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# **Elections in Timor-Leste**

## *2018 Early 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 May 8, 2018, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Why is this election being held so soon after the 2017 parliamentary election?**

As a result of the July 22, 2017, Timor-Leste parliamentary election, five political parties won seats in the National Parliament. Out of 65 total parliamentary seats available, *Frente Revolucionário de Timor-Leste* (FRETILIN) won 23 seats, receiving the highest number of votes by a narrow margin over *Partido Congresso Nacional da Reconstrução de Timor-Leste* (CNRT) with 22 seats. The remainder of the seats were won by *Partido de Libertação Popular* (PLP) with eight seats, *Partido Democrático* (PD) with seven seats, and *Partido Kmanek Haburas Unidade Nacional Timor Oan* (KHUNTO) with five seats.

Despite lengthy negotiations, no party was able to form a majority coalition in Parliament. The Timor-Leste Constitution provides that the president of the Republic of Timor-Leste may call on either the party with the highest number of votes, or the party or coalition with a majority of seats in the Parliament, to form a government. Therefore, on September 16, 2017, the president of the Republic of Timor-Leste appointed a minority government led by FRETILIN with the support of PD. In the following month, CNRT, PLP and KHUNTO formed a firm opposition coalition, representing a majority of seats in Parliament, and on October 19, 2017, they voted to reject the government's proposed program. Constitutionally, a second rejection of the government's program results in the fall of the government. The president of Parliament stalled opposition motions that could have shown no confidence in the government and the Parliament did not hold plenary sessions that in principle should have been scheduled for December 2017.

Two possible processes for resolving this impasse were available constitutionally to the president of the Republic of Timor-Leste. He could attempt to negotiate a solution based on the existing Parliament, such as testing the ability of the opposition coalition to form a government or attempting to form a government of national unity involving most or all parties represented in Parliament. Alternatively, six months after the last election (after January 22, 2018), the president could dissolve Parliament and announce a date for a new election. The president of the Republic of Timor-Leste dissolved the National Parliament on January 26, 2018, making a new election necessary.

## **When is Election Day?**

On February 7, 2018, the president of the Republic of Timor-Leste announced that an early parliamentary election would be held on May 12, 2018. The decree announcing the election date came into effect on February 20, 2018.

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

The legal framework for the early parliamentary election is substantially the same as for the parliamentary election of July 22, 2017. Since the election, there have been no changes to the laws governing electoral processes (Law 6/2016 on Voter Registration, Law 5/2006 on Election Management Bodies, Law 6/2006 on Election of the National Parliament, Law 3/2004 on Political Parties and Law 6/2008 on Financing of Political Parties) or to the government regulations on voter registration (Decree

12/2016); submission of candidate lists (Decree 16/2017); oversight, observation and media coverage of the election (Decree 17/2017); and election campaigns (Decree 18/2017).

Decree Law 4/2018 was approved by the Council of Ministers on March 7, 2018, and made minor changes to government regulations on out-of-country voting (Decree 19/2017) and the organization of polling centers and voting, vote counting and tabulation of results (Decree 21/2017). This decree law made some amendments to the voting and counting records completed in polling centers and polling stations; placed a deadline of 10 days before Election Day for managers of hospitals and prisons to notify the Technical Secretariat for Election Administration of the names of patients, prisoners and staff who intend to use mobile polling facilities in the relevant hospital or prison; and made it mandatory for political party representatives to be present when polling station staff determine if a voter voting with assistance has freely chosen his or her assistant.

Decree Law 4/2018 also modified some requirements for changing a voter's address for voter registration, allowing university students to provide a declaration from a senior university or Department of Education official testifying to their new address. Previously such declarations, a document necessary for changing a voter's address of registration, could only be issued by the *chefe de suco* (village head) for the area in which a voter now resides.

## **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 for the 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 28 seats are held by women. The term of office for members of the National Parliament is five years, split into five, 12-month legislative sessions. The Constitution of Timor-Leste provides that if a Parliament is dissolved during a legislative session, as is the case in 2018, the remaining portion of that legislative session is added to the term of office of the subsequently elected Parliament.

