



# A COVID-Resilient Presidential Election for Timor-Leste in 2022

## Baseline Assessment and Recommendations

Prepared by



International Institute for Democracy  
and Electoral Assistance (IDEA) Team

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## **Summary of findings and recommendations**

Timor-Leste has had a strong history of free and fair elections, administered with competence by its election management bodies, and praised by international electoral observers. The country's well-earned reputation as one of the most impressive electoral democracies in South East Asia should be seen as a national asset.

The scale of electoral processes has increased significantly over time, with the electorate having grown from 451,796 at the time of the popular consultation in 1999 to 784,286 at the 2018 parliamentary election.

While sound administration has underpinned this success, in fact the elections have been societal undertakings, in which the support of all stakeholders has been vital. In the Covid era, this understanding of elections as a shared responsibility of all involved in them is more important than ever. It is vital that the electoral authorities and the public health authorities work in close cooperation, and that all stakeholders in the process are supported in playing their distinct but critical roles.

The 2022 presidential election will be unusually challenging. Constitutional deadlines will require the first round of voting to be conducted in March or early April 2022, when the potential for disruptive weather exists. The economic difficulties caused by the Covid pandemic will make resources unusually scarce across the public sector, and disruption of international travel makes the presence on the ground of international advisers or contractors unlikely.

Covid poses a particular challenge because of the ease with which airborne transmission of the virus can take place in crowded environments and, in particular, in the sorts of small, relatively poorly ventilated rooms which have typically been used as polling stations. Furthermore, elections represent the antithesis of social distancing, bringing people into close proximity during the campaigning, polling, counting and tabulation.

For this reason, it will not be possible for Timor-Leste to run a Covid-safe election simply by implementing again the processes which have worked well in the past. Changes will be needed to protect public health, while still satisfying constitutional requirements, and meeting the tests of freedom and fairness which ensure that the outcome will be legitimate, and will be accepted as such.

Planning for the implementation of changed procedures is complicated by the great uncertainty which has been a feature of the Covid pandemic to date. Because of the lead times associated with implementing an electoral process, it will not be possible to plan around various scenarios, some more optimistic than others. Rather, near to worst-case scenarios will have to be assumed.

The single greatest determinant of the success or otherwise of the 2022 election will be the extent to which the population has been able to be fully vaccinated against Covid. Full vaccination of electoral staff will be needed not only to prevent the preparations for the

election from being disrupted by illness at critical times, but also to reinforce public confidence in the electoral process.

Public rallies and convoys of supporters have long been a mainstay of campaigning in Timor-Leste; but they have not in the past been undertaken with any attention to social distancing for the prevention of infection. Such activities reflect the exercise of rights guaranteed in the Constitution, in particular the right to freedom of speech set out in article 40, and the right of peaceful assembly set out in article 42. Prescriptions which significantly impinge on traditional campaigning techniques, such as those likely to be needed to mitigate the risks of Covid transmission, would best be developed through a consultative and inclusive process involving parties and candidates, and facilitated by CNE, as the independent and neutral organisation with a general constitutional mandate to supervise the election process.

Two main categories of responses to the Covid challenge have been seen at elections around the world: substantial changes to the “architecture” of polling and counting, mainly to reduce crowding at polling centres; and the implementation at all points of the process of standard social distancing, hygiene and sanitation measures which have become a feature of life more broadly.

This Baseline Assessment strongly recommends two significant changes to the architecture of polling and counting: the conduct of polling outdoors to the greatest extent possible; and modifications of the counting process to make it faster and more efficient, while maintaining transparency.

Several radical changes to the architecture of polling are specifically **not** recommended: multi-day polling, early voting, internet voting, and the use of postal voting out-of-country.

A number of significant hygiene measures are recommended in this Baseline Assessment, including a requirement for persons entering polling stations (other than just for the purpose of voting) to have been vaccinated; temperature checking of voters, and separation into a different queue of those found to have a fever; the wearing of gloves and face masks (to be freely supplied to voters) by all who are present in a polling centre; and extensive disinfection of equipment and materials.

Two such measures should be especially highlighted because they reflect a principle that the touching of objects by multiple voters should be replaced by the utilisation of single-use implements where possible. Specifically, it is recommended that the dipping of voters’ fingers in indelible ink to prevent multiple voting be replaced by the application of ink to each voter’s finger using a disposable “cotton bud”; and that each voter be provided with a single-use disposable wooden “nail” with which to punch his or her ballot paper, rather than using a metal nail handled by all voters.

All changes to the electoral processes and procedures will need to be reinforced by strong training and public education programs.

Experience worldwide has clearly shown that additional investment in elections is invariably needed to make them Covid safe. It must be emphasised, however, that the “costs” of failure, though impossible to calculate in dollar terms, are likely to be far greater than the up-front investment which would be needed to minimise the risk of failure. Included in such costs of failure would be the human impact on those who might sicken or die from infection, and on their families and communities; short-term economic costs of public health measures needed to control an election-seeded Covid outbreak; medium-term economic costs which could flow from any political disruption caused by disputes over the legitimacy of winners; and a longer-term cost associated with the potential loss of public regard for the electoral and democratic processes.

Set out below is a summary of all the recommendations made in this Baseline Assessment. It is important to emphasise that there is no reason to anticipate that any of them, if implemented, will disadvantage any specific group within society, or confer any partisan advantage on any candidate or party. Furthermore, they are all judged to be feasible in practice, eminently capable of being put in place by Timor-Leste’s election management bodies. Against each summarised recommendation, the paragraph in the main body of the text in which it is stated and further elaborated is noted.

1. It is **strongly recommended** that polling official training and public information programs emphasise the requirement in polling procedures for pregnant voters, voters over 65 years old, voters with any kind of infirmity or physical disability, and voters carrying children to be given priority by moving them forward in the queue of voters. (Paragraph 5.9)
2. It is **recommended** that it be ensured that the opportunity to get fully vaccinated prior to the election is extended to those volunteering to be election observers; to *fiscals*; and to media professionals. (Paragraph 5.14)
3. Planning for something approaching worst-case scenarios is **strongly recommended**. (Paragraph 5.16)
4. It is **recommended** as a longer-term measure that Timor-Leste contemplate a constitutional amendment to move the 2027 and subsequent presidential elections back further in the year. (Paragraph 6.5)
5. It is **recommended** that STAE and CNE, as a matter of priority, review their work organisation and practices to ensure that understanding and management of a critical activity is not confined to just a single individual, and that contingency plans are in place to cover situations in which an entire team or office may have to be quarantined. (Paragraph 6.11)
6. It is **recommended** that STAE and CNE seek to put arrangements in place for mass vaccination of permanent, temporary and polling staff. (Paragraph 6.12)
7. It is **recommended** that procedures be put in place for regular basic health checks for headquarters and municipal office staff, such as temperature checks, and/or

“rapid result” Covid tests of the type now being rolled out in some other countries (provided that experience there confirms the usefulness of such tests). (Paragraph 6.13)

8. It is **recommended** that CNE and STAE review their staffing needs in the light of all the recommendations made in this Baseline Assessment, and initiate action to recruit such additional staff as are found to be needed. (Paragraph 6.14)
9. It is **recommended** that article 33 of the Presidential Election Law be amended to empower STAE to employ additional staff, and to specify their duties (while making it clear that such staff shall not be taken to be “electoral officers” entitled to vote on the acceptance or rejection of claims under article 43, sub-article 3 of the Law). (Paragraph 6.14)
10. It is **recommended** that article 17 of the Presidential Election Law be amended to permit (but not require) an online system to be used for the presentation of presidential candidacies. (Paragraph 6.19)
11. It is further **recommended** that STAE make an in-principle decision as soon as possible on whether the development of an online system of the type contemplated by the preceding recommendation should be pursued. (Paragraph 6.19)
12. It is **recommended** that there be considered, as a longer-term reform, an amendment to the Presidential Election Law, and if necessary to the Constitution, to adopt the process used in many countries under which if there is only one candidate at end of the period for the presentation of presidential candidacies, he or she is forthwith declared elected. (Paragraph 6.20)
13. It is **recommended** that CNE facilitate a consultative and inclusive process involving parties and candidates for the development of a Code of Conduct for campaigning, to be formalised by a joint signing, and approved by CNE pursuant to its legal power to do so. (Paragraph 6.24)
14. It is **recommended** that STAE give early consideration to the expansion of polling centre numbers, in addition to those already announced, at least in Dili and the larger municipal centres. (Paragraph 6.29)
15. It is **recommended** that the reconfiguration of the locations of polling centres place particular emphasis on the need to ensure as far as possible that voters will be distributed among them so that the number of voters expected to be utilising each polling station will be approximately equal. (Paragraph 6.30)
16. It is **strongly recommended** that polling be conducted outdoors to the greatest extent possible. (Paragraph 6.34)
17. It is **recommended** that the pre-registration process for parallel voting in Dili be made as simple and straightforward as possible. (Paragraph 6.36)

