot box that are not stamped as "rejected" are mixed with other ballot papers with the same characteristics coming from the other polling stations, being subsequently grouped in batches of fifty each.
5. After concluding the action described in the preceding paragraph, the president of the polling center reads aloud the vote marked on each ballot paper and shows its front side to the people present, then grouping them in batches corresponding to each candidate.
6. The ballot papers classified as blank or null and void are grouped in separate batches.
7. The ballot papers subject to claims are grouped in a separate batch.
8. The questions, objections, claims and appeals submitted during the counting and tabulation of results operations are governed by the provisions of article 40, as far as it applies.
9. The original claims are inserted together with the ballot papers subject to claims inside the envelope marked "claimed ballot papers".
10. The results of the vote counts and tabulations are immediately transmitted, by electronic means, to STAE, which advises them to CNE.

**Article 46**  
**Filling in the minutes**

1. After counting and agreeing on the valid votes by candidate, the results are entered in the polling center results minutes and the ballot papers inserted in the envelopes identified as "valid votes", separated by candidate standing for election.
2. After stamping, counting and agreeing on the blank votes, the results are entered in the polling center results minutes and the ballot papers inserted in the envelope marked "blank votes".

3. After stamping, counting and agreeing on the null and void votes, the results are entered in the polling center results minutes and the ballot papers inserted in the envelope marked "null and void votes".
4. After counting and agreeing on the votes subject to claim, if any, the results are entered in the polling center results minutes and the ballot papers, together with the claims and objections, inserted in the envelope marked "claimed votes".
5. After stamping, counting and agreeing on the rejected votes, if any, the results are entered in the polling center results minutes and the ballot papers inserted in the envelope marked "rejected votes".
6. After stamping, counting and agreeing on the cancelled ballot papers, if any, the results are entered in the polling center results minutes and the ballot papers inserted in the envelope marked "cancelled ballot papers".
7. After stamping, counting and agreeing on the abandoned ballot papers, if any, the results are entered in the polling center results minutes and the ballot papers inserted in the envelope marked "abandoned ballot papers".
8. After stamping, counting and agreeing on the unused ballot papers, the count results and serial numbers are entered in the polling center results minutes and the ballot papers inserted in the envelope marked "unused ballot papers".
9. The envelopes are closed and in them are split up the number of ballot papers they contain, the relevant polling center and polling stations and their corresponding codes and their geographic unit.
10. The minutes should also state the numbers of the security seals for each ballot box, the venue and code of each polling station, the opening and closing time of voting, the name of the electoral officials and candidates' agents, as well as objections and claims filed and the decisions taken.
11. After counting the filed claims, if any, the total number is entered in the polling center results minutes.
12. The minutes regarding counting and tabulation of out of country voting results as well as the ballot papers subject to claims are delivered, as hard copy, to the national tabulation center, within a maximum period of seventy-two hours from the end of their counting and tabulation of results.

#### **Article 47**

#### **Closing of polling center operations**

1. After the results of the count have been written in the electoral operations minutes, it must be signed by the president and the secretaries of the relevant stations.
2. For each polling center, only one agent representing each of the candidates, shall sign the electoral operations minutes.
3. For the purposes of the preceding paragraph, the lack of signature by one or more candidates' agents does not invalidate the minutes or electoral operations.
4. The number of votes contained in the following envelopes are read aloud, and inserted in the ballot box:
  - a) The envelopes with "Valid votes", "Null and void votes", "Votes subject to claims", "Rejected votes", "Unused ballot papers", "Cancelled ballot papers" and "Abandoned ballot papers";
  - b) The envelope with electoral operations minutes, the declarations of commitment, the electoral officials attendance list, remarks, the voters list, the additional list of voters and the list of voters on duty;
  - c) The unused seals and stamps.
5. After inserting these materials, the ballot box is sealed and is under the control of the president of the polling center, or alternatively the highest ranked diplomatic or consular official, who shall ensure its delivery to STAE headquarters, pursuant to Article 28 of this Decree, under CNE's supervision.
6. After concluding the counting and tabulation of out of country voting results the president of the polling center scans the minutes and sends them by e-mail to the national tabulation center.



7. The minutes referred to in the preceding paragraph, together with the ballot papers subject to claims, are delivered as hard copy to the national tabulation center, within a maximum period of seventy-two hours from the end of counting and results tabulation operations.
8. An excerpt of the polling center results minutes, with the initial tabulation results, is signed by the president of the polling center and displayed visibly at the polling center premises.
9. The president of the polling center shall ensure that each accredited candidate agent performing duties in the polling center has access to a copy of the polling center results minutes stating the initial tabulation of results.