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

Candidates must be a citizen of Timor-Leste, 17 years or older and on the voter register. Citizens who hold certain positions, such as judicial officers, civil servants, defence 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 primary 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 replacement of an 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 primary 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 by March 21, 2018.

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 March 11, 2018. Four coalitions were approved by the commission:

- **Aliança de Mudança para o Progresso (AMP)** comprised of the political parties *Partido Congresso Nacional da Reconstrução de Timor-Leste (CNRT)*, *Partido de Libertação Popular (PLP)* and *Partido Kmanek Haburas Unidade Nacional Timor Oan (KHUNTO)*;
- **Frente Desenvolvimento Democrático (FDD)** comprised of the political parties *Partido Unidade Desenvolvimento Democrático (PUDD)*, *Partido União Democrática Timorese (UDT)*, *Frente Mudança (FM)* and *Partido Desenvolvimento Nacional (PDN)*;
- **Movimento Desenvolvimento Nacional (MDN)** comprised of the political parties *Partido Associação Popular Monarquia Timorese (APMT)*, *Partido Liberta Povo Aileba (PLPA)*, *Partido Movimento da Libertação do Povo Maubere (MLPM)* and *Partido Unidade Nacional Democrática da Resistência Timorese (UNDERTIM)*; and
- **Movimento Social Democrata (MSD)** comprised of the political parties *Partido Democracia Cristã (PDC)*, *Partido Socialista de Timor (PST)*, *Partido Social Democrata (PSD)*, and *Partido Centro Ação Social Democrata Timorese (CASDT)*.

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

The deadline for submitting candidate lists to the Court of Appeal was March 21, 2018. By this date, six political parties and four coalitions had submitted candidate lists. Following verification of these submissions by the court, the court accepted the candidate lists from four political parties and four coalitions on March 29, 2018. This is in comparison to the 20 political parties and one coalition that contested the July 22, 2017, parliamentary election, as many of the parties that contested the July 2017 election joined coalitions for the May 2018 election. Candidate lists submitted by *Associação Social Democrata Timorese (ASDT)* and *Klibur Oan Timor Asuwain (KOTA)* were rejected by the Court. An appeal by KOTA against this decision was also rejected by the Court. On April 3, 2018, the Court held a lottery to determine the order of the contesting political parties and coalitions on the ballot paper. The ballot paper order is as follows:

POLITICAL PARTY OR COALITION	POSITION ON BALLOT PAPER
Partido Esperança da Pátria (PEP)	1
Partido Democrático (PD)	2
Partido Republicano (PR)	3

Frente Revolucionário de Timor-Leste (FRETILIN)	4
Movimento Social Democrata (MSD) (Coalition)	5
Movimento Desenvolvimento Nacional (MDN) (Coalition)	6
Frente Desenvolvimento Democrático (FDD) (Coalition)	7
Aliança de Mudança para o Progresso (AMP) (Coalition)	8

## When is the election campaign period?

Political parties and coalitions may campaign for election during a 30-day period between April 10, 2018, and May 9, 2018. The National Election Commission oversees the conduct of the election campaign, and, following advice from the election contestants, on April 6, 2018, issued 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. It is mandatory for citizens of Timor-Leste to register to vote. The Technical Secretariat for Election Administration (STAE) held a voter register update campaign for the parliamentary election between February 8 and March 28, 2018.

Registered voters may cast their ballot by showing their voter registration card at a polling center within their geographic area of registration. 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 Timorese passport.

If a geographic area of registration contains more than one polling center, the STAE issues stickers for the voters' registration cards identifying each voter's nearest polling center. Voters may collect these stickers from the STAE's offices between April 30 and May 10, 2018.

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 784,286 voters<sup>1</sup> (406,295 men and 377,991 women) registered to vote for the early parliamentary election. Of this total, 778,041 voters (402,014 men and 376,027 women) are registered within Timor-Leste, while there are 6,245 voters (4,281 men, 1,964 women) registered as out-of-country voters.

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<sup>1</sup> As published in the *Jornal da República* on April 11, 2018.

The current number of registered voters is a 3.1 percent increase compared to the 760,907 voters registered to vote in the parliamentary elections held on July 22, 2017, at which voter turnout overall was 77 percent (76 percent for men, 77 percent for women), while out-of-country voter turnout was 51 percent.

