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# **Elections in Timor-Leste**

## *2017 Parliamentary Elections*

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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## Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by the Timor-Leste elections authorities as of July 17, 2017, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **When is Election Day?**

On May 2, 2017, the president of the Republic of Timor-Leste announced that the parliamentary elections will be held on July 22, 2017. The announcement was made 80 days prior to Election Day, the minimum length of time as required by law.

## **What is the legal framework governing the parliamentary elections?**

On March 13, 2017, the National Parliament sent National Parliament Decree No. 37/III, approving the fourth amendment to Law No. 6/2006 of December 28 (Parliamentary Election Law), to the president of the Republic for promulgation as law. On April 2, 2017, the president of the Republic referred elements of the new law to the Court of Appeals, who are acting as the Supreme Court in the absence of the appointment of a Supreme Court, for preventative constitutional review. On April 26, 2017, the Court ruled these provisions to be constitutional, and on May 5, 2017, the president promulgated the amended law as Law 9/2017 on Elections to the National Parliament.

The amended parliamentary election law made some significant changes to the law since the 2012 parliamentary elections. The minimum percentage of valid votes that a political party or coalition must obtain to be included in the distribution of parliamentary seats was raised from three percent to four percent. The powers of the independent National Election Commission (*Comissão Nacional de Eleições* [CNE]) were reduced, with its ability to approve election regulations transferred to the government and its responsibilities to verify candidate lists and validate candidates transferred to the Supreme Court.

Additional text in the law reinforced the requirements for political parties to be transparent, internally democratic and non-discriminatory for their candidate lists to be validated. As noted above, members of Parliament may now lose their parliamentary mandate upon violating party discipline; additional circumstances and a more rigorous process for losing the mandate are also included in the new law.

Voter registration for this election is governed by Law 06/2016 on Voter Registration, and the roles of election management bodies are governed by Law 07/2016, the second amendment to Law 05/2006 on Election Management Bodies. Some elements of the submission of candidate lists for the parliamentary election are governed by Law 2/2016 on Political Parties and campaign finance is regulated by Law 6/2008 on Financing of Political Parties.

Government decrees provide more detailed regulatory frameworks for: voter registration (Decree 12/2016); submission of candidate lists (Decree 16/2017); oversight, observation and media coverage of the election (Decree 17/2017); campaigns (Decree 18/2017); out-of-country voting (Decree 19/2017); and the organization of polling centers, voting, vote counting and the tabulation of results (Decree 21/2017).

## **Who administers parliamentary elections in Timor-Leste?**

Timor-Leste's two election management bodies are the National Election Commission (*Comissão Nacional de Eleições* [CNE]) and the Technical Secretariat for Electoral Administration (*Secretariado Técnico de Administração Eleitoral* [STAE]).

The CNE is an independent body comprised of seven commissioners appointed for five-year terms, who may be reappointed only once. One member is appointed by the president of the Republic of Timor-Leste; three are appointed by the National Parliament (of whom one must be a woman); one is appointed by the government; one is elected from among judicial magistrates; and one from among public prosecutors. One of these members is elected by National Parliament to be the president of the CNE. Currently two members are women.

The CNE's major task is to supervise the STAE's work to ensure that constitutional and legal norms are followed, citizens are treated lawfully and equally and political contestants are free to campaign. The CNE supervises the municipal-level tabulations of election results and compiles a provisional national results tabulation for review by the Supreme Court. It handles procedural complaints and notifies the public prosecutor of apparent illegal electoral acts. The CNE also delivers civic education programs.

The STAE is a government body that is within the Ministry of State Administration and Territorial Management, and is led by a civil servant with the rank of director general. The STAE is responsible for implementing all electoral activities. This includes drafting of electoral regulations; compilation and management of the voter register; voter education; the procurement of electoral supplies and equipment; the administration of voting and counting of ballots; and the conduct of out-of-country voting.

Verifications and appeals on election related matters are lodged, by law, with the Supreme Court. As the Supreme Court has yet to be established, these responsibilities are undertaken by the Court of Appeal.

