**Law No 6/2016**

**The Law on Voter Registration**

The constitution defines the Democratic Republic of Timor-Leste as a democratic, sovereign, independent and unitary state, based on the popular will and respect for the dignity of humanity. Under Article 2 (1) of the Fundamental Law, sovereignty resides in the People, which exercise it under the law.

The exercise of the right to vote, conferred on all citizens over the age of seventeen, constitutes the expressive and important form of manifestation and exercise of popular sovereignty. The exercise of the right to vote is, however, conditional upon being previously registered in the voter register.

Article 65 (2) of the Constitution provides for compulsory voter registration, and establishes the fundamental principles to which it must be subject, in order to guarantee free and fair elections, which are capable of ensuring the correct expression of the will of the people.

The present law seeks to ensure the establishment of a voter registration system in the Democratic Republic of Timor-Leste, in accordance with the principles set out in the Constitution, and capable of serving as a solid and credible basis for the choice of the holders of sovereignty and representative organs of Local Government.

**Chapter I**

**General Provisions**

**Article 1**

**General Rule**

Voter registration is mandatory, official, unique and universal, and updated for each election.

**Article 2**

**Obligatory and Official**

1. Timorese citizens, older than seventeen years, have the right and the duty to actively register for the electoral process, to verify if they are duly registered and to request correction of their data, in case of error or omission.
2. The updating of voters' information in the voter register can also be done officially by the Technical Secretariat of the Electoral Administration (STAE), based on the information provided by the civil identification authorities.
3. The activities provided for in paragraph 1 shall be compulsory for Timorese citizens who are usually resident in the national territory and who are over seventeen.
4. Inclusion in the voter register presumes the active electoral capacity of citizens.

**Article 3**

**Voter registration abroad**

1. The registration of Timorese citizens residing abroad depends on prior consular registration.
2. Citizens registered with consular services are obligatorily and officially registered in the voter lists.

**Article 4**

**Permanence**

Inclusion in the voter registration is permanent and can only be canceled in the cases and on the terms provided by this law.

**Article 5**

 **Uniqueness and universality**

1. There is a single voter registration for all elections by direct and universal suffrage and for referendums.
2. Voter registration covers all citizens with active electoral capacity.

**Article 6**

 **Single registration**

No one may be registered more than once in the voter register.

**Article 7**

 **Geographical voter registration units**

The following are the geographic units for voter registration:

1. In the national territory, the administrative area (posto administrativo);

b) Abroad, as the case may be, the consular district or the country of residence, if there is only an embassy there.

**Article 8**

**Place of voter registration**

1. Voters are registered at the workplace of the registration entity with territorial jurisdiction corresponding to their usual residence.
2. When, after the age of seventeen, citizens require the issue or renewal of an identity card or passport, and do not show a voter card, the services responsible for issuing those documents shall inform STAE, which proceeds with the registration of those citizens, according to the law.

**Chapter II**

 **Voter registration process**

**Article 9 – Voter registration entities**

1. Voter registration is implemented:
2. In the national territory, by STAE;
3. Abroad, by voter registration commissions, consisting of two career consular officials or, when these do not exist, by two diplomatic officials, with the exception of the ambassador, one being a delegate of the Technical Secretariat for Electoral Administration (STAE) and the other a delegate of the National Election Commissions.
4. Only Timorese citizens with active electoral capacity and properly registered during voter registration can exercise their functions within the voter registration process.

**Article 10**

**Voter registration locations**

1. Timorese citizens go to register or update their registration data in the voter register at the followings sites:
2. In national territory, at decentralized STAE offices or at voter registration posts which have jurisdiction over the area where they are usually resident;
3. Abroad, at the headquarters of embassies, consular posts or voter registration offices, with jurisdiction over their area of residence abroad.
4. The registration entities open voter registration posts, whenever the number of voters or their geographical dispersion warrants it, identifying their respective geographic areas of jurisdiction, duration and the places where they will operate.
5. The creation of voter registration posts and their respective areas of jurisdiction, duration and places of operation shall be announced in the Official Gazette and in the media, at least 30 days before they commence operating.

**Chapter III**

**Voter Registration Database**

**Article 11**

**Purpose and update**

1. The purpose of the voter register database (BDRE) is to organize and maintain permanent and current information on voters registered in the voter register.
2. The BDRE shall be permanently updated on the basis of the information in the voters' files from the various geographic registration units and in the deletion advices provided for in this document.
3. The BDRE shall validate all the information, in accordance with the preceding paragraph, ensuring the implementation of the principle of a single registration.