18. Major public information efforts by STAE are **recommended** to encourage those who are eligible to make use of parallel voting in Dili to do so to the maximum possible extent. (Paragraph 6.37)
19. In relation to out-of-country voting, it is **recommended** that there be:
- (i) enhanced training provided for diplomatic staff in electoral procedures (which may well have to be done remotely, using the internet); and
  - (ii) close liaison between STAE, CNE and the Ministry for Foreign Affairs, and between Timorese diplomatic missions and the authorities in the host countries, to ensure that any likely obstacles to the conduct of out-of-country voting are identified as early as possible and communicated to STAE and CNE, so that appropriate solutions can be determined, developed and implemented. (Paragraph 6.44)
20. Also in relation to out-of-country voting, it is **recommended** that article 65-A of the Presidential Election Law be amended to permit STAE to request assistance in providing polling facilities from the election management body, or election management bodies, in a foreign country. (Paragraph 6.45)
21. It is **recommended** that article 44-A, sub-article 3 of the Presidential Election Law be amended to delete the requirement for the return to Dili “in physical form”, within 72 hours of the end of the relevant out-of-country counting and tabulation operation, of the minutes of the counting and tabulation, and any disputed votes cast. (Paragraph 6.46)
22. It is **recommended** that the procedures for the counting of votes be modified in the manner set out in detail in **Annex 4**, to make the counting process more efficient and less time-consuming, while maintaining full transparency. (Paragraph 6.48)
23. It is **recommended** that consideration be given to options for tabulation to take place in larger settings, providing better opportunities for social distancing, and for the rigorous enforcement of hygiene measures, including:
- (i) investigating the availability of larger premises for tabulations than have been used in the past;
  - (ii) limiting the numbers of people who can access the venue to observe (while maintaining access for those with a legitimate need to be there to preserve the transparency of the process, and ensuring that all contestants’ *fiscais* have equal access rights); and
  - (iii) preventing crowds from milling around the area outside the tabulation centre. (Paragraph 6.49)



24. It is **recommended** that:
- (i) premises for the municipal tabulation centre be chosen with the view to reducing crowding in the approaches and at the entrance to the maximum possible extent; and
  - (ii) a substantial number of trained and well-supervised staff be deployed at the tabulation centres to check in the materials and documents being received. (Paragraph 6.50)
25. It is **recommended** that essential social distancing, hygiene and sanitation measures be socialised by extensive public information campaigns, complemented by specific briefings for parties, candidates, media, *fiscals*, and election observers. (Paragraph 6.53)
26. It is **strongly recommended** that the dipping of all voters' fingers in a shared bottle of indelible ink be replaced by a process in which each voter is marked using a single-use disposable applicator such as a "cotton bud". (Paragraph 6.54)
27. It is **strongly recommended** that each voter be provided with a single-use disposable wooden "nail", similar to a wooden meat skewer, with which to punch the ballot to record his or her vote. (Paragraph 6.54)
28. It is **strongly recommended**, and **vital**, that the social distancing, hygiene and sanitation measures to be put in place for the election be developed cooperatively with, and signed off by, Timor-Leste's public health authorities. (Paragraph 6.55)
29. It is **recommended** that:
- (i) the legal requirement that voters surrender any "image-capturing mobile devices" to the queue controller at the polling station be deleted;
  - (ii) voters be advised in public information campaigns that they should not bring such devices to the polling centre, that their use within a polling station is forbidden, and that any which are nevertheless brought will have to be switched off before the voter enters the polling station;
  - (iii) this message be reinforced through signage, and verbal instructions from the queue controller; and
  - (iv) polling official training include a requirement for staff to be on the lookout for any breach by voters of this requirement. (Paragraph 6.56)
30. It is **recommended** that it be made clear in briefings and training, both for polling staff and for candidates and *fiscals*, that:

- (i) *fiscais* do not have the right at a polling station to seek to influence a voter, who needs assistance to vote, in his or her choice of assistant; and
  - (ii) when “present” while the polling station secretary is confirming the free choice by the voter of his or her assistant, *fiscais* must maintain social distancing. (Paragraph 6.60)
- 31. It is **recommended** that STAE arrange for the production and use in Timor-Leste elections of appropriate ballot paper templates for voters who are blind. (Paragraph 6.62)
- 32. It is **recommended** that article 41 of the Presidential Election Law be amended to clarify the definition of a “calamity”, to ensure that it covers matters arising from the Covid pandemic. (Paragraph 6.65)
- 33. It is **recommended** that the Presidential Election Law be amended to empower the Director-General of STAE, with the concurrence by resolution of CNE, to make emergency modifications to the electoral process in certain specified circumstances. (Paragraph 7.4)
- 34. It is **recommended** that the Presidential Election Law be amended to change the deadline for the withdrawal of a candidate from a run-off vote (if required) from the current 48 hours after the conclusion of the first round of voting to 48 hours after the proclamation of the result of the first round of voting. (Paragraph 9.1)
- 35. It is **recommended** that article 28 of the Presidential Election Law be amended so that the various principles relating to election campaigning with which CNE is required to monitor compliance include principles relating to public health. (Paragraph 9.1)
- 36. It is **recommended** that structured mechanisms be put in place to facilitate joint work by the electoral and public health authorities to ensure that general laws enacted to protect public health and laws governing the electoral process are not in conflict with each other. (Paragraph 9.3)

## **Part 1 - Introduction**

1.1 This Baseline Assessment has three purposes:

- (i) to analyse how the Technical Secretariat for Electoral Administration (STAE), the National Elections Commission (CNE), and Timor-Leste more broadly, are currently placed to undertake a Covid-resilient presidential election in 2022;
- (ii) to recommend initiatives, and changes to currently prescribed processes, to maximise the likelihood of that happening; and
- (iii) to highlight certain issues for further discussion.

It has been prepared by the International IDEA team as part of the CORE-TL Project, and draws on a number of documents which have previously been shared with STAE.

1.2 The balance of this Assessment consists of the following Parts:

- (i) Part 2 - Background - long term political and electoral context;
- (ii) Part 3 - Current contextual factors and constraints
- (iii) Part 4 - The impact of Covid on elections;
- (iv) Part 5 - Guiding principles for crafting a Covid response;
- (v) Part 6 - Critical elements of Timor-Leste's electoral process;
- (vi) Part 7 - Training needs;
- (vii) Part 8 - Public information;
- (viii) Part 9 - Additional legal issues;
- (ix) Part 10 - Cross-cutting issues;
- (x) Part 11 - Resources; and
- (xi) Annexes 1 to 7.

## **Part 2 - Background - long term political and electoral context**

2.1 Key milestones in Timor-Leste's electoral history are listed at **Annex 1**. The successful conduct of elections in Timor-Leste since the restoration of independence in 2002 has been one of the foundations on which the country's democracy has been built.

