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LAW ON THE ELECTION OF THE NATIONAL PARLIAMENT

Pursuant to United Nations Security Council Resolution 1338/01 of 31 January, the United Nations Transitional Administration in East Timor (UNTAET) was entrusted the responsibility to ensure free and fair elections in cooperation with the Timorese people.

With the purpose of governing the election of the Constituent Assembly, UNTAET promulgated Regulation No. 2001/2, of 26 February (On the election of a Constituent Assembly to prepare a Constitution for an Independent and Democratic East Timor), later on amended by UNTAET Regulation No. 2002/3, of 23 March, and Regulation No. 2001/11, of 13 July (On electoral offences for the election of a Constituent Assembly). Following this, the first direct, universal and secret elections were held. The then elected Constituent Assembly approved and decreed the Constitution of the Democratic Republic of Timor-Leste and, after its entry into force, the Constituent Assembly transformed itself into the National Parliament.

The country was thus endowed with the organ of sovereignty responsible for drafting laws and monitoring the activity of the Government and which, under the new historic situation, comes up with the present law to regulate the election of the National Parliament in a clearly innovative manner, in compliance with the constitutional provisions on the subject matter. The experience acquired from both the election of the Constituent Assembly and, more recently, the election of the *Suco* Chiefs and *Suco* Councils, was obviously taken into account.

Lists of candidates may be presented by political parties running individually or in electoral coalition. Members of National Parliament shall be elected by a single national constituency, through plurinominal lists, and the conversion of the votes into seats shall observe the proportional system in accordance with the *Hondt* method which, applied to a universe of 65 seats, will ensure a broad representation in the parliamentary composition. The present law provides however for a threshold of representation in order to prevent an excessive party pulverization on one hand and, on the other hand, potentiate the representation of the political forces actually implanted in Timorese society.

In following a universal trend of modern electoral legislations, the present draft law provides a concrete incentive to the political participation of women through their mandatory inclusion in the lists of candidates and their substitution by candidates of the same gender in case of vacancy.

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

From the procedural viewpoint, the present law does not distance itself from the procedural scheme inherent to the law on the election of the President of the Republic, the objective being to lend coherence and harmony to the emerging Timorese electoral system.

Thus, pursuant to item 5 of article 65 and to paragraph h), item 2, of article 95, of the Constitution of the Democratic Republic of Timor-Leste, the National Parliament decrees the following to have the force of law:

LAW ON THE ELECTION OF THE NATIONAL PARLIAMENT

TITLE I SCOPE AND GENERAL PRINCIPLES

Article 1 Scope

The present law shall regulate the election of Members to the National Parliament.

Article 2 General principles

1. Members of the National Parliament shall be elected through universal, free, direct, equal, secret, personal, and regular suffrage.
2. Members of the National Parliament shall be elected for a period of five years, corresponding to the duration of the legislative term.

Article 3 National Parliament

The National Parliament is the organ of sovereignty of the Democratic Republic of Timor-Leste that represents all the Timorese citizens and is vested with legislative, supervisory, and political decision-making powers.

TITLE II
ELECTORAL CAPACITY

Article 4
Active electoral capacity

1. Active electoral capacity is granted to all Timorese citizens over 17 years of age residing in the national territory.
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.

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;
- b) Individuals clearly and publicly known as mentally ill even where they are not judicially disabled.

Article 6
Passive electoral capacity

Timorese citizens with active electoral capacity are eligible to run for the National Parliament.

Article 7
Ineligibility

The following are ineligible to run for the National Parliament:

- a) The President of the Republic;
- b) Magistrates or public prosecutors in service;
- c) Serving career diplomats;
- d) Civil servants in service;
- e) Members of the Timor-Leste defense force (FALINTIL-FDTL) in service;
- f) Members of the police in service;
- g) Ministers of any religion or cult;
- h) Members of the national electoral commission.

Article 8
Immunities and privileges of candidates

1. No candidate can be held in preventive detention during the electoral process, except in case of “*flagrante delicto*” for committing fraudulent crimes punishable with coercive detention of more than 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 purposes of compensation.

TITLE III
ELECTORAL SYSTEM

Article 9
Single constituency

There shall be only one single constituency in the election of the National Parliament, corresponding to the entire national territory, headquartered in Dili.

Article 10
Number of members of Parliament

The total number of Members of Parliament shall be 65.

Article 11
Method of election

Members of Parliament shall be elected through plurinominal lists, presented by political parties or party coalitions, and each voting citizen shall be entitled to one single vote in the list.