**Article 12**

 **Management and supervision of BDRE**

1. The organization, management and maintenance of the voter registration database are the responsibility of STAE.
2. The organization, management and maintenance of the voters' files of the various geographic registration units are the responsibility of:
3. In the national territory, the decentralized STAE offices;
4. Abroad, the voter registration commissions.
5. The National Election Commission (CNE) monitors and supervises the operations referred to in the preceding paragraphs.

**Article 13**

**BDRE and voter files content**

1. The BDRE and the voters' files in each geographical unit of registration shall consist of the following voter identification data:
2. Registration number in the voter register;
3. The designation of the geographical unit of registration in which the registration was inscription was done;
4. Full name;
5. Name of father and mother;
6. Date of birth;
7. Place of Origin (municipality, administrative post, suco and village);
8. Usual residence (municipality, administrative post, suco and village);
9. Signature and fingerprint of the voter.
10. The BDRE should also include, as appropriate, the following information fields:
11. Note that the voter is a provisionally registered voter, in accordance with the provisions of Article 24;
12. Information on the active and passive electoral capacity of the voter;
13. Identification of the country and place of residence of voters residing abroad.

**Article 14**

**Integration of BDRE data**

In order to verify the identification, and to eliminate unwanted entries due to transfer, deaths and detection of other irregularities in the BDRE, the information received from STAE’s offices and from the voter registration commissions is integrated each month.

**Article 15**

**Data cross checking**

In order to verify the identification, and to eliminate unwanted entries due to transfer, deaths and detection of other irregular situations in the BDRE, data can be cross checked against the databases of the Ministry of Justice, the Ministry of Social Solidarity and the Ministry of Foreign Affairs and Cooperation.

**Article 16**

**Right to information and data access**

1. Any person who has been properly identified has the right to know the contents of the registration or database records in respect of that person, as well as to require the correction of information contained therein and to complete data that has total or partial omissions.
2. For the purposes of the preceding paragraph, the Director General of STAE authorizes the provision of a certificate or computerized report of the personal registration contained in the database.
3. For access to the voter register, data recording, removal of registration or any corrections to be made in the database, STAE employees who are expressly authorized for this purpose must be identified by means of a periodically altered password.
4. STAE maintains a list with a history of those authorized to access the database.
5. CNE and the political parties receive from STAE a list of voters whose records have been updated.

**Article 17**

**Communication of data**

The Director General of STAE authorizes the communication of data contained in the BDRE to security forces and services, or to Public Administration services and bodies, who have been properly identified, in cases where this is indispensable for the continuation of the work of the requesting services and provided that this is not incompatible with the purpose that determined the choice.

**Article 18**

**Information for statistical or research purposes**

The dissemination of data for statistical and research purposes of public interest, is permitted if authorized by the Director General of STAE, provided that the persons to whom the data relates cannot be identified.

**Article 19**

**Security**

1. STAE shall provide the BDRE, voters files, the respective STAE offices and the voter registration commissions with security systems that prevent access, modification, destruction or addition of data by persons not authorized to do so and allow the detection of unauthorized access to information.
2. In order to ensure the security of the information contained in BDRE, the services responsible for the collection, updating and processing of data shall comply with the following rules, among others:
3. Entry to sites used for the processing of personal data shall be subject to controls in order to prevent access by any unauthorized person;
4. Data “containers” are subject to controls to prevent them from being read, copied, altered or removed by any unauthorized person;
5. Data entry is subject to control to prevent the unauthorized addition, access to, amendment or deletion of personal data;
6. Computerized data processing systems shall be subject to controls to prevent unauthorized persons from using them through data transmission equipment;
7. Access to data shall be subject to controls so that authorized persons may only access data relevant to the performance of their duties;
8. The transmission of data is controlled to ensure that its use is limited to authorized entities;

1. The addition of personal data to computerized processing systems shall be subject to controls that verify the completeness of the information, the date and authorship.
2. It is the duty of CNE to provide an opinion on compliance with the provisions of the preceding paragraphs.

**Article 20**

**Responsibility for data protection**

1. The Director General of STAE shall be responsible for the security of BDRE and for the protection of personal data contained therein.
2. The municipal directors of STAE are responsible for the security of the voters' files and for the protection of their data.