**Subsection II**  
**Municipal and Regional Tabulation**

**Article 48**  
**Municipal Tabulation Center**

1. The municipal tabulation center, whose composition is defined by law, starts working after receiving the minutes from at least five polling centers.
2. Once the municipal tabulation center is established, the intake of ballot boxes starts at the designated location, called "Reception Area".
3. In the intake area, the president reads aloud the numbers of the seals and opens the ballot boxes, one by one, then the duly organized members of the municipal tabulation center shall confirm their contents by using the Ballot box delivery form.
4. After confirming that all the materials are inside the ballot box, the president of the relevant polling center and the president of the municipal tabulation center sign the "Ballot box delivery form" and issue a copy of the form to the president of the polling center.
5. If the ballot box does not contain all the material inside, the president of the relevant polling center provides written reasons for the omissions, in the remarks section of the Ballot box delivery form and signs the form.
6. In the case referred to in the preceding paragraph, the president of the district (*sic*) tabulation center minutes in the "Ballot box delivery form" that he/she is aware of these omissions and signs it, issuing a copy to the president of the polling center, and records this occurrence in the municipal tabulation center operations minutes, to provide information to the national tabulation center on which they can make a decision.
7. Thereafter, the original electoral operations minutes, the envelopes with ballot papers subject to claims and null and void votes, if any, are taken out of the ballot box.
8. Then a photocopy of the results sheet included in the electoral operations minutes is made and inserted in the polling station ballot box.
9. After performing the tasks mentioned in the preceding paragraphs, all stamps are taken out and placed in a separate ballot box for subsequent delivery to STAE.
10. The envelope with valid votes, the envelope with unused ballot papers, the envelope with cancelled ballot papers, the envelope with blank ballot papers and the envelope with the copy of the results sheet from the electoral operations minutes remain inside the polling center ballot box.
11. Then, the municipal tabulation center reconciles all minutes of the polling centers by adding the totals stated in the electoral operations minutes of such polling centers.
12. The data from each electoral operations minutes is entered electronically by operators trained by STAE, using the template drafted by STAE and approved by CNE.
13. After finalising the reconciliation of all minutes from the relevant district, the municipal tabulation center minutes is printed, and is signed by the representative of CNE who supervised the reconciliation, the Municipal Director of STAE chairing the center and by an agent of each candidate, although the lack of signature by the latter does not invalidate the minutes or the electoral operations.
14. Signing of the minutes by a candidate's agent pursuant to the preceding paragraph is only mandatory if he/she files a claim.

15. A copy of the minutes mentioned in this article is displayed at the municipal tabulation center premises, with a copy delivered to the candidates' agents who signed it and another copy to the STAE headquarters.
16. After concluding all municipal tabulation operations, the polling centers' results minutes, the municipal tabulation minutes, the envelopes with ballot papers subject to claims and null and void votes, if any, and the claims are collected and placed inside the ballot box, to be delivered to CNE, in Dili, within 3 (three) days from the date of the election, sending a copy of the minutes to STAE.
17. The provisions of the preceding paragraph must be complied with within 2 days of election day.
18. Candidates' agent, observers and monitors and media professionals may witness all stages of the municipal tabulation process.
19. The reconciliation of the polling centers minutes by the municipal tabulation center shall be implemented without interruption until the municipal tabulation process is complete.
20. The police force ensures the safety of the municipal tabulation center according to the laws in force and this Decree.
21. In the Special Administrative Region of Oecusse Ambeno, the municipal tabulation center is designated as a regional tabulation center, subject to the same legal provisions.

**Subsection III  
National Tabulation**

**Article 49  
National tabulation center**

1. Within a maximum period of seventy-two hours after receiving the regional tabulation, municipal tabulation and out of country tabulation minutes, CNE proceeds with the national tabulation, checking the minutes and taking a final decision on null votes, ballot papers subject to claims have been made, if any, and other claims filed.
2. The verification of tabulation minutes in accordance with the preceding paragraph may include assessment and decisions on reasonable grounds regarding any inconsistency or mathematical error.
3. If, in accordance with the grounds and terms mentioned in the preceding paragraphs, the initial or interim tabulations are amended, a new copy of the relevant operations minutes is printed, with the amendments included and the grounds for justification attached to the amended minutes.
4. After concluding operations and within the period stated in paragraph 1 above, CNE drafts and displays at its headquarters a transitional tabulation of national results.
5. Copies of the transitional tabulation of national results are sent to STAE and the national media.

**Article 50  
Appeal**

1. The provisional tabulation of national results published by CNE can be subject to appeal, filed within twenty-four hours from its publication, to the bench of the STJ, which immediately notifies the interested parties and gives its judgement within an equivalent time period.
2. If no appeal has been filed by the deadline, CNE sends to STJ the minutes of the tabulation of national results, together with the regional, municipal and out of country tabulation minutes, and any other documents deemed as important, making express reference to the absence of any appeal.

