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Elections in Timor-Leste

2017 Presidential 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 March 16, 2017, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

On January 16, 2017, the president of the Republic of Timor-Leste announced that presidential elections are to be held on March 20, 2017. If no candidate wins more than half of the valid votes in this election, a run-off election will be held between the two highest valid vote winners on April 20, 2017.

What is the legal regulatory framework governing the presidential elections?

On February 23, 2017, the president of the Republic of Timor-Leste promulgated the fifth amendment to Law No. 7/2006 on Election of the President. Voter registration for this election is governed by Law No. 06/2016 on Voter Registration, and the roles of election management bodies are governed by Law No. 07/2016, the second amendment to Law No. 05/2006 on Election Management Bodies.

The amended presidential election law has changed the authority for issuing subsidiary regulations for the presidential election. Regulations will be issued by government decree, rather than approved by the National Election Commission as for the last presidential election. Some electoral behavioral norms that were previously issued as codes of conduct for observers, political party agents and media, will now also be issued as government decrees.

Who administers presidential 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 of seven commissioners appointed for five-year terms, who may be reappointed once only. 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, and that citizens are treated lawfully and equally. It ensures that political contestants are free to campaign. The CNE supervises 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 apparently illegal electoral acts. The CNE also provides 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; the provision of electoral information to voters; the procurement of electoral supplies and equipment; the administration of voting and counting of ballots; and the conduct of out-of-country voting.

The 2017 presidential election is the first national election to be managed by the CNE and STAE without substantial logistical support from the United Nations.

What are the competencies of the president of Timor-Leste?

Under the Constitution of Timor-Leste, the president has, among others, the following competencies:

- To promulgate laws within 30 days being passed by the National Parliament;
- To veto laws within 30 days of passage by the National Parliament and return them to the National Parliament for further consideration;
- To appoint and swear in the prime minister;
- To dissolve the National Parliament if a government cannot be formed or a state budget passed;
- To dismiss a prime minister whose program has been rejected twice consecutively by the National Parliament;
- To appoint and dismiss senior government members and officials;
- To act as supreme commander of the Defense Force, wage war and make peace;
- To request the Supreme Court to review the constitutionality of laws and regulations; and
- To submit issues of national interest for public referendum.

How long is the president's term of office?

The term of office for the president is five years. The president may be re-elected once.

The winner of the 2017 presidential election will be sworn-in as president of the Republic of Timor-Leste on May 20, 2017.

Who are the candidates for the election?

On February 16, 2017, the Court of Appeal announced that all eight prospective candidates who had submitted applications for candidacy by the February 8, 2017 deadline had met all qualifications to contest the election, including having provided the names and signatures of 5,000 registered voters in support of their candidacy. On February 17, 2017, the Court of Appeal determined by lottery the following order of these candidates on the ballot paper:

1. Antonio Maher (*Partido Socialista Timoreense*)
2. Francisco Guterres Lú-Olo (*Fretilin*)
3. Amorim Vieira (*Independent*)
4. Jose Antonio Neves (Samalarua) (*Independent*)
5. Jose Luis Guterres (*Frente Mudança Party*)

6. Angela Freitas (*Partido Trabalhista*)
7. Luis Alvis Tilman (*Independent*)
8. Antonio da Conceição (*Democratic Party*)

When is the election campaign period?

Candidates may campaign for election during a 15-day period between March 3, 2017 and March 17, 2017. The National Election Commission (CNE) oversees the conduct of the campaign by each candidate and issues a campaign schedule defining where and when each candidate 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 he/she is at least 17 years of age at the date of the election. Persons with a “clearly and publicly known mental disability”¹ or whose electoral rights have been removed through sentence of a court are not eligible to register to vote.

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

Additionally, voter registration as an out-of-country voter was open for Timorese citizens otherwise qualified to vote who reside in the geographic areas of responsibility of the Timor-Leste diplomatic mission to Portugal and the Timor-Leste consular offices in Darwin and Sydney, Australia.

How many registered voters are there?

There are 743,214 voters² (384,192 men and 359,022 women) registered within Timor-Leste for the presidential election. This compares to 628,454 voters registered for the last presidential election in 2012. Additionally, there are 1,399 voters registered as out-of-country voters.

How many polling stations are there?

On February 19, 2017, the Technical Secretariat for Election Administration (STAE) announced that there would be 941 polling stations located in 693 polling centers in Timor-Leste. This is an increase of 61 polling stations and 52 polling centers compared to the 2012 presidential election. However, it is a significant decrease from the 2,225 polling stations deployed for the local government (*suco*) elections of 2016.

¹ Law on Presidential Elections 2017, Article 5(b)

² As published in the *Jornal do Republica* on February 17, 2017.

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

Polling stations will be open for voting between 7 a.m. and 3 p.m. on Election Day.

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 has nine polling staff. However, polling stations may operate with a minimum of six staff. Overall, there is expected to be a little over 10,100 staff in polling centers.

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 to vote. 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.

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 (March 28, 2017). Following review of the tabulation records and consideration of any appeals, the decision of the Court of Appeal on the election result will be published in the state gazette on April 2, 2017.

Who can observe the election?

National and international observers may observe the election once accredited by the Technical Secretariat for Election Administration. Applications must be received seven days prior to Election Day, and require only the name of the observer organization, proof of identity of the observer (copy of voter card for national observers, or passport for international observers), and 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 code.

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 cannot approach closer than 25 meters 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 the Technical Secretariat for Election Administration (STAE). If unsatisfied, a complainant may then refer the complaint to the CNE, who must decide on it within 72 hours of its receipt. The CNE has specifically defined responsibilities in relation to appeals against STAE decisions on registration of voters.

The CNE is required to refer alleged criminal breaches to the Public Prosecutor. Decisions of both the CNE and STAE can be appealed to the Supreme Court. Appeals against the provisional national election results published by the CNE can be lodged with the Supreme Court within 24 hours of their publication. The functions of the Supreme Court are currently being implemented by the Court of Appeal.

Is out-of-country voting allowed?

Out-of-country voting will be available at Timor-Leste diplomatic missions or consular offices in Lisbon, Portugal and Darwin and Sydney, 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 is the second round of the election organized?

If no candidate receives at least 50 percent plus one of the valid votes in the first round, a second round of the presidential election will be held on April 20, 2017. The Court of Appeal will announce on April 2,

2017 the two highest vote winning candidates who will contest the second round. The election campaign will be for 15 days between April 3, 2017 and April 17, 2017.

The procedures for the second round of the election will be the same as for the first round. The same polling centers and polling stations are scheduled to be used for the second round. The results from the second round, determined by the Court of Appeal following the consideration of any appeals, will be published in the state gazette on May 3, 2017.

Resources

- Constitution of Timor-Leste ([English](#) | [Tetum](#) | [Portuguese](#))
- Government of Timor-Leste Law No. 06/2016 on Voter Registration ([English](#))
- Government of Timor-Leste Law No. 07/2016, Second Amendment to Law No 05/2006 on Election Management Bodies ([Portuguese](#))
- Government of Timor-Leste Law No 4/2017, Fifth Amendment to Law No 7/2006 on Election of the President ([Portuguese](#))