- (i) Election results have never been seriously disputed other than through the use of appropriate, legally prescribed mechanisms, notwithstanding that in some cases parties won or lost seats by small vote margins, and that at least one round of elections, in 2007, was conducted against the background of a significant political and social crisis.
- (ii) The conduct of elections in Timor-Leste has been consistently praised by international electoral observers. There has been minimal evidence of fraud or attempted fraud.
- (iii) Timor-Leste was ranked first in South East Asia in *The Economist's* Democracy Index in both 2016 and 2019, and in second place behind Malaysia in 2020; and the quality of elections was a major contributor to those high rankings. In the 2020 Index, Timor-Leste was ranked equally highest with Malaysia in South East Asia on the specific dimension of "Electoral Process and Pluralism", obtaining the same rating as Canada, and being more highly rated than longer-established democracies such as the Republic of Korea, the USA, Israel, Japan and India.
- (iv) Timor-Leste also ranked first in South East Asia in the 2019 *Perceptions of Electoral Integrity Index* compiled by the Electoral Integrity Project.
- (v) In a USAID-funded survey of public opinion in Timor-Leste conducted by *Insight Lda* in October-November 2018, 81% of respondents expressed a "very favourable" view of STAE, and another 14% expressed a "somewhat favourable" view. Only 3% had a "somewhat unfavourable" view; the remaining 2% did not express a view. Overall, STAE had the third best rating of all government institutions included in the survey, being outranked only by the armed forces and the national police.
- (vi) In a public opinion survey undertaken by CNE, with fieldwork done in 2019 and results released in August 2021, 93.5% of respondents described CNE's work as "good" or "very good", while 92.7% of respondents similarly characterised STAE's work. Some 84.7% of respondents expressed themselves as "satisfied" or "very satisfied" with the way in which elections are conducted in Timor-Leste.

## 2.2 A number of factors have contributed to the successful conduct of elections to date.

- (i) For a small country, Timor-Leste has made a major investment in its election management bodies (EMBs). They have been permanently staffed in both Dili and the municipalities, with (to date) a relatively high degree of continuity of staffing from election to election.
- (ii) The post-2006 electoral system for the National Parliament has proven to be effective and administratively convenient. The absence of constituencies eliminates any scope for manipulation of elections through gerrymandering or deliberately engineered malapportionment, and means that the same ballot can be used nationwide. Furthermore, as voting at parliamentary elections is only for parties, there are almost no incentives for individual candidates to engage in vote buying.

- (iii) Timor-Leste has benefited from a build-up of electoral experience. Some serious traps, for example internet voting, have been avoided. Other complexities have been embraced at the right time, when EMB staff had acquired the experience needed to be able to cope with them.
- (iv) Timor-Leste's EMBs have actively engaged around the world, for example with the Pacific Islands, Australia and New Zealand Electoral Administrators' Network (PIANZEA), the Australian Electoral Commission (AEC), STAPE (Portugal's equivalent of STAE), the Global Electoral Officials (GEO) Conference, and the Association of World Election Bodies (A WEB); and through the observation of regional elections.
- (v) They have also embraced the BRIDGE electoral administrators' course, as both a capacity-building and networking tool.
- (vi) Timor-Leste has always welcomed international and domestic observers at its elections.
- (vii) Timor-Leste's EMBs have actively sought to embrace the concept of the election cycle. Critical activities have not tended to be undertaken only at the last minute.
- (viii) Timor-Leste has successfully negotiated a challenging shift from having elections largely run by external agents (with the classic pattern visible of resource-richness and occasional choice of unsustainable systems) to locally owned, designed and managed systems with little dependence on external players, and appropriate, sustainable processes.
- (ix) Finally, there appears to be a strong and ongoing sense of community ownership of elections.

2.3 The scale of electoral processes in Timor-Leste has increased significantly over the years. At the 1999 popular consultation, there were only 200 "registration/polling centres" established nationwide, along with 13 out-of-country voting venues, catering for 451,796 registered voters. By the time of the most recent nationwide election in 2018, the number of registered voters had increased to 784,286 (of whom 51.8% were men and 48.2% were women), served by 885 polling centres within which were 1,160 polling stations. There has been a commensurate increase in the number of polling staff to be recruited, trained and deployed: more than 12,000 were employed in 2018.

2.4 While Timor-Leste's EMBs are clearly critical to the success of the electoral process, it would be wrong to view an election merely as a "product" or "service" delivered to voters as "customers". An election is rather a major societal undertaking, the success of which requires the constructive engagement and support of a large number of stakeholders, including political parties, candidates, civil society organisations, the media, and above all the voters. Such engagement has been very much on display in the past: elections have been marked by high levels of turnout, with almost 81% of registered voters going to the polls in 2018. That election also saw the deployment at polling centres of 2,993 domestic election observers from 15 different organisations, and 14,898 *fiscais* representing political

parties. More generally, there has over the years been a high level of compliance with legal requirements relating to elections.

2.5 Engagement and support of this type, though highly desirable at all times, becomes fundamentally important when a country is faced with a threat of the type posed by Covid. While recent international experience has shown that EMBs are often able to create a framework within which relatively Covid-safe elections are possible, that objective will only be realised if all stakeholders understand the roles that they too must play, and perform those roles cooperatively and effectively. To achieve that, it is vital that there be very good communication on the part of EMBs (including liaison with candidates, parties, election observers and the media), and strong public education and information campaigns. This need is discussed further in Part 8 below.

### **Part 3 - Current contextual factors and constraints**

3.1 While Timor-Leste's electoral history provides a solid foundation on which to build a response to the Covid problem, a range of contemporary factors have the potential to make that more challenging.

#### Constitutional deadlines

3.2 The current president's term expires on 20 May 2022, and article 77 of the Constitution of Timor-Leste requires that the newly elected president be inaugurated on that date. The actual date for the first round of a presidential election is set by the incumbent president; but taking into account the need to allow for the possibility of a run-off vote, and to provide time for tabulation of results and dispute resolution, the first round could not be conducted later than some time in March or early April 2022. In normal circumstances a lead time for preparations of 6 to 7 months would be adequate (even allowing for the loss of time due to scheduled public holidays in the November-December period), but the possibility of disruption of the electoral cycle by problems arising from Covid puts that at greater risk. The types of disruption which could potentially arise, and recommendations for dealing with them, are discussed in more detail in Part 6 below.

#### Weather

3.3 Unfortunately, March-April falls within the rainy season in Timor-Leste. In 2007, 2012 and 2017, the weather on presidential election polling days caused no undue difficulties; but that may have been a matter of good luck. More recently, Dili and other parts of the country encountered heavy rain leading to flash flooding in both March 2020 and April 2021, with the latter floods causing serious devastation. If there were to be flooding on or immediately before polling day in 2022 comparable to that of Easter Sunday 2021, the election process would be seriously disrupted.

## Social and political context

3.4 In the years since the restoration of independence, the political situation in Timor-Leste has proven to be quite fluid and competitive. No president has served more than a single term. Only two parties, FRETILIN and the Partido Democrático (PD), have won seats at every parliamentary election from 2001 to 2018. Alliances within the Parliament have come and gone, new parties have been formed, and it is clear from election results that many voters have been prepared to shift their votes from one party to another. The character of the electorate has also changed. Most notably, since around 2014 there have been voters on the register who have no personal memory of Timor-Leste under Indonesian occupation, and with every electoral cycle the number of such voters, and the share of the total electorate they represent, increases. These younger voters have been shaped not only by the experience of living in an independent nation, but by the processes of globalisation, and of the rise of social media, which have been a feature of the last 20 years. This has led to a shift in the approach taken to the electorate by political parties, with relatively less now being made of their historical roles, and a greater emphasis on programs and policies addressing contemporary issues.

3.5 Timor-Leste since 2002 has had to deal with one major political crisis, that of 2006-7; with the attempted assassination of President Ramos-Horta in 2008; and with the “Mauk Moruk” minor insurgency in 2015. Since then, patterns of behaviour have stabilised considerably, with political rivalries tending to be pursued by constitutional means, albeit at times with considerable heat. Largely because of the use of proportional representation to elect the Parliament, there has only been one election since the restoration of independence, that of 2018, at which a single party/coalition won an outright majority of seats, thereby obviating the need to negotiate government formation post-election. In contrast to the electoral process, the government formation process has been controversial on several occasions, due to disputes over the meaning of the relevant constitutional provisions, and the significant influence on government formation which is able to be exercised by the president as a consequence of Timor-Leste’s semi-presidential system of government.