Article 12
Organization of the lists

1. Lists proposed for the election by a political party or a party coalition must contain 65 effective candidates as well as no less than 25 alternate candidates.
2. Candidates of each list shall be considered to be sorted in accordance with the sequence of their respective candidacy statement.
3. Lists of effective and alternate candidates must include at least one woman per every group of four candidates, under pain of rejection.

Article 13
Election criterion

1. Conversion of votes into seats shall observe the proportional representation system in accordance with the *Hondt* highest average method, and shall comply with the following rules:
 - a) The total number of votes received for each list shall be counted separately;
 - b) The number of votes counted for each list shall be divided, successively, by 1, 2, 3, 4, 5, etc., and the quotients shall be sorted in a descending order, forming a series with as many terms as the number of seats allocated to the single constituency;
 - c) The seats shall be attributed to the lists corresponding to the terms of the series established according to the rule provided for in paragraph b), and each list shall receive the number of seats corresponding to the number of terms in the series;
 - d) Where there is only one seat left to distribute, and the next terms of the series are equal and belong to different lists, the seat shall be attributed to the list with the least number of votes.
2. Lists obtaining less than 3% (three percent) of the total of votes shall not be entitled to attribution of seats.

Article 14
Distribution of seats

1. Within each list, seats shall be attributed to candidates in accordance with the order of precedence indicated in item 2 of Article 12.
2. In the event of death of the candidate or illness that renders such candidate physically or mentally unable to become a Member of Parliament, the seat shall be attributed to the next candidate in the afore-mentioned list.
3. Where the candidate to whom any of the circumstances referred to in item 2 above applies is a woman, the seat shall be attributed to the next woman candidate on the respective list, where applicable, even as an alternate candidate.

Article 15
Vacancies in the National Parliament

1. Vacancies in the National Parliament shall be filled by the next candidate on the respective list, or, in the event of a party coalition, by the next candidate from the party which proposed the candidate that gave rise to the vacancy.

2. When in applying the rule contained in the final part of item 1 above, it is impossible to fill the vacancy with a candidate proposed by the same party, the seat shall be attributed to the next candidate in the list presented by the party coalition.
3. Where the candidate that gave rise to the vacancy is a woman, the seat shall be filled with the next woman candidate on the respective list, where applicable, and the same rule shall apply to party coalitions.
4. The vacancy will not be filled where there are no more non-elected effective candidates or alternate candidates on the lists to which the holder of the vacant seat belonged.
5. Members of Parliament who are appointed as members of the Government cannot hold their seats while exercising functions as members of Government and shall be substituted in accordance with item 1 above.

Article 16
Forfeiture of seat

1. A Member of Parliament elected to the National Parliament on a list presented by a political party or a party coalition who, after his or her election, transfers himself or herself to another party, shall forfeit his or her seat.
2. In the case provided for in item 1 above, the vacancy shall be filled in accordance with Article 15 above.

TITLE IV
ORGANIZATION OF THE ELECTORAL PROCESS

CHAPTER I
SCHEDULING OF THE DATE OF ELECTIONS

Article 17
Scheduling of elections

1. After hearing the Government and the political parties seating in the National Parliament, the President of the Republic shall schedule by decree the election date for the Members of Parliament at least eighty 80 days or, in case of dissolution, 60 days, in advance.
2. Elections for organs of sovereignty shall not take place simultaneously and there shall be a minimum period of three weeks separating them.

Article 18
Electoral calendar

The Technical Secretariat for Electoral Administration (STAE) shall publish the calendar of the electoral operations in the *Official Gazette* within 8 days from the publication of the decree referred to in item 1 of article 17 above.

CHAPTER II
PRESENTATION OF CANDIDACIES

Article 19
Power of nominating candidacies

1. Candidacies shall be presented by duly registered political parties individually or in party coalition as long as they are duly registered, and the lists may include citizens not belonging to the respective parties.
2. No political party or party coalition may present more than one list of candidates.
3. No one can be a candidate on more than one list, under pain of ineligibility.

Article 20
Party coalitions for electoral purposes

1. Once the election date has been scheduled, and within the subsequent twenty days, two or more political parties may form coalitions for electoral purposes with the objective of presenting one single list for the election of the National Parliament, in accordance with the contents of the following items.
2. For the purposes of the present law, the formation of party coalitions (party coalitions) for electoral purposes shall observe the provisions of the law governing the political parties and shall be immediately communicated to the national electoral commission (CNE) with an indication of the respective denomination, abbreviation, flag and symbol.
3. The information referred to in item 2 above shall be communicated by CNE to STAE, which will immediately announce it through a notice published on the *Official Gazette*.