## **What is the election system used for the parliamentary election?**

The members of the National Parliament are elected using a proportional representation closed list electoral system, with the whole territory of Timor-Leste (including any votes cast abroad) as a single electoral district. Political parties or coalitions of parties must obtain at least four percent of total valid votes to be included in the distribution of seats in Parliament.

## **How many members are there in the National Parliament and how long is their term of office?**

There are 65 members of the National Parliament. Currently 25 of them are women. The term of office for members of the National Parliament is five years.

## **Who is qualified to be a candidate for the election?**

Candidates must be a citizen of Timor-Leste, 17 or older and on the voter register. Citizens who hold certain positions, such as judicial officers, civil servants, defense and police force members, ministers of religion, diplomats and members of the National Election Commission, are disqualified from being a candidate.

All candidates must be included in a political party or coalition's candidate list. A candidate may not be included in more than one candidate list.

## **How are the candidate lists structured?**

Each candidate list must contain 65 candidates and 25 supplementary candidates. At least one out of every group of three persons on each candidate list must be a woman.

The order in which a political party or coalition places the names of candidates on the list it submits is the order in which any seats won by the political party or coalition are distributed to its candidates.

The list is in effect for the term of office of the National Parliament. Any elected member of the Parliament who resigns or no longer has a mandate is replaced by the next available candidate in order on the relevant political party or coalition's candidate list. If the list of candidates is exhausted, any vacancies are filled in order by supplementary candidates.

## **Which political entities are eligible to submit candidate lists for the election?**

Political parties registered with the Supreme Court may submit a single candidate list for the election.

A coalition of political parties may also submit a single candidate list for the election. Political parties that intended to form a coalition to contest the election were required to register the coalition with the National Election Commission no later than May 22, 2017. Only one coalition applied: Bloku Unidade Popular, formed by the political parties Partido Milenium Democratico (PMD), Partido Liberta Povo Ailaba (PLPA) and Partido Democratica Republica de Timor (PDRT).

## **Which political parties and coalitions will be contesting the election?**

The deadline for submitting candidate lists to the Court of Appeal was June 1, 2017. By this date, 22 political parties and one coalition had submitted candidate lists. Following verification of these submissions by the Court, the Court accepted the candidate lists from 20 political parties and one coalition on June 11, 2017, while rejecting the candidate list from Partido do Povo de Timor (PPT) and two candidate lists submitted by Associacao Sosial Democrata Timorense (ASDT). Appeals by PPT and ASDT against these decisions were rejected by the Court, and on June 15, 2017 the Court held a lottery to determine the order of the contesting political parties and coalition on the ballot paper. The ballot paper order is as follows:

<b>POLITICAL PARTY OR COALITION</b>	<b>POSITION ON BALLOT PAPER</b>
Koligasaun – Bloku Unidade Popular	1
APMT – Partido Associacao Popular Monarquia Timorese	2
KHUNTO – Partido Haburas Unidade Nacional Timor Oan	3
PEP – Partido Esperenca da Patria	4
PST – Partido Sosialista de Timor	5
PDP – Partido ba Dezenvolvimentu Popular	6
CNRT – Congresso Nacional de Reconstrucao de Timor-Leste	7
PR – Partido Republicano	8
UDT – Uniao Democratica de Timor	9
PDC – Partido Democrata Cristao	10
MLPM – Partido Movimento Libertasaun Povo Maubere	11
PLP – Partido da Libertacao Popular	12
PD – Partido Democratico	13
UNDERTIM – Unidade Nacional Democratica da Resistencia Timorese	14
PUDD – Partido do Unidade Dezenvolvimentu Demokratiku	15
PTD – Partido Timorese Democratico	16
Partido Frenti-Mudanca	17
PSD – Partido Social Democratica	18
CASDT – Partido Centro Accao Sosial Democrata Timorese	19
PDN – Partido do Desenvolvimento Nacional	20
FRETILIN – Frente Revolucionario de Timor-Leste	21

## **When is the election campaign period?**

Candidates may campaign for election during a 30-day period between June 20, 2017 and July 19, 2017. The National Election Commission oversees the conduct of the campaigns by each candidate and, following advice from the election contestants, issues a campaign schedule defining where and when each political party or coalition is holding campaign events.