3.6 Timor-Leste also faces significant economic challenges. Measures to protect the country against Covid, which were initially highly successful, had the side effect of depressing economic activity, as well as international travel and tourism, in a way which directly impacted on many households. This, in turn, has had an effect on public finances. Even prior to Covid, the economy had suffered due to political deadlock which had prevented the passage of a budget through the Parliament and had limited government spending; that being a particular problem given the major role of government expenditure as a driver of overall economic activity in the country. Priorities for government expenditure have also been a matter of dispute; the future of plans for major developments on the south coast remains unresolved. Pressure on the national budget has the potential to impact all areas of government activity and expenditure, and the EMBs may well be affected by that.

3.7 Taken together, all of these factors point to the possibility that the 2022 presidential election, and indeed the 2023 parliamentary election, will be strongly contested, possibly

by a number of candidates and parties. A strongly contested election by itself is neither an unusual nor necessarily a bad thing, but when one is in prospect, there is an enhanced need for it to be conducted in a way which minimises the risk of post-election disputes.

3.8 Only once since the restoration of independence has there been a presidential election in which a run-off vote was not required: in 2017. That circumstance arose because the two largest parties at the time had come to a consensus on a single candidate. While a run-off requires a repetition of polling and counting processes undertaken at the first vote, it is not a second election, but rather an integral and constitutionally-required element of the overall presidential electoral process. All planning therefore needs to be based on the assumption that a run-off will be required.

#### Availability of external support

3.9 Finally, it needs to be noted that with international travel largely disrupted for the foreseeable future, and with Timor-Leste itself facing a significant outbreak of the highly communicable delta variant of Covid, it is unlikely that any Covid-safety initiatives which depend on the presence on the ground of advisers or contractors from overseas will be feasible.

### **Part 4 - The impact of Covid on elections**

4.1 The challenge which Covid poses to the conduct of elections can be simply stated: the Covid virus spreads from person to person, either directly or indirectly, and elections as practised in Timor-Leste by their very nature bring large numbers of people together in a short time, during election campaigns, and at polling and counting venues which are often crowded, and established in premises in which the scope for implementing necessary safeguards may be seriously constrained. Elections represent, in fact, the antithesis of “social distancing”. Knowledge of how the virus spreads, vital for the design of Covid-resilient elections, is continuing to evolve.

4.2 On 30 January 2020, the World Health Organisation (WHO) declared the rising Covid outbreak to be a global public health emergency. Intensive research efforts identified respiratory secretions as the key transmission vector, with viruses being ejected through coughs, sneezes and even singing, and being thereby passed on directly to others, conveyed to persons nearby via droplets in the air, or deposited on objects which could become a source of possible infection if touched.

4.3 The latest advice from the WHO and the US Centers for Disease Control and Prevention (CDC), while not playing down the findings of the original research, has also highlighted the additional risk of airborne transmission, with particular concern about circumstances in which people gather in poorly ventilated rooms which can enable concentrations of virus in the air to build up.



4.4 As at 30 April 2021, the WHO advice, in the form of a question and answer, was as follows.

“Are there certain settings where COVID-19 can spread more easily?

Yes, any situation in which people are in close proximity to one another for long periods of time increases the risk of transmission. Indoor locations, especially settings where there is poor ventilation, are riskier than outdoor locations. Activities where more particles are expelled from the mouth, such as singing or breathing heavily during exercise, also increase the risk of transmission.

The “Three C’s” are a useful way to think about this. They describe settings where transmission of the COVID-19 virus spreads more easily:

- Crowded places;
- Close-contact settings, especially where people have conversations very near each other;
- Confined and enclosed spaces with poor ventilation.

The risk of COVID-19 spreading is especially high in places where these “3Cs” overlap.”<sup>1</sup>

4.5 As at 7 May 2021, the CDC advice included the following observations.

“Transmission of SARS-CoV-2 from inhalation of virus in the air farther than six feet from an infectious source can occur

With increasing distance from the source, the role of inhalation likewise increases. Although infections through inhalation at distances greater than six feet from an infectious source are less likely than at closer distances, the phenomenon has been repeatedly documented under certain preventable circumstances. ... These transmission events have involved the presence of an infectious person exhaling virus indoors for an extended time (more than 15 minutes and in some cases hours) leading to virus concentrations in the air space sufficient to transmit infections to people more than 6 feet away, and in some cases to people who have passed through that space soon after the infectious person left. Per published reports, factors that increase the risk of SARS-CoV-2 infection under these circumstances include:

- Enclosed spaces with inadequate ventilation or air handling within which the concentration of exhaled respiratory fluids, especially very fine droplets and aerosol particles, can build-up in the air space.
- Increased exhalation of respiratory fluids if the infectious person is engaged in physical exertion or raises their voice (e.g., exercising, shouting, singing).
- Prolonged exposure to these conditions, typically more than 15 minutes.”<sup>2</sup>

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<sup>1</sup> <https://www.who.int/news-room/q-a-detail/coronavirus-disease-Covid-19-how-is-it-transmitted>.

<sup>2</sup> [www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/sars-cov-2-transmission.html](https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/sars-cov-2-transmission.html). For a more detailed discussion of the issue, see C C Wang *et al*, “Airborne transmission of respiratory

4.6 Many of the polling stations established at previous elections in Timor-Leste provide almost perfect examples of the “Three Cs” high-risk situation identified by the WHO.

4.7 In the past, the key planning parameters for STAE and CNE have been the requirements set out in various relevant laws; the distribution and demographic characteristics of the voter population; and the availability of resources needed for the electoral process - all of which have tended to be relatively stable and predictable. Plainly the Covid outbreak has disrupted this stable planning environment. While much has been learned since January 2020 about Covid and the challenges it poses for the management of elections, there remain major elements of uncertainty.

- (i) On the positive side, vaccines and some treatments for Covid symptoms have been developed and refined; but the percentage of the population of Timor-Leste who will have been able to be fully vaccinated by the time of the 2022 presidential election cannot be known at this point, nor is there certainty regarding the nature and durability of immunity induced by the vaccines being administered. For that reason, it is also uncertain whether, and if so when, “herd immunity” will be able to be achieved. Currently, resources available for treatment of seriously ill people requiring intensive care or life support, or even hospital treatment in general, are limited in Timor-Leste, with concerns being expressed by the authorities in late August 2021 that the delta variant could bring the health system close to collapse
- (ii) On the negative side, Timor-Leste has already had cases of community transmission of the delta variant of the Covid virus, and new variants will almost certainly continue to emerge around the world, some of which may have the potential to be even more dangerous than those encountered to date, because they may:
  - (a) be more easily transmitted from one person to another; and/or
  - (b) produce more serious disease, either generally or in particular groups in society; and/or
  - (c) be less susceptible to the immune responses generated by current vaccines.<sup>3</sup>
- (iii) It is also important to note that any out-of-country voting will be affected by the prevailing conditions at election time in those foreign countries in which registration and voting are occurring, including the state of the pandemic, and legal or public health measures which those countries have put in place.

4.8 Public health responses to Covid adopted around the world have fallen into the following main categories.

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viruses”, *Science*, 373, 981 (2021), 27 August 2021, at <https://doi.org/10.1126/science.abd9149>.

<sup>3</sup> For an analysis flagging these issues, see [www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/a-new-strain-of-coronavirus-what-you-should-know](http://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/a-new-strain-of-coronavirus-what-you-should-know).

- (i) **Restrictions on travel, including closure of borders** - International travel has been severely limited, and requirements for Covid testing and quarantining have been widely applied to those who have still been able to travel. In some cases, including Timor-Leste, restrictions on internal travel have also been imposed. The purpose of these is to limit the spread of Covid by travellers from one geographical area to another.
- (ii) **Testing and quarantine requirements** - Persons who have been diagnosed with Covid have been required to go into quarantine or isolation, and testing has been required of those who have been or have possibly been in contact with persons who are potentially infectious, or who have attended locations where such potentially infectious persons have been.
- (iii) **Social distancing** - At a more personal level, restrictions have been imposed on individual behaviour. People have been required to avoid contact with others outside their families except for specified approved purposes; to seek to keep a minimum distance from others (typically 1.5 to 2 metres) when in public places; and to wear masks over the nose and mouth to limit the emission or inhalation of respiratory secretions. Public events which would normally have led to gatherings of large numbers of people have been cancelled or postponed, and venues where people gather, such as shopping centres, restaurants, bars, nightclubs and sporting venues have been required to close or to limit patron numbers. Gatherings at offices have been restricted, in some cases being replaced by “work from home” arrangements or online meetings.
- (iv) **Hygiene and disinfection** - Hand washing and use of hand sanitiser, and cleaning of surfaces which may be touched by more than one person, have become standard practices. Workstations where people may interact with each other have been redesigned, for example by the installation of plastic “sneeze guards”. In many situations, the use of personal protection equipment (PPE) such as gloves and face masks has been required. Implements which in the past might have had to be touched by multiple users have been replaced by single-use disposable implements.