Article 21
Representatives of the proposers

In presenting lists of candidates, political parties and party coalitions shall be represented by a person nominated by them.

Article 22
Place and deadline for presentation of candidacies

The lists of candidates shall be presented to CNE within a period of thirty days from the date of publication of the decree scheduling the election date.

Article 23
Draw of lists presented

1. On the day following the end of the deadline set for presentation of candidacies, CNE shall draw the lists presented in the presence of the candidates or their representatives in order to determine their order on the ballot papers, and shall draft the respective minutes thereafter.
2. The holding of the draw and the printing of the ballot papers shall not imply the admission of the candidacies and they shall be considered ineffective with respect to the list or lists that are definitively rejected.
3. The result of the draw shall be posted on the door of the building headquartering CNE, and a copy thereof shall be forwarded to STAE.

Article 24
Admission of candidacies

1. After the draw, CNE shall verify the legitimacy of the process of admission and the authenticity of the comprising documents, and shall request STAE to verify the identity and registration of the candidates as voters in the voter registration.
2. Ineligible candidates shall be rejected.
3. Upon detection of a breach of procedure, the representative of the candidacy shall be notified to correct the irregularity within two days.
4. The decision by CNE applying to all the candidacies shall be announced within ten days from the end of the deadline for presentation of candidacies and shall be immediately communicated to the representatives of the candidacies and to STAE.

Article 25
Complaints and appeals

1. Complaints relating to the process of presentation of candidacies shall be filed with CNE and the resulting decisions shall be appealed against to the Supreme Court of Justice (STJ).
2. Decisions of CNE and STJ shall be mandatorily communicated to STAE.

Article 26
Substitution and withdrawal of candidacies

1. Any candidate is free to withdraw through a written statement containing his or her certified signature; however, the list presented shall remain valid.
2. Candidates may only be substituted up to twenty-one days before election day in the following cases:
 - a) Elimination of the candidate by virtue of final judgment on an appeal grounded on ineligibility;
 - b) Withdrawal of the candidate.
3. In case of death or illness of a candidate leading to physical or mental disability, his or her substitution may take place up to seventy-two hours before the election.
4. Substitution shall be optional and the substitutes shall be included on the list after the last alternate candidate.

Article 27
Withdrawal of list

A list may be validly withdrawn up to seventy-two hours before election day through communication by the respective representative to CNE which, in turn, shall immediately communicate the fact to STAE.

CHAPTER III
ELECTORAL CAMPAIGN

Article 28
Period of electoral campaign

The electoral campaign shall have a duration of thirty days and shall expire two days before election day.

Article 29
Principles of electoral campaign

1. The electoral campaign shall be conducted in due respect for the following principles:
 - a) Freedom of electoral propaganda;
 - b) Equal opportunity and treatment for the different candidacies;
 - c) Impartiality of public entities insofar as candidacies are concerned;
 - d) Transparency and monitoring of electoral accounts.

2. CNE shall verify the compliance with these principles, to be applied from the date of scheduling of the election date, and shall adopt measures that ensure their compliance with, and the peaceful unfolding of, the electoral campaign.

Article 30
Electoral propaganda

Electoral propaganda shall mean all the activities directly or indirectly aiming at promoting candidacies, by candidates, political parties or party coalitions, such as the publication of texts or images that express or reproduce the content of such activity.

Article 31
Financing

Financing of candidacies shall be governed by specific legislation and, with the necessary adaptations, by the applicable norms of the law on political parties.

CHAPTER IV
POLLING CENTRES AND POLLING STATIONS

Article 32
Polling centres

1. There shall be at least one polling centre in each *suco* and, depending on the number of electors or the distance between hamlets composing the *suco*, STAE may establish additional polling centres without prejudice to the need to safeguard the secrecy of vote.
2. Where deemed necessary, each polling centre may be subdivided into more than one polling station.
3. The number and location of polling centres and polling stations shall be announced by STAE until thirty days before election day.

Article 33
Working timetable

1. On the day scheduled for the election, polling centres and polling stations shall open at 07:00 hours and close at 16:00 hours and shall work uninterruptedly throughout this period.
2. After the closing time, only electors 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.