**Article 21**

**Professional secrecy**

1. Any person who, in the performance of his or her duties, becomes aware of personal data contained in the BDRE or the register of voters shall be bound by professional secrecy in accordance with the Civil Service Statute.
2. Officials and agents of the public administration who fail to comply with the provisions of the preceding paragraph shall be subject to the disciplinary and criminal proceedings that may apply to the case.

**CHAPTER IV
Voter Registration Operations**

 **Section I
General provisions**

**Article 22**

**Period of operations**
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Voter registration, amendment and deletion of voter registrations, for the purposes of updating the voter register, takes place continuously, without prejudice to the period within which alterations cannot be made provided for in the present document.

**Section II**
**Registration**

**Article 23**

**Registration action**

1. Inclusion in the voter register is activated by the voter upon presentation of the original or a certified copy of the Timor-Leste Democratic Republic identity card, passport or birth certificate of the Democratic Republic of Timor-Leste, baptismal certificate or personal cedula of the Islamic community.
2. If there is doubt as to the authenticity and correctness of the documents presented, as provided in the preceding paragraph, the registration office may require the presentation of another document that supports the identification of the voter or request information from the entity that issued the document presented.
3. In order to facilitate the registration of a voter, in cases where voters do not have the documents referred to in paragraph 1 or when there are doubts about the documents’ authenticity, the voter may prove his/her identity through the provision of a declaration made in front of the chief of the village or the suco and/or through the religious authority in the area of usual residence or place of origin of the voter, for this purpose, these people must prove they may exercise those functions, their identity, and voter registration by showing their voter card.
4. In the cases provided for in the preceding paragraph, the authority identifying the voter must sign the voter registration form and note his/her voter registration number.
5. The provisions of paragraphs 3 and 4 shall not apply to the registration of voters residing abroad.

**Article 24**

**Provisional voter registration**

1. Citizens who are sixteen years old shall have the right to activate their voter registration on a provisional basis, provided that they do not have any other impediment to their capacity to register.
2. The citizens referred to in the preceding paragraph shall be considered provisional voters until the day they reach seventeen years old, at which time they automatically become effective voters.
3. Citizens registered in the voter register that attained the age of seventeen years old up until the day of the election or referendum are also effective voters.

**Article 25
Voter Registration form**

1. The registration form shall consist of an original, a duplicate and a triplicate.
2. The original of the registration form is intended to form the register of voters, organized in order of registration number, maintained in each geographical unit of registration.
3. The duplicate of the registration form is used for the maintenance and updating of the BDRE, through its immediate dispatch to STAE.
4. The triplicate of the registration form is sent to the municipal archive.
5. It is the duty of decentralized TAE offices and voter registration commissions to send to STAE the duplicate registration forms.

**Article 26**

**Content of registration**

1. Registration ls effected by completing the information fields in the voter registration form, which are as follows:
2. registration number corresponding to the identification document used for registration purposes;
3. Designation of the register entity that processes the registration;
4. Full name;
5. Gender;
6. Father’s name;
7. Mother's name;
8. Date of birth;
9. Place of Origin (municipality, administrative post, juice, village);
10. Usual residence (country, municipality, administrative post, juice, village);
11. Date of voter registration:
12. Signature and fingerprint.
13. In cases in which the voter cannot affix their signature and fingerprint, due to a physical limitation, the official responsible for the registration annotates the back of the form, canceling the places for signature and printing of the voter.

**Article 27**

**Acceptance of the form**

The acceptance of the form does not imply a decision on the register process.

**Article 28**

**Voter Registration sponsored by STAE**

1. If registration is sponsored by STAE services, in accordance with the provisions of paragraph 2 of article 8, the form is officially filled in by that service and presented to the voter for signature.
2. If the voter refuses to sign the form, STAE advises this to the district court with territorial jurisdiction over the voter’s usual residence, so that it orders the relevant registration.

**Article 29**

**Voter Card**

1. At the time the voter registration form is submitted, the voter card, duly authenticated by the registration entity, shall be handed over to the registered voter, as proof of his/her registration in the voter register.
2. If registration is not accepted, STAE will communicate its decision to the citizen, who is obliged to return the voter card.
3. The voter card contains the following elements:
4. Full name of the voter;
5. Card number;
6. Identification of the geographic unit of voter registration;
7. Registration number in the voter register;
8. Fingerprint of the voter;
9. Photograph of the voter;
10. Date of birth of the voter;
11. Voter’s place of origin (municipality, administrative post and suco);
12. Date of issue;
13. Signature of the Director General of STAE;
14. Signature of the voter.
15. The voter card includes the national emblem and the STAE logo and has the following security mechanisms as proof of authenticity:
16. Hologram of the national emblem;
17. Bar code of the code generated by the electronic voter card issuing system.
18. In the event of loss of a voter card, the relevant holder shall immediately inform STAE in writing, together with proof of advice of the theft or loss to the police, which shall issue a second copy up until the fifteenth day prior to an electoral act.