4.9 A number of these measures have been implemented in Timor-Leste, as highlighted in the following poster.



PREZIDÊNCIA  
KONSELLU  
MINISTRUS  
GABINETE  
PORTAVÓS  
GOVERNUN

to'o 13 SETEMBRU 2021

# DILI | SERKA SANITÁRIA

## BANDU EMA ATU TAMA NO SAI HUSI MUNISÍPIU DILI

(exetu tanba seguransa públika,  
saúde públika, assisténsia umanitária,  
manutensaun sistema abastesimentu  
públiku ka realizasaun interese públiku)

Husi loron 27 fulan-agostu  
to'o loron 9 fulan-setembru,  
tuir Rezolusaun Governu nian  
ne'ebé impoin konfinamentu  
**(lockdown) iha Dili,**  
ema hotu-hotu, inklui  
ema sira ne'ebé simu ona  
vasina kontra COVID-19,  
**tenke hela hakmatek iha uma.**



## MANTEIN MEDIDA PREVENSAUN SIRA HANESAN:



SIMU  
VASINA



UZA  
MÁSKARA



MANTEIN  
DISTÁNSIA



FASE  
LIMAN



EVITA HALIBUR  
HO GRUPO

Lista kona-ba lejizasaun ne'ebé relasiona ho estadu emerjénsia iha [www.timor-leste.gov.tl/?p=27184&n=1&lang=tp](http://www.timor-leste.gov.tl/?p=27184&n=1&lang=tp)

4.10 In Timor-Leste there had for quite some time been relatively few Covid cases, with the first recorded death occurring only in April 2021. As of 15 September 2021 there were 2,756 known active cases in the country, but they were most unevenly spread, ranging from 1,108 in Dili to only 9 in Liquica. Cumulative deaths were also unevenly spread, ranging from 70 in Dili to zero in Aileu, Manatuto and Manufahi (with Dili being the only municipality in which deaths had reached double figures). Anecdotal evidence, however, suggests that there have been deaths which could well have been due to Covid but which have not been captured in official statistics. This pattern of morbidity and mortality could well have implications for efforts to conduct Covid-safe elections: if people in some areas have seen little local impact from Covid, and are more focused on concerns about such things as the risk of hunger, it may prove more challenging to persuade them of the need to comply with Covid-safety measures at election time than would have been the case if the local impact had been greater. In fact, even people in areas where there have been Covid outbreaks may be more concerned about being able to feed their families and survive economically than by the fear of the disease.

4.11 The Covid pandemic has also had severe worldwide economic effects, impacting not only the personal circumstances of vast numbers of people, but also the state of public finances in many countries. As noted above, Timor-Leste has suffered in this way, and one consequence of that is that resources are stretched right across the society. This will inevitably have an effect, albeit an indirect one, on planning and preparation for elections.

4.12 Finally, the Covid pandemic has already had an impact on planning for electoral operations in Timor-Leste: a project to reconstruct the voter register so as to enable it to incorporate biometric data has had to be put back, as have municipal elections in Baucau, Ermera, Bobonaro and Aileu which had been provisionally scheduled for October-November 2021.

## **Part 5 - Guiding principles for crafting a Covid response**

5.1 When a country has a substantial history of running successful elections, continuing to use processes which have worked effectively in the past typically makes good sense. Public familiarity with those processes makes it easy for all societal elements to cooperate to make elections work, and encourages general acceptance of the results. This familiarity tends to be preserved if only incremental changes to processes are made.

5.2 Unfortunately, radically disruptive events such as the Covid pandemic often make such an approach untenable: incremental changes may not suffice to meet the demands of the situation, and more significant modifications of past processes will typically have to be considered. When such modifications are in prospect, familiarity with the past can no longer be relied on to the same extent as a source of legitimacy, making it important to keep clearly in mind the fundamental qualities which the process must display in order to succeed. These, broadly speaking can be divided into the following categories, between which, of course, there will be a degree of overlap:

- (i) protecting public health;
- (ii) satisfying constitutional requirements;
- (iii) ensuring that the results of the election can be accepted as legitimate; and
- (iv) in pursuit of all of those ends, planning on the basis of pessimistic rather than optimistic assumptions.

### Public health

5.3 Most importantly, the state and its election management bodies have a moral obligation to implement the process so as to minimise the risk that anyone participating in it - including voters, candidates, party officials, *fiscais*, observers, media and electoral staff - could be exposed to Covid infection. Here, it needs to be noted that it will be impossible to eliminate that risk completely: if there is ongoing community spread of Covid, even the

act of leaving home to go to a polling centre where there will be other people present is likely to involve some risk.

5.4 Second, it will be vital to build, as broadly as possible, public understanding of and trust in the risk mitigation mechanisms to be put in place. If members of the public are not confident that they will be able to vote with the risk to their health minimised, there is a danger that they will simply abstain from voting. Such abstention, on a large-scale, could not only influence the election result, but also diminish its perceived legitimacy. A timely and well-structured public communication campaign to highlight risk minimisation steps being taken will therefore be essential:

- (i) to reassure potential voters that everything possible is being done to ensure their safety at the polls; and
- (ii) to ensure that all members of the public (including those who may not be convinced that Covid is a serious danger to their health) will adhere to the measures being put in place to promote a Covid-safe election.

#### Constitutional requirements

5.5 A number of provisions of the Constitution of Timor-Leste constrain or could influence the options for delivering a Covid-resilient election, including the following.

- (i) Articles 7 and 65 require voting by secret ballot.
- (ii) Articles 47 and 65 require the exercise of “personal” suffrage, thereby on the face of it excluding the possibility of a scheme of proxy voting of the type used by the United Kingdom.
- (iii) Article 65 provides for “universal” suffrage.
- (iv) Article 40 provides that every person has the right to freedom of speech, the exercise of which can however be regulated by law.
- (v) Article 42 guarantees everyone the freedom to assemble peacefully and unarmed, without a need for prior authorisation. This may limit the extent to which certain campaign activities can be regulated by law.
- (vi) Article 75 requires presidential candidates to be proposed by a minimum of 5,000 voters.
- (vii) As noted previously, articles 75 and 77, taken together, define 20 May 2022 as the date by which a new President must be sworn in.

- (viii) Article 76 provides that if no candidate receives more than 50% of the valid votes in the initial round of voting, a run-off vote between the two candidates who stood highest on the poll must be held exactly 30 days after the initial round.

5.6 Few of these provisions have yet been subject to judicial interpretation. Just how those expressing broad principles - such as a “secret” ballot, “universal” and “personal” suffrage and “freedom to assemble” - might be applied by the courts in the context of an election held in the time of the Covid pandemic is therefore subject to some uncertainty.

#### Ensuring the election results can be accepted as legitimate

5.7 The most basic requirement for the success of an election is that its result be generally recognised and accepted. There are two key preconditions for that.

- (i) First, the election needs to be conducted in a way which meets objective and well-defined standards of “freedom and fairness”.
- (ii) Second, all key stakeholders need to be given the opportunity to satisfy themselves that the election has been free and fair.

#### *Freedom and fairness*

5.8 Generally accepted standards for objectively free and fair elections have now been elaborated in a substantial literature, which can be summarised as follows.<sup>4</sup>

- (i) The election is administered impartially, and opportunities exist for complaints about the process to be lodged and dealt with in an even-handed and transparent way.
- (ii) People qualified to vote, and only people so qualified, are able to do so.
- (iii) They can vote in an open and neutral political environment where contending views can be safely expressed in an election campaign.