Article 34
Electoral officers

1. Each polling centre or polling station shall be comprised of 5 electoral officers, with the following elements:
 - a) One president;
 - b) One identification verification officer;
 - c) One ballot paper controller;
 - d) One ballot box controller;
 - e) One queue controller.
2. Only national citizens who can read and write may be electoral officers, and they shall be selected from among local electors 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 their duty to attend their respective job or service, without prejudice to their working rights, including the right to total remuneration, which can be claimed upon proof of the exercise of such functions issued by STAE.

Article 35
Delegates of candidacies

The lists are entitled to nominate delegates to supervise voting operations and tabulation of results and who shall be entitled to the right referred to in item 3 of Article 34 above.

Article 36
Prohibition of presence of Defense Force

1. The presence in polling centres and polling stations of members of FALINTIL-FDTL in service shall be prohibited.
2. Only the presence of Timor-Leste national police (PNTL) members shall be authorized to stay more than 25 metres outside of the polling centres or polling stations.
3. A regulation, to be approved by STAE, shall contain the circumstances in which the intervention of members of security forces referred to in items 1 and 2 above shall be exceptionally authorized.

CHAPTER V VOTING

Article 37 Right to vote

1. The act of voting is a right and a civic duty.
2. The right to vote shall be exercised in a direct and personal manner by the voting citizen.
3. Each voter is only allowed to vote once.
4. Managers of public or private services and companies working on election day should arrange for their workers to be released from their duty for the period of time deemed necessary for exercising their right of vote.

Article 38 Freedom and secrecy of vote

Voting shall be free and nobody may be forced to disclose on whom they voted or are going to vote either inside or outside of the polling centre of polling station.

Article 39 Ballot papers

1. Ballot papers shall be rectangular in form and large enough to fit in the indication of all the candidacies and shall be printed in white, smooth, non-transparent paper.
2. Each ballot paper shall contain the denomination, abbreviation, flag or emblem of the political party or party coalition, as well as the photograph of the candidate appearing in first place on the lists admitted for election, in accordance with the sample to be approved by CNE, under proposal of STAE, and the flag, the emblem, and the photograph shall be colorful.

Article 40 Identification of the voter

1. Presentation of the updated voting card shall constitute a necessary condition for exercising the right to vote.
2. Voters who have lost their voting card shall request STAE to issue a duplicate up to two months before election day.

3. Where a voter does not possess his or her updated voting card on election day, he or she may exercise his or her right to vote by presenting the old voting card or another official document containing a recent photograph.

Article 41
Location for exercising the right of vote

Voters may cast their vote in any polling centre or polling station.

Article 42
Non-voting in a polling centre or polling station

1. Voting may not be held in a polling centre or polling station if the polling centre or polling station cannot be constituted, if any disturbance occurs that determines the interruption of the electoral operations for more than two hours, or if a natural disaster occurs on election day or on the three previous days.
2. Where any of the circumstances referred to in item 1 above occurs, CNE shall convene a new voting to be held in the same polling centre or polling station on the same day of the ensuing week.

Article 43
Voting method

1. The voter shall mark his or her choice by putting a cross in the white square appearing in the line corresponding to the list for which he or she opted for or by piercing the same square, as established in a specific regulation.
2. After this, the voter shall fold the ballot paper in four, with the printed part inside, and, moving towards the electoral officers, he or she shall handover the ballot paper to them so that it is inserted into the ballot box, which shall be transparent in colour.

Article 44
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 list that has been withdrawn from the elections 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 45

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 analyzed immediately by the electoral officers and, in case of need, the latter may consult STAE.
3. Complaints must be the object of a decision approved by a minimum of three electoral officers.
4. Decisions shall be communicated to the complainers who, if so wish, may address the complaints to CNE, to be submitted in the respective polling centre or polling station accompanied by all the documents relating to that polling centre.

CHAPTER VI

TABULATION OF RESULTS

Article 46

Counting of votes and initial tabulation

1. Counting of votes shall start immediately after the closing of the polling centre or polling station and the analysis of doubts, complaints and protests and shall be undertaken in the very same place by the electoral officers in the presence of delegates of candidacies and, where they exist, of observers, both national and international, and media professionals.
2. After the counting of the votes or while the counting process is taking place, delegates of candidacies may file claims, which shall be analyzed and decided upon pursuant to items 2 and 3 of article 45 above.
3. Where more than one hour has elapsed since the start of the counting operation and the counting operation has not been completed, the ballot boxes, which shall be transparent in colour, shall be sealed, identified and transported to the district tabulation station after all the ballot papers have been reinserted in them.
4. Once the operations provided for in item 1 above have been completed, and once the doubts and protests presented have been analyzed and the claims have been decided upon or the circumstance referred to in item 3 has been verified, the minutes containing all the pertinent occurrences shall be prepared and immediately forwarded to the district tabulation station.