## **Who may vote in this election?**

Citizens of Timor-Leste who are at least 16 years of age may register to vote. However, a person is not included in the voter register for an election unless they are at least 17 years of age on Election Day. The Technical Secretariat for Election Administration (STAE) held a voter register update campaign for the parliamentary elections between April 8 and June 10, 2017.

Registered voters may cast their ballot by showing their voter registration card at a polling center within their registered geographic area. If a voter does not have a voter registration card, they may vote if their name appears on the voter register for that polling center and they show a national ID card or passport.

If a geographic area of registration contains more than one polling center, the STAE issues stickers on the voter's registration card identifying a voter's nearest polling center. Voters may collect these stickers from the STAE's offices between July 10 and 20, 2017.

Additionally, out-of-country voter registration was open for qualified Timorese citizens who currently reside in the geographic areas of responsibility of the Timor-Leste diplomatic missions to Portugal, the United Kingdom and South Korea, and the Timor-Leste consular offices in Darwin, Sydney and Melbourne, Australia.

## **How many registered voters are there?**

There are 758,785 voters<sup>1</sup> registered within Timor-Leste for the parliamentary elections. This compares to 741,757 voters registered for the presidential election on March 20, 2017.

Additionally, there are 2,122 voters registered as out-of-country voters (1,250 men and 872 women) registered as out-of-country voters compared to 1,393 for the presidential election.

For the presidential election, overall voter turnout was 71 percent (78 percent for men and 63 percent for women), while out-of-country voter turnout was 39 percent.

## **How many polling stations are there?**

On June 22, 2017, the Technical Secretariat for Election Administration (STAE) announced that there would be 1,112 polling stations located in 837 polling centers in Timor-Leste, with an additional polling stations located in six centers abroad. This is an increase of 174 polling stations and 148 polling centers compared to the 2017 presidential election. However, it is a significant decrease from the 2,225 polling stations deployed for the 2016 local government (*suco*) elections.

The STAE may change the number and location of polling centers and polling stations until 10 days before Election Day (i.e., July 12, 2017).

Polling stations will be open for voting between 7 a.m. and 3 p.m. on Election Day. Voters already in queue to vote at 3 p.m. are eligible to vote.

## **How many poll workers are there per polling station?**

On Election Day, each polling center will be led by a president and each polling station within that polling center is managed by a secretary, who supervises nine polling staff. However, polling stations may operate with a minimum of six staff. Overall, there is expected to be around 12,000 polling station members.

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<sup>1</sup> As published in the *Jornal do Republica* on June 21, 2017.

## **How will voters with disabilities cast their ballots?**

The Republic of Timor-Leste is not yet a signatory to the United Nations Convention of the Rights of Persons with Disabilities. Persons with a physical or visual disability may appoint a person of their choice to assist them with voting. Instructions to polling officials require that they bring persons with disabilities to the front of the queue when waiting to vote, along with the elderly and pregnant women. There are no other specific facilities to support persons with disabilities in registering to vote or voting. It is not known how many persons with disabilities are registered to vote.

## **Is out-of-country voting allowed?**

Out-of-country voting will be available at Timor-Leste diplomatic missions or consular offices in Lisbon, Portugal; London, United Kingdom; Seoul, South Korea; and Darwin, Sydney and Melbourne, Australia. Voters must be on the voter register compiled for the areas covered by these missions or offices and vote in person on Election Day.

## **How and when are the results tabulated for the election?**

After the close of voting on Election Day, ballots will be counted and tabulated in each polling center. Initially, the secretaries of each polling station within the center count their unused and cancelled ballot papers and secure them. The ballot boxes are then opened, the ballot papers from all voting stations within the polling center are mixed, the votes counted and the results tabulated and publicly displayed.