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<sup>4</sup> Useful guidance on the critical elements of free and fair elections can be found in such documents as the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *Declaration on Criteria for Free and Fair Elections* which was unanimously adopted by the Inter-Parliamentary Council of the Inter-Parliamentary Union (IPU) in Paris on 26 March 1994. Illuminating commentaries have also been provided in academic treatises such as Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (new expanded edition), Inter-Parliamentary Union, Geneva, 2006; Jørgen Elklit and Palle Svensson, “What Makes Elections Free and Fair?”, *Journal of Democracy*, vol. 8, 1997, pp 32-46; and Professor Elklit’s entry on “Free and Fair Elections” in Richard Rose (ed.), *International Encyclopedia of Elections*, CQ Press, Washington, 2000.

- (iv) Votes are not bought and sold.
- (v) Voters can cast a secret ballot, without fear of any adverse consequences.
- (vi) Everyone votes only once.
- (vii) They know the nature and significance of the act of voting.
- (viii) Their votes are counted and tabulated accurately, without any fraudulent interference.

5.9 In the context of the requirement that people qualified to vote are able to do so, and of the constitutional requirement for universal suffrage, it needs to be highlighted that Covid has the potential to work against these not least because it may well have a differential impact on various sectors of society.

- (i) Evidence from around the world has demonstrated that the Covid variants seen to date are more dangerous to older people than to the younger, and also pose particular dangers to people with certain pre-existing medical conditions. As of September 2021 it is unclear whether all people eligible to vote will have had the opportunity to be fully and effectively vaccinated against Covid by the time of the election, and for that reason alone it would be impossible to guarantee that voters would be able to avoid some contact during polling with unvaccinated people.
- (ii) In the case of voters for whom attending the polls was already unusually challenging - such as the old, the sick, persons with disabilities, and those living at greater distances from polling centres - there is a risk that an additional danger of Covid infection could prove decisive in discouraging them from participating in the election.
- (iii) Polling procedures in the past have provided for pregnant voters, voters over 65 years old, voters with any kind of infirmity or physical disability, and voters carrying children, to be given priority by moving them forward in the queue of voters. It is **strongly recommended** that this be emphasised in polling official training, and in public information programs to assist that provision to be clearly understood, with the aim of encouraging such voters' participation.
- (iv) Voters in isolation as part of the public health response to Covid will be at some disadvantage to the broader voting community, even though special polling arrangements for them have been foreshadowed: at the very least, they will not be able to attend campaign events.

#### *Stakeholder confidence*

5.10 To ensure confidence in the legitimacy of the election, it will be important, even in the face of the challenges posed by Covid, for the process to be implemented in accordance



with the following five generally accepted ethical obligations placed on election management bodies, set out in International IDEA's *Code of Conduct for the Ethical and Professional Administration of Elections*.

- (i) Election administration must demonstrate respect for the law.
- (ii) Election administration must be non-partisan and neutral.
- (iii) Election administration must be transparent.
- (iv) Election administration must be accurate.
- (v) Election administration must be designed to serve the voters.

5.11 Of these, transparency is most challenged by Covid. A critical element of the transparency of Timor-Leste's election processes has been their openness to scrutiny by *fiscais*, the media, national and international observers, and indeed the general public. It is therefore essential that this openness be maintained in all stages, procedures and operations relating to the election, but in a way which is Covid-safe. For that reason, it is **recommended** that STAE and CNE seek not just to facilitate stakeholders' access, but to work with them proactively and in a cooperative spirit to support their involvement, with a particular emphasis on thorough briefing and open sharing of information.

5.12 International election observation missions have been present and welcomed in Timor-Leste at every national election since the restoration of independence. These have ranged from major long-term deployments such as those of the European Union, to short term deployments at election time of observers from the region. It is unclear at this point whether restrictions on international travel will have been sufficiently relaxed by the time of the 2022 election to make the presence of international observers feasible.

5.13 The role of domestic election observers is therefore likely to become even more valuable. Domestic observation can help to buttress the critical sense of popular ownership of the democratic process, and can provide a much more comprehensive coverage of an election than international observers can achieve, at much less cost. Domestic observers will also have much greater insights into what is really happening at the grass roots level than most international observers could ever hope to gain.

5.14 The scale of domestic observation at the 2018 election provides a sound foundation on which to build. That having been said, the requirement to be trained, and to be present throughout much of the polling, counting and tabulation processes, places observers at a greater risk of Covid infection than is faced by voters who will typically only be within a polling station for a few minutes (though they may well have queued to vote for longer). Domestic observation groups may therefore find it more difficult to recruit volunteers than has been the case previously. One public policy step which could help to counteract such reluctance to serve, and which is therefore **recommended**, would be to ensure that the opportunity to get fully vaccinated prior to the election is extended to those volunteers. A similar opportunity should be extended to *fiscais* and media professionals.

## Planning for pessimistic scenarios

5.15 An election is the largest and most complex logistical operation which a country undertakes in peacetime. In the case of Timor-Leste, it involves putting most of the adult population through a prescribed process in an eight hour period. The lead times for preparation are therefore long, and if planning is based on assumptions which are rendered invalid close to an election by suddenly changed circumstances, it will in all probability be impossible to modify plans and get the process back on track in time to meet constitutional deadlines. The recent experience of a number of countries with delta variant outbreaks has illustrated how quickly a situation can deteriorate. Even if the present delta outbreak in Timor-Leste is able to be brought under control in the short term, it is entirely plausible that a further, similarly threatening and disruptive variant could appear only a few months before the election. For that reason, it would be dangerous to think it possible to prepare for multiple scenarios, some more optimistic than others, and to decide close to the election which approach should be followed.

5.16 Pessimism in planning accordingly represents the only prudent approach, and is **strongly recommended**: a failure to prepare for something approaching worst-case scenarios could have almost catastrophic consequences. If a first round of voting seeded further infection, or even came to be seen as a “super spreader” event, polling staff might well, rationally, be unwilling to work at a run-off 30 days later; and that could bring the electoral process close to collapse. Voters might well also be deterred from participating in a run-off, producing such a drop in turnout as to bring into question the legitimacy of the winner’s victory. If voters sensed that STAE and CNE had failed in their task of minimising Covid risk associated with voting, the credibility of those institutions could suffer long-term damage, with a spinoff effect on trust in electoral processes more broadly.

5.17 Plans based on near-worst-case scenarios are likely to require greater resourcing than more optimistically-based ones. It needs to be emphasised, however, that the “costs” of failure, though impossible to calculate in dollar terms, are likely to be far greater than the up-front investment which would be needed to minimise the risk of failure. Included in such costs of failure would be the human impact on those who might sicken or die from infection, and on their families and communities; short-term economic costs of public health measures needed to control an election-seeded Covid outbreak; medium-term economic costs which could flow from any political disruption caused by disputes over the legitimacy of winners; and a longer-term cost associated with the potential loss of public regard for the electoral and democratic processes.

## **Part 6 - Critical elements of Timor-Leste’s electoral process**

6.1 This Part examines and recommends steps which could be taken to make Timor-Leste’s electoral process more Covid-resilient, focussing on the following critical points of sensitivity to the impact of the virus.

- (i) election scheduling;

- (ii) EMB staffing;
- (iii) voter registration;
- (iv) the presentation of presidential candidates;
- (v) campaigning;
- (vi) polling;
- (vii) out-of-country voting;
- (viii) counting;
- (ix) tabulation; and
- (x) social distancing and hygiene measures; and
- (xi) enhanced capacity to change processes in response to the unexpected.

6.2 The analysis which follows draws on experience of policy-makers and electoral administrators around the world since the start of the pandemic, who in general have responded to the Covid challenge in three main ways.

- (i) **Deferral of elections** - In some cases, the constitutional or legal framework has been sufficiently flexible to make it possible for elections to be postponed and held when the spread of the virus has been contained or reduced. Such steps have typically been easier for local or other low-level elections than for major national elections.
- (ii) **Major changes to the “architecture” of the electoral process** - The general aim of such changes has been to reduce crowding at polling centres, either by:
  - (a) eliminating the need for in-person attendance at a polling centre entirely (for example, by permitting postal voting); or
  - (b) increasing the time or resources provided for in-person voting at polling centres so as to reduce the likelihood of crowding.