Article 47
District tabulation station

1. District tabulation stations shall be composed of one member of CNE, who shall preside it over, one STAE district representative, a half of the presidents of the district polling centres or polling stations, who are nominated by a draw, and a half of the brigadists of STAE pertaining to the respective district.
2. Delegates of the candidacies and, where they exist, observers and media professionals, may be present at the district tabulation station.
3. District tabulation stations shall reopen the ballot boxes, which shall be transparent in colour, in the case provided for in item 3 of article 46 above, shall count the votes at the district level, based on the minutes of initial tabulation forwarded by the polling centres and polling stations of the respective district, and shall prepare the minutes thereof, which shall be forwarded by the safest way to the national electoral commission within 2 days from the election day, together with the null votes, the protested votes, and the complaints, where they exist, with copy to the national directorate of STAE.
4. The tabulation of results shall take place uninterruptedly until such a time as all ballot papers have been counted.
5. It shall be incumbent upon PNTL to guarantee the security of the district counting headquarters, pursuant to item 2 of article 36.

Article 48
National tabulation station

1. Within seventy-two hours of receiving the district tabulation minutes, CNE shall proceed to the national tabulation by verifying the district tabulation minutes and deciding definitively on the ballot papers considered null and subject to protests forwarded to it, including the complaints filed pursuant to item 4 of Article 45.
2. Once the operations referred to in item 1 above have been completed, and within the same time limit, CNE shall prepare the minutes of the provisional tabulation of the national results and shall post it on its headquarters, with copy to STAE and the national media.

Article 49
Appeals

1. Appeals against the provisional tabulation of the national results published by CNE shall be filed within 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 item 1 above has been 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 district tabulation as well as any other documents it deems important, with a clear indication that no appeal has been filed.

Article 50
Proclamation of results and validation of election

1. Once appeals have been decided upon pursuant to item 1 of Article 49 above, or after the time limit has been 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 elections for the National Parliament and, through its President, it shall proclaim the final results within a maximum period of seventy-two hours, announcing mandatorily the total number of registered and voting electors, the total number of votes obtained per list, the blank votes and the null and void votes, the distribution of the seats by the running lists and the determination of the candidates elected per each list.
2. The decision of STJ shall be sent for publication in the *Official Gazette*, with copy to CNE and STAE.

TITLE V
ELECTORAL OFFENCES

Article 51
Obstruction to candidacy

Any person who, in any manner whatsoever, prevents another person, political party or party coalition, from participating in the electoral process, shall be punished with coercive detention of one to two years or fine between 500 and 1,000 US dollars.

Article 52
Candidature of an ineligible citizen

Any person without passive electoral capacity who knowingly accepts his or her candidacy shall be punished with coercive detention of up to year or fine of up to 500 US dollars.

Article 53
Illicit electoral propaganda

1. Any person who employs legally prohibited propaganda or continues to employ it in any manner whatsoever past the time limit published in article 28 or in a

- prohibited location shall be punished with coercive detention of up to three months or fine of up to 100 US dollars.
2. Any person who prevents the exercise of the right to electoral propaganda or destroys it illegitimately shall be punished by coercive detention of up to 6 months or fine of up to 200 US dollars.

Article 54
Obstruction to freedom of choice

1. Any person who uses violence or threatens to use violence against any elector or who employs deceit, fraudulent trickery, false news or any other illegal means to force the elector not to vote or to vote in a certain direction, or to abstain from voting or to buy votes, shall be punished with coercive detention of up to 2 years or fine of up to 1,000 US dollars.
2. The penalties provided for in item 1 above shall be applied to any person who, when asked to assist a blind citizen in his or her vote or to assist somebody legally entitled to such assistance, expresses unfaithfully the vote cast.

Article 55
Disturbance of the voting

1. Any person who, by any means whatsoever, disturbs the functioning of the polling centre or polling station, shall be punished with coercive detention of up to one year or fine of up to 500 US dollars.
2. The perpetrator shall be punished with coercive detention from six months to two years or fine between 200 and 1,000 US dollars if the disturbance results from:
 - a) Violence or acts of violence;
 - b) Disturbance near the polling centre or polling station;
 - c) Intentional cut of electricity;
 - d) Absence of somebody who is indispensable to the voting if, for this reason, the voting is considered seriously affected in its commencement or unfolding.
3. The provisions contained in items 1 and 2 above shall be applicable if the acts are committed at the time of the tabulation of the results after the voting has been completed.