**Article 51  
Announcement of results and validation of election**

1. STJ, after deciding any appeal in accordance with paragraph 1 of the preceding article or after the deadline to file an appeal where no appeal has been lodged, reviews the documentation sent by CNE, makes a ruling validating the election of the President of the Republic and, through its president, announces the final results within a maximum period of seventy-two hours, with the

mandatory announcement of the total number of registered voters and voters who voted, blank and null and void votes, the number and corresponding percentage of votes per candidate and the name of the elected candidate or the name of the two candidates taking part in the second round.

2. The STJ ruling is published in the Official Gazette, with a copy sent to CNE and to STAE.

## **Chapter VI** **Transitional and final provisions**

### **Article 52** **Claims and objections**

1. An objection is an act in relation to an irregularity detected but not yet decided by the relevant electoral administration body.
2. A claim is an act that contests the decision on an irregularity that has been raised and that aims for the repeal or replacement of the decision against which the claim has been made.

### **Article 53** **Support to electoral process**

1. Within the framework of the electoral process, Public Administration services and organizations shall provide due assistance to electoral management.
2. Diplomatic and consular staff shall provide the logistical and material support requested by the electoral administration bodies.

### **Article 54** **Confidentiality**

1. Anyone who, directly or indirectly, performs duties or follows the electoral process in polling centers and polling stations are required to maintain the confidentiality of any data, information and documents they become aware of or have access to in the performance of their duties.
2. Anyone governed by the preceding paragraph shall sign a binding declaration of commitment before commencing his/her duties.

### **Article 55** **Destination of ballot papers and electoral operations minutes**

1. The ballot papers and electoral operations minutes, in hard and soft copy, are maintained by STAE and available to the Court of Appeal for a year after the announcement of the final election results.
2. After the expiry of the period mentioned in the preceding paragraph and in the absence of a judicial ruling determining otherwise, STAE destroys the ballot papers, except for one example to be delivered with the electoral operations minutes to the National Archives of Timor-Leste for historic archiving purposes.

### **Article 56** **Second round of presidential election**

The provisions of this Decree apply, with appropriate adaptations, to a second round of the presidential election.

**Article 57**  
**Court of Appeal**

Before the establishment of the Supreme Court of Justice, the powers conferred on it by this decree are exercised by the Court of Appeal.

**Article 58**  
**Entry into force**

This Government Decree enters into force on the day following its publication in the *Official Gazette*.

Approved by the Council of Ministers on February 24th, 2017

To be published.

The Prime Minister,  
Taur Matan Ruak

The Minister of State Administration,  
Miguel Pereira de Carvalho

**ATTACHMENT**

List of election materials needed for the operation of polling centers and polling stations

1. Ballot boxes with the respective numbered security seals;
2. Ballot papers;
3. Indelible ink;
4. Sufficient number of voting compartments;
5. Minutes of electoral operations form (Akta) comprised of the following documents:
6. Election results sheet;
7. Electoral officials attendance list;
8. Declaration of secrecy to be signed by electoral officials;
9. Book of observations;
10. List of voters;
11. List of additional voters;
12. List of voters on duty;
13. List of itinerants;
14. Tabulation result form for public display;
15. Materials delivery form;
16. Polling station sign;
17. Notice stating the names of election officials;
18. Large format sample of the ballot paper;
19. Form for complaints and protests;
20. Badges for election officials, candidate agents, observers and monitors;
21. Stamp of the word "CANCELED";
22. Stamp of the word "CLAIMED";
23. Stamp of the word "BLANK";
24. Stamp of the word "NULL";
25. Stamp of the word "UNUSED";
26. Stamp of the word "REJECTED";
27. Stamp of the word "ABANDONED";
28. Stamp of the phrase "Presidential Election 2022";
29. Envelope for valid ballot papers;
30. Envelope for blank ballot papers;
31. Envelope for null ballot papers;
32. Envelope for ballot papers subject to claims;
33. Envelope for canceled ballot papers;
34. Envelope for unused ballot papers;
35. Envelope for rejected ballot papers;
36. Envelope for abandoned ballot papers;
37. Complete candidate list with all candidates for the presidential election and alternates;
38. Calculator;
39. Sufficient numbers of staplers, ballpoint pens and nails;
40. Adhesive tape;
41. Polling station minutes form (akta);
42. Polling centre results minutes form (akta);
43. Form for the delivery of the ballot box from the polling center to the national tabulation centre;
44. Complaints and protests form;
45. Numbered security seals;
46. Ballot boxes for transporting the minutes (akta) and ballots subject to claims, if any;
47. Envelopes;
48. Other office supplies that may be necessary;
49. Personal protective material against COVID-19, which includes face masks, gloves, visors, complete protective suits, disinfectant liquid and body temperature measuring devices.