Changes of this type typically require legislative amendment and, as the example of the US presidential election in 2020 shows, may become highly controversial.

- (iii) **Implementation at polling and counting centres of standard social distancing, hygiene and sanitation measures** - In general, measures of this type will not require a legislative basis, but there may be some exceptions. For example, if it be thought desirable to refuse entry to a polling centre to a person who is displaying Covid symptoms or who fails a temperature test, or to order the removal of an observer or

voter who refuses to wear a mask, a clear legal basis for such steps is likely to be required.

6.3 Global experience since the start of the Covid pandemic clearly demonstrates that the adoption of architectural changes, and/or the implementation of general hygiene and sanitation measures, will typically require a significant investment, especially in materials and staffing.

#### Election scheduling

6.4 In Timor-Leste, the deferral option is certainly available for sub-national elections such as those for municipalities, sucos and aldeias. For the presidential election, however, deferral does not appear to be possible, because of constitutional constraints. As noted previously, the term of the current President is due to expire on 20 May 2022, and sub-article 77(2) of the Constitution requires the newly elected president to be inaugurated on that day. Articles 82, 83 and 84 of the Constitution provide for interim arrangements if an incumbent President dies, resigns, becomes permanently disabled, or is temporarily unable to perform the duties of the office; but they do not appear to apply to a situation in which the term of a President has expired and no replacement has been or can be elected. While it would in theory be possible for the Constitution to be amended to change the timing of presidential elections, such a step would be unprecedented in the country, and would require a time-consuming process, including the provision of at least 120 days' notice of any proposed amendment.

6.5 That having been said, the pattern which has developed of presidential elections being held in March-April during the rainy season is increasingly problematical in the longer term, because of the rising risk of bad weather of the type seen in both 2020 and 2021. It is therefore **recommended** as a longer-term measure that Timor-Leste contemplate a constitutional amendment to move the 2027 and subsequent presidential elections back further in the year.

#### EMB staffing

6.6 When EMBs are comparatively small, as in Timor-Leste, there is a real danger in the time of a pandemic that vital work can be disrupted by an outbreak of illness within their own ranks.

6.7 All modern elections depend for their success on a complex web of administrative structures, systems and arrangements. Detailed prior planning throughout the election cycle helps to ensure the professional conduct of operations, but elections still do not run on "automatic pilot". On the contrary, election periods involve concentrated work on the part of all electoral staff. This is so not just because many aspects of the process still require human management, but also because unforeseen issues invariably arise.

6.8 Furthermore, some election-critical systems - for example, for voter registration and results compilation - are now computerised, and that creates a significant vulnerability. Computerised systems still have to be operated and maintained by IT support teams, and those systems used by STAE and CNE are specialised ones supporting time-critical activities, of which scant knowledge is likely to exist outside those organisations. If a key member of the support team were to fall ill at the wrong time (giving rise to a possible need for other team members to be quarantined or even hospitalised), the successful operation of the systems could be seriously threatened. In some countries this risk has been mitigated by enabling staff to work from home, but that would represent a tremendous change from the way in which STAE and CNE have functioned at election time in the past, and in any case, it is unlikely that Timor-Leste's telecommunication and IT infrastructure would suffice to support the efficient implementation of such arrangements.

6.9 While these problems with systems management would typically arise at headquarters, analogous difficulties could also be encountered in the field: one person falling ill could potentially lead to everyone in a municipal office being sidelined at a critical time.

- (i) In this context, it is worth noting that beyond permanent staff, STAE and CNE may require the services at election time of additional temporary staff (other than polling staff). Some such staff may have previous experience with election work, and therefore will not need to be trained from scratch. For new staff, however, the need to provide more extensive training will place an additional burden on STAE and CNE permanent staffers.
- (ii) Accentuating this risk is the fact that STAE municipal coordinator positions have recently been re-advertised with the view to appointments being made shortly. While the stated selection criteria include electoral experience, a turnover of experienced permanent staff at this critical time could add substantially to the fragility of STAE's staffing profile.

6.10 It is therefore critically important that STAE and CNE give priority to ensuring the maximum level of Covid-safety for their own staff, including polling staff. Those organisations, even outside the immediate context of elections, are employers with occupational health and safety obligations to their staff, of a moral, pragmatic and possibly legal character. The extent to which these are effectively met could ultimately feed back into the conduct of elections: if a significant, preventable outbreak of disease were to be sourced back to an ill-planned and managed electoral activity, STAE and/or CNE might well find it difficult or even impossible to persuade people to work on elections thereafter, especially in the large numbers required at election time. The situation of polling staff needs particular attention, since their work by its very nature can require them to interact with hundreds of voters.

6.11 In the first instance, it is **recommended** that STAE and CNE, as a matter of priority, review their work organisation and practices to ensure that understanding and management of a critical activity is not confined to just a single individual, and that contingency plans are in place to cover situations in which an entire team or office may have to be

quarantined. Such contingency plans will need to cover situations in which significant numbers of polling staff are forced to drop out at the last minute because of illness, as happened at recent elections in Portugal. Provision may need to be made for:

- (i) additional human resources staffing at the headquarters or municipal office levels to undertake last minute recruitment of replacement staff; and/or
- (ii) employment and training of a reserve of staff who may be called upon to work if required (and who may have to be paid a fee for guaranteeing their availability to work on election day, even if their services are not ultimately required).

6.12 In addition, it is **recommended** that STAE and CNE seek to put arrangements in place for mass vaccination of permanent, temporary and polling staff. This will have multiple benefits.

- (i) It will significantly reduce the risk that staff will be infected with Covid.
- (ii) It **may** reduce the risk that staff who despite being vaccinated still get infected will pass that infection on to others.
- (iii) The fact that frontline staff are known to have been vaccinated will be likely to enhance public confidence in the safety of participation in the electoral process.

6.13 It is also **recommended** that procedures be put in place for regular basic health checks for headquarters and municipal office staff, such as temperature checks, and/or “rapid result” Covid tests of the type now being rolled out in some other countries (provided that experience there confirms the usefulness of such tests).

6.14 Finally it needs to be emphasised that the addition of functions and tasks associated with implementing elections in a Covid-safe manner is likely by itself to require the recruitment, training and deployment of additional STAE and CNE staff at the headquarters, municipality and polling centre levels, and the augmentation of those bodies’ budgets to cover that.

- (i) In relation to headquarters and municipal offices, CNE is empowered to set its own structure, while STAE’s structure is determined by decree law. It is **recommended** that CNE and STAE review their staffing needs in the light of all the recommendations made in this Baseline Assessment, and initiate action to recruit such additional staff as are found to be needed.
- (ii) At the moment, article 33 of Law No. 7/2006 *On the Election of the President of the Republic* (“the Presidential Election Law”) specifies the electoral officers to be employed at each polling centre and station. It does not appear to provide the flexibility which STAE might need to employ additional officers at polling centres and stations specifically to undertake additional tasks made necessary by the Covid risk, as discussed in **Annex 5**. It is **recommended** that article 33 be amended to empower STAE to employ such additional staff, and to specify their duties (while

making it clear that such staff shall not be taken to be “electoral officers” entitled to vote on the acceptance or rejection of claims under article 43, sub-article 3 of the Law), by inserting the following new sub-articles after sub-article 1:

- “1A. STAE may, at its discretion, employ additional staff to serve at polling centres or polling stations, and may specify their duties.
- 1B. For the purposes of article 43, sub-article 3, staff employed under sub-article 1A shall not be taken to be electoral officers.”.

### Voter registration

6.15 The process of registering voters, which had been suspended due to Covid, recommenced on 1 July 2021. The register is a permanent one, so the recommenced process will not have to cover the entire electorate, but will only have to cater for new voters, voters who have changed address, and voters who wish to avail themselves of the parallel voting process being put in place for persons currently registered in a municipality who expect to be voting in Dili.