Article 56
Obstructing supervision of the voting

Any person who, by any means whatsoever, prevents the delegate of any candidacy from exercising their powers, shall be punished with coercive detention of up to 1 year or fine of up to 500 US dollars.

Article 57
Violation of the right to vote

1. Any person who does not have electoral capacity or, having electoral capacity, casts his or her vote more than once, shall be punished with coercive detention of up to two years or fine of up to 1,000 US dollars.
2. The same penalty shall apply to any person who fraudulently allows the commitment of the acts outlined in item 1 above.

Article 58
Violation of the counting

1. Any person who, by any means whatsoever, subverts the counting of votes in the process of tabulation or publication of the electoral results, shall be punished with coercive detention from six months to three years or fine between 200 and 2,000 US dollars.
2. The same penalty shall apply to any person who fraudulently replaces, destroys, suppresses, violates, subverts, or falsifies ballot papers or tabulation papers or documents relating to the election.

Article 59
Non-compliance with duties to participate in the electoral procedure

Any person who has been appointed to be part of the polling centre or polling station and who does not fulfill or abandons these functions without proper justification shall be punished with coercive detention of up to three months or fine of up to 100 US dollars.

Article 60
Violation of secrecy of vote

Any person who violates the secrecy of vote by obtaining or disclosing knowledge of the direction of vote of another person shall be punished with coercive detention of up to six months or fine of up to 200 US dollars.

Article 61
Breach of duties of neutrality and impartiality

Members of the electoral administration or collaborating with it who breach the duties of neutrality and impartiality shall be punished with coercive detention of up to two years or fine of up to 1,000 US dollars.

Article 62
Infringement of freedom of electoral assembly

Any person who prevents the holding or carrying out of a meeting, demonstration, rally, parade or march of electoral campaign shall be punished with coercive detention of up to two years or fine of up to 1,000 US dollars.

Article 63
Non-compliance with other obligations

Any person who does not comply with any obligations arising from the present law, or who does not undertake the acts necessary for its compliance, or who unjustifiably delays its compliance, shall, in the absence of applicable legal provision, be punished with coercive detention of up to one year or fine of up to 500 US dollars.

TITLE VI
FINAL AND TRANSITIONAL PROVISIONS

Article 64
Exemptions

Documents required for presentation of candidacies, notary certifications on documents for electoral purposes, and complaints or appeals referred to in the present law, shall be exempt of any charges and fees or costs.

Article 65
Regulation

1. The norms of procedure relating to presentation of candidacies, electoral campaign, the functioning of the polling stations 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, delegates and media professionals shall be guided by codes of conduct approved pursuant to item 1 above.
3. The regulations and codes of conduct referred to in items 1 and 2 above shall be approved in a meeting to that effect to be held in the week following the respective swearing-in ceremony.

Article 66
National and international observers

1. Electoral observer shall mean an individual representing a national or international organization who requests his or her registration with STAE and is accepted as such.
2. The functions of an observer shall namely be the following:
 - a) Follow up on the unfolding of the voting operations from the installation of the polling centre or polling station up until its closure;
 - b) Follow up the transportation of the ballot boxes, which shall be transparent in colour, as well as other items from the polling centre or polling station to the district tabulation station;
 - c) Follow up on the process of counting of votes and tabulation of results;
 - d) Prepare a report of the observation whenever so requested.
3. The acquisition of the status of national or international observer and the performance of the respective functions shall be in compliance with rules contained in a code of conduct to be prepared by STAE and approved by CNE.

Article 67
Judicial functions

Until such a time as STJ initiates its functions, the competencies attributed to it in the present law shall be exercised by the Court of Appeals.

Article 68
Revocations

1. The following regulations are expressly revoked:
 - a) UNTAET Regulation No. 2001/2, of 26 February;
 - b) UNTAET Regulation No. 2002/3, of 23 March;
 - c) UNTAET Regulation No. 2001/11, of 13 July.
2. Statutes or norms that are contrary to the provisions of the present law are also hereby revoked.

Article 69
Entry into force

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

Approved on 18 December 2006.

The Speaker of the National Parliament,

Francisco Guterres “Lu-Olo”

Promulgated on 22 December 2006.

To be published.

The President of the Republic

Kay Rala Xanana Gusmão