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

On April 10, 2018, the Technical Secretariat for Election Administration (STAE) announced that there would be 1,151 polling stations located in 876 polling centers in Timor-Leste, with an additional 9 polling stations located in 9 polling centers abroad. This is an increase of 42 polling stations and 42 polling centers compared to the July 22, 2017, parliamentary election, largely in response to demands for additional polling centers in less accessible locations.

The STAE may change the number and location of polling centers and polling stations until 10 days before Election Day (i.e., until May 2, 2018).

Polling stations will be open for voting between 7:00 a.m. and 3:00 p.m. on Election Day. Voters already in queue to vote at 3:00 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 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 on the Rights of Persons with Disabilities. Persons with a disability may appoint a person of their choice to assist them to vote. Polling station secretaries are required to verify, in the presence of political party representatives, that voters have freely chosen the person assisting them. 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, or how many persons with disabilities participate in voting.

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

Out-of-country voting will be available at Timor-Leste diplomatic missions, consular offices or other locations in: Lisbon and Porto, Portugal; London, Oxford and Belfast, United Kingdom; Seoul, South Korea; and Darwin, Sydney and Melbourne, Australia. Voters at each of these locations must be on the voter register compiled for the areas covered by the relevant mission or office 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 of Timor-Leste's 13 municipalities 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 an additional 72 hours to complete and publicize a provisional national tabulation of the election results (no later than May 20, 2018). Following 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 May 28, 2018.

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

National and international observers may observe the election once accredited by the Technical Secretariat for Election Administration (STAE). Organizations which have election observation as one of their objectives or who have previously observed elections in Timor-Leste may apply to have observers accredited. Applications for accreditation must be received no later than May 5, 2018, and require the name of the observer organization, proof of identity (copy of voter card for national observers, or passport for international observers), 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 request accreditation of political party agents by April 3, 2018. Each contesting political party and coalition may appoint up to five agents for each polling station and polling center. Only one agent from each political 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. Unless requested by the Technical Secretariat for Election Administration 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

- Constitution of Timor-Leste ([English](#), [Tetun](#) and [Portuguese](#))
- Government of Timor-Leste Law 6/2008 on the Legal Regime for Financing of Political Parties ([English](#), [Tetun](#) and [Portuguese](#))
- Government of Timor-Leste Law 2/2016, First Amendment to Law 3/2004 on Political Parties ([English](#), [Tetun](#) and [Portuguese](#))
- Government of Timor-Leste Law 6/2016 on Voter Registration ([English](#), [Tetun](#) and [Portuguese](#))
- Government of Timor-Leste Law 7/2016, Second Amendment to Law 5/2006 on Election Management Bodies ([English](#), [Tetun](#) and [Portuguese](#))
- Government of Timor-Leste Law 9/2017, Fourth Amendment to Law 6/2006 on Election of the National Parliament ([English](#), [Tetun](#) and [Portuguese](#))
- Government Decree 16/2017 on Submission of Candidatures for the Election of Deputies to the National Parliament ([English](#), [Tetun](#) and [Portuguese](#))
- Government Decree 17/2017 on Oversight, Observation and Media Coverage for the Election of Deputies to the National Parliament ([English](#), [Tetun](#) and [Portuguese](#))
- Government Decree 18/2017 on the Electoral Campaign ([English](#), [Tetun](#) and [Portuguese](#))
- Government Decree 19/2017 on Technical Procedures for the Implementation of the Parliamentary Election Abroad ([English](#) and [Tetun](#))
- Government Decree 21/2017 on the Organization and Operations of Polling Centers and the Voting, Vote Counting and Tabulation of Results Procedures ([English](#) and [Tetun](#))
- Government Decree 4/2018, First Amendment to Government Decree 19/2017 and Government Decree 21/2017 ([English](#) and [Portuguese](#))
- Government Decree 4/2018 Annex – Minutes of Polling and Counting Operations ([English](#))
- Calendar of Election Operations for the National Parliament as amended by decision of the Court of Appeal on March 9, 2018 ([English](#))