The tabulation records from all polling centers within each municipality are then amalgamated at municipal tabulation centers. The committees tabulating these votes are chaired by the municipal directors of the Technical Secretariat for Election Administration (STAE), and are comprised of the presidents of all polling centers in the municipality and officials appointed by the STAE. Their work is supervised by a municipal delegate of the National Election Commission (CNE).

Within two days of the Election Day, each municipal tabulation committee must send the results of its tabulation to the CNE, which has 72 hours from receipt of municipal tabulations to verify them, and then a further 72 hours to complete and publicize a provisional national tabulation of the election results (no later than July 30, 2017). Following the review of the tabulation records and consideration of any appeals against the provisional results, the decision of the Court of Appeal on the election results will be published in the state gazette no later than August 8, 2017.

## **Who can observe the election?**

National and international observers may observe the election once accredited by the Technical Secretariat for Election Administration (STAE). Applications had to be received no later than July 15, 2017, and require only the name of the observer organization, proof of identity (copy of voter card for national observers, or passport for international observers) and a signature and photographs for the



observer accreditation card. A government decree defines the rights and responsibilities of observers. They may have their accreditation withdrawn for a breach of the observer code.

Political parties and coalitions may also request accreditation of political party agents by June 13, 2017. Each contesting political party and coalition party may appoint up to five agents for each polling station and polling center. Only one agent from each party or coalition may be inside a polling station at any time.

## **Who provides security for the election?**

Election security is primarily the responsibility of the Timor-Leste National Police who receive a specific allocation to provide this from the budget for election implementation. Unless requested to act in relation to emergencies or legal breaches, police must be at least 25 meters away from each polling station. The Timor-Leste Defense Force may also have a role under its responsibilities for crisis management, intra-government cooperation and maintaining civil order.

## **How are election disputes resolved?**

Alleged breaches of election law, regulations, codes of conduct or procedures can be referred to the National Election Commission (CNE) for decision. In polling stations, complaints about election operations are determined in the first instance by a vote of that polling station's polling officials, who may consult with the Technical Secretariat for Election Administration (STAE). If unsatisfied, a complainant may then refer the complaint to the CNE, which must decide on it within 72 hours of its receipt. The CNE has specifically defined responsibilities in relation to appeals against the STAE's decisions on registration of voters.

The CNE is required to refer alleged criminal breaches to the Public Prosecutor. Decisions of both the CNE and the STAE can be appealed to the Court of Appeal. Appeals against the provisional national election results published by the CNE can be lodged with the Court of Appeal within 48 hours of their publication.

## Resources

- Calendar of Election Operations for the National Parliament ([English](#) | [Tetun](#) | [Portuguese](#))
- Constitution of Timor-Leste ([English](#) | [Tetun](#) | [Portuguese](#))
- Government of Timor-Leste Law No. 06/2016 on Voter Registration ([English](#) | [Tetun](#) | [Portuguese](#))
- Government of Timor-Leste Law No. 07/2016, Second Amendment to Law No. 05/2006 on Election Management Bodies ([English](#) | [Tetun](#) | [Portuguese](#))
- Government of Timor-Leste Law No. 9/2017, Fourth Amendment to Law No. 6/2006 on Election of the National Parliament ([English](#) | [Tetun](#) | [Portuguese](#))
- Government Decree No. 16/2017 on Submission of Candidatures for the Election of Deputies to the National Parliament ([English](#) | [Tetun](#) | [Portuguese](#))
- Government Decree No. 17/2017 on Oversight, Observation and Media Coverage for the Election of Deputies to the National Parliament ([English](#) | [Tetun](#) | [Portuguese](#))
- Government Decree No. 18/2017 on the Electoral Campaign ([English](#) | [Tetun](#) | [Portuguese](#))
- Government Decree No. 19/2017 on Technical Procedures for the Implementation of the Parliamentary Election Abroad ([English](#) | [Tetun](#) | [Portuguese](#))
- Government Decree No. 21/2017 on the Organization and Operations of Polling Centers and the Voting, Vote Counting and Tabulation of Results Procedures ([English](#) | [Tetun](#) | [Portuguese](#))