**Section III
Amendments, transfers and deletions**

**Article 30**

**Changes to identification information**

1. Any modification to the elements included in the registration form is done by completing the data update form.
2. In the case provided for in the preceding paragraph, the voter registration number is not changed.

**Article 31**

**Amendment to address data**

1. The residence modification to another geographical unit of voter registration implies the transfer of the register to the geographic unit of corresponding to its new residence, maintaining the number of inscription.
2. The residence modification within the same geographical unit of voter registration implies the duty to communicate the new residence to the voter registration entity, by completing the data update form.
3. The voter shall attach to the communication provided for in the preceding paragraph a declaration issued by a public officer or by the suco chief certifying the new address.

**Article 32**

 **Transfer of voter registration**

1. Where there is a change of residence to another geographic unit of voter registration, the voter does the transfer of registration with the voter registration entity with jurisdiction over his/her new area of residence, through completing the data update form and handing over his/her voter card, and a new voter card is issued for the voter.
2. Deletions determined by STAE, as a result of transfers, must be made in the relevant voters’ files as soon as they are received.

**Article 33**

**Amendment of data**

1. Any amendment of the elements of the voter registration form, such as for errors in the names, spelling and dates, is done by completing the data update form, and a new card is issued.
2. Until the thirtieth day prior to the date of an electoral act no change in the voter registration data may be made.

*(Translator note: this is the opposite of what is stated in Article 42 of this law, and logically is incorrect)*

**Article 34**

**Official deletion of voter registration**

The following are officially deleted by STAE:

1. Registration of those who cease to have active electoral capacity, in accordance with the law;
2. Registration of citizens who have lost their Timorese nationality, in accordance with the law;
3. Registration of voters who have since died;
4. Registration canceled in accordance with Article 36.

**Article 35**

**Information on active electoral capacity**

1. Courts shall notify STAE od their decisions on prohibitions, loss of nationality and prohibiting the exercise of public office, within a period of thirty days from the date of the relevant final judgment.

2. Suco chiefs send to STAE, by the eighth day of each month, the list of deaths that have occurred in their suco in the previous month.

**Article 36**

**Multiple voter registration**

1. When a case of multiple voter inscription is detected, the most recent entry prevails, and the previous entries are deleted.
2. If the voter registrations have the same date, the voter is notified to opt for one of them, within a period of fifteen days.
3. If there is no response, STAE, in a decision with reasons, decides and communicates to the voter and to the services that have done the registrations which registration prevails.
4. If the most recent entry cannot be determined, the last communication to BDRE shall prevail.
5. The deletion of a voter registration determined by STAE due to multiple registration is communicated to STAE services or to the voter registration commission that has carried out the relevant registration, which should facilitate the immediate deletion of the voter’s file and the collection of the voter card.

**Section IV**

**List of voters**

**Article 37**

**Elaboration**

The voter register comprises the list of voters compiled by STAE.

**Article 38**

 **Organization**

1. Voter lists are organized alphabetically.
2. The voter lists are numbered, have an annual period of opening and closing and are subscribed and authenticated by STAE.
3. The numbering of the pages of voter lists is sequential and continuous from list to list and is unique by geographic unit of voter registration.

**Article 39**

**Update**

1. The lists of voters shall be updated, as appropriate:
2. By changing the names of voters;
3. By removing voter registrations that have been deleted;
4. By modification of the postal address of the voters;
5. By adding new voter registrations.
6. The Director General of STAE shall forward to the decentralized STAE offices the list of modifications referred to in the preceding paragraph and the reasons for them.

**Article 40**

**Extraction of copies and exhibition for inspection**

1. The Director General of STAE shall extract and forward lists of voters from decentralized STAE offices and from voter registration commissions for the purposes of inspection and complaint by interested parties.
2. Once the deadlines for complaint and appeal have elapsed, decentralized STAE offices and voter registration commissions shall immediately proceed to process amendments resulting therefrom and notify them to STAE within eight days for inclusion in the BDRE.
3. Within thirty days, STAE Director General shall forward to its respective offices and to the voter registration commissions copies of the corrected lists of voters.

**Article 41**

**Hard copies of voter lists in election period**

The Director General of STAE orders the extraction and delivery of hard copies of voter lists for polling stations in the national territory and abroad.

**Article 42**

**Period within which no alterations may be made**

Voter lists may not be changed within the period from 30 days prior to any election or referendum until the proclamation of results.

**Section V**

**Complaints and appeals**

**Article 43**

**Complaints**

1. Citizens have the right to file a complaint against a refusal of registration or update of data by the official responsible for voter registration.
2. During the public display period, any voter or political party may complain in writing to STAE about omissions or improper registration on the voter lists.
3. In the case of a claim of improper registration, STAE immediately informs the relevant voter who must respond within two days.
4. STAE shall decide on complaints within two days of their submission and shall immediately display its decisions at the national headquarters of STAE and at the headquarters of the decentralized STAE office or the voter registration commission, as applicable, that processed the registration.

**Article 44**

**Appeals**

1. STAE decisions on complaints submitted to it may be appealed to the CNE, within a period of twenty-four hours from the announcement of the decision.
2. STAE shall send to the CNE, within a period of twenty-four hours of the filing of the appeal, a certified copy of the proceedings in which the contested decision was made.
3. The CNE shall decide on appeals within forty-eight hours of the receipt of the documents provided for in the preceding paragraph, notifying its decision to the applicant and to STAE.
4. Decisions issued by CNE may be appealed to the Supreme Court of Justice, within twenty-four hours of their being announced.
5. The CNE shall, within twenty-four hours, forward to the Supreme Court of Justice the appeal, accompanied by a certified copy of the documents which record the proceedings in which the contested decision was made.
6. The Supreme Court of Justice shall decide on the appeal within forty-eight hours from the time of receipt of the documents referred to in the preceding paragraph, notifying its decision to STAE immediately.

**Article 45**

**Standing**

1. Voters who lodge a complaint as well as political parties have the standing to appeal the decisions of STAE to the CNE.
2. The complainant electors, the political parties and STAE have the right to appeal decisions of CNE to the Supreme Court of Justice.

**Section VI
Complementary operations**

**Article 46 – Conservation**

It is the duty of STAE to keep and conserve the documents related to voter registration operations.

**Article 47**

 **Number of voters enrolled in the voter register**

STAE publishes in the Official Gazette the number of voters registered in the voter register for each geographical unit.

**CHAPTER V
Monitoring and observation of voter registration**

**Article 48**

**Monitoring of voter registration**

1. Political parties have the right to monitor the entire voter registration process.
2. The monitoring provided for in the previous paragraph is done through agents appointed by the political parties, identified by credentials issued by STAE.
3. An appeal against a decision of STAE to deny a request for candidate agent accreditation for voter registration may be filed with CNE within twenty-four hours from the notification of the decision to reject.

**Article 49**

**Voter registration observation**

1. STAE shall grant national and international observer credentials to those who require this status for the purpose of monitoring voter registration.

2. An appeal against a decision of STAE to deny a request for observer accreditation for voter registration may be filed with CNE within twenty-four hours from the notification of the decision to reject.

**CHAPTER VI
Voter Registration Finance**

**Article 50**

 **Voter Registration expenses**

1. Costs of voter registration shall be the costs resulting from its preparation and execution.
2. The payment of the costs of voter registration shall be paid from the general budget of the State:
3. In the national territory, through the funds allocated to the budget for STAE’s expenditure;
4. Abroad, through the funds allocated to the budget for the expenses of embassies and consulates.

**Article 51**

**Exemptions**

1. The supply of all documents and forms related to voter registration shall be exempt from the payment of any fees.
2. Appeals to the Supreme Court of Justice against decisions issued by CNE regarding voter registration shall be exempt from the payment of any fees or court costs.

**CHAPTER VII
Final dispositions**

**Article 52**

**Collaboration with voter registration operations**

The agencies and services of public administration, and suco and village chiefs collaborate with the voter registration entities in the operation of voter registration.

**Article 53 – Templates of forms**

The templates of the forms foreseen in the present document, as well as in the relevant regulation, are approved by a government decree.

**Article 54
Repeal**

Regulation 45 / STAE / II / 08, of 20 December, is hereby repealed.

**Article 55**

**Entry into force**

This law enters into force on the day after its publication.