6.16 Compared with polling, registration takes place over a relatively prolonged period, so crowding at registration points is less of an intrinsic problem; but of course on any particular day the arrival of an unusually large number of people is a possibility. That being the case, the adoption of appropriate hygiene and sanitation measures during registration represents the front line of defence against Covid. The International IDEA team provided a short paper to STAE before the recommencement of registration which contained recommendations for such measures. A copy is set out at **Annex 2**.

### The presentation of presidential candidates

6.17 As previously noted, article 75 of the Constitution requires a presidential candidate, among other things, “to be proposed by a minimum of five thousand voters”. Articles 15 and 17 of the Presidential Election Law seek to give effect to this, setting out the following requirements.

“ARTICLE 15.

Power of nominating candidacies

- 1. Candidacies shall be presented by a minimum number of 5,000 (five thousand) voting citizens from all districts and no district may be represented by less than 100 (one hundred) proposers.
- 2. Each voting citizen may only propose one single candidate.

...

## ARTICLE 17.

### Formal requirements for presenting candidacies

1. Presenting a candidacy shall consist in handing over a statement expressing the will to present a candidate to the election of the President of the Republic and a statement of acceptance of the candidacy.
2. The statement shall contain the date of the election, the number of signatures of voting citizens as required in article 15(1), the identification data of the candidate and the representative of the candidacy, and shall be accompanied by a proof of registration of the proposers in the voter registration procedure.”

6.18 At several points these requirements are problematical in the Covid era.

- (i) Article 17, sub-article 2 would require documents to be signed by 5,000 separate individuals, and copies of documents establishing that those individuals are registered voters to be obtained and attached to the nominating statement. To meet this requirement, political functionaries would have to make face-to-face contact with large numbers of people, and large numbers of potentially contaminated documents would have to be handled by multiple people.
- (ii) Article 15, sub-article 2, if rigorously enforced, would require STAE to set up a data entry operation, which possibly would have to be staffed by a significant number of data entry operators, to enable computerised testing of the validity of the statements against the requirement that no voting citizen could sign more than one statement.

### *An online system for presenting a candidate*

6.19 Requirements of the type set out in articles 15 and 17 are by no means unusual by international standards, their purpose being to ensure that candidates enjoy at least a basic level of support in the community, so that voters are not inconvenienced by having to mark a ballot made confusing by the presence of a large number of candidates who objectively have little chance of being elected. There is, however, a possible different approach to achieving that objective which would be less Covid-risky than the current requirements: an online system could be developed for gathering the names and voter registration numbers of nominators. This would comply with article 75 of the Constitution, as it does not specify the mechanism by which candidates are to be proposed.

- (i) To permit (but not require) such an online system to be used, it is **recommended** that article 17 of the Presidential Election Law be amended by inserting the following new sub-article 6:  
  
“6. A statement shall be taken to comply with the requirements of sub-article 2, notwithstanding that it does not contain the signatures of 5,000 (five thousand) voting citizens or proof of registration of those citizens as voters, if, in respect of the candidate to whom the statement relates, there have been provided to STAE, through



a computer system made available by STAE for that purpose, the names and voter registration numbers of a minimum number of 5,000 (five thousand) voting citizens from all districts with no district being represented by less than 100 (one hundred) proposers, who each declare by means of that system, that they wish to present the candidacy of the candidate.”.

- (ii) Such a system would need to be designed, developed and tested thoroughly and publicised as soon as possible, and certainly well before the commencement of the period for the lodging of documents. That would be a significant IT development project, which would become more difficult as time for it becomes more compressed. It is therefore **recommended** that STAE make an in-principle decision as soon as possible on whether this option should be pursued.

*Lack of clarity regarding the process to be followed if there is only one candidate*

6.20 At present, article 23 of the Presidential Election Law requires the electoral process to proceed in some form even if there is only one candidate. There are several problems with that.

- (i) First, it is unclear what form any subsequent process would take. In particular it is not obvious how the ballot would be configured, or what result would constitute in such circumstances an endorsement of the candidate. (For example, would he or she require the support of a majority of all registered voters, or of a majority who actually voted? And if he or she failed to secure the required majority (however defined), what would have to happen then?)
- (ii) Second, it would seem highly likely that with only one candidate on the ballot, voters would have very little motivation to attend a polling station. A low turnout could therefore be predicted.

Taken together, these factors suggest that now that the risk of pandemics to electoral processes has become clear, it would be preferable to adopt the process used in many countries, under which if there is only one candidate at the end of the period for the presentation of presidential candidacies, he or she is forthwith declared elected. As that could require amendment not just of the Presidential Election Law but also article 76 of the Constitution, it is therefore **recommended** that it be considered as a longer-term reform.

Campaigning

6.21 Campaigning for elections in Timor-Leste has taken various forms in the past. While it sometimes has involved advertising, or candidate debates on mainstream and social media, or the display of posters and banners, it is still the case that public rallies and convoys of supporters are a mainstay of campaigning. In normal circumstances such rallies and convoys would be seen as a commendable form of direct public engagement; but they have not in the past been undertaken with any attention to social distancing for the

prevention of infection. Activities based on loudly cheering party supporters breathing on each other at a rally, or when crowded into the back of a lorry, look especially risky.

6.22 Such activities reflect not only traditions of political campaigning in Timor-Leste, but also the exercise of rights guaranteed in the Constitution, in particular the right to freedom of speech set out in article 40, and the right of peaceful assembly set out in article 42.

6.23 Article 67 of the Presidential Election Law empowers the government by decree to regulate the implementation of presidential election campaigns. (Prior to 2017 that power was exercised by CNE rather than the government.) At past elections this has worked well, not least because the regulations prescribed have been generally seen as reasonable, and have been accepted across the political spectrum.

6.24 Prescriptions which significantly impinge on traditional campaigning techniques, such as those likely to be needed to mitigate the risks of Covid transmission, might, however, be more likely to give rise to concerns. This is least likely to happen if any changes are developed through a consultative and inclusive process involving parties and candidates. It is **recommended** that such a process be facilitated by CNE, as the independent and neutral organisation with a general constitutional mandate to supervise the election process; with the final product then being formalised by joint signing (and approval by CNE pursuant to article 8 of Law No. 5/2006 of 28 December 2006 *On Electoral Administration Bodies*) of an agreed Code of Conduct. In support of that, the International IDEA team has provided the following resources to CNE:

- (i) an overview compiled by International IDEA, as of February 2021, of how campaigning was constrained by Covid in 2020;<sup>5</sup>
- (ii) the *Interim Report* of the ANFREL International Election Observation Mission to the 2020 Myanmar general elections, in which campaigning is discussed in detail at pages 17 to 24;<sup>6</sup>
- (iii) International IDEA's 1999 *Code of Conduct for Political Parties: Campaigning in Democratic Elections*, which discusses the advantages of voluntary codes, and the processes by which they can be put together;<sup>7</sup> and
- (iv) International IDEA's 2017 *Dialogues on Voluntary Codes of Conduct for Political Parties in Elections: A Facilitator's Guide*.<sup>8</sup>

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<sup>5</sup> [www.idea.int/news-media/news/elections-and-Covid-19-how-election-campaigns-took-place-2020](http://www.idea.int/news-media/news/elections-and-Covid-19-how-election-campaigns-took-place-2020).

<sup>6</sup> [https://anfrel.org/wp-content/uploads/2020/11/ANFREL-Interim-Report\\_IEOM-to-the-2020-Myanmar-General-Elections.pdf](https://anfrel.org/wp-content/uploads/2020/11/ANFREL-Interim-Report_IEOM-to-the-2020-Myanmar-General-Elections.pdf).

<sup>7</sup> [www.idea.int/sites/default/files/publications/code-of-conduct-for-political-parties-campaigning-in-democratic-elections.pdf](http://www.idea.int/sites/default/files/publications/code-of-conduct-for-political-parties-campaigning-in-democratic-elections.pdf).

<sup>8</sup> [www.idea.int/sites/default/files/publications/dialogues-on-voluntary-codes-of-conduct-for-political-parties-in-elections.pdf](http://www.idea.int/sites/default/files/publications/dialogues-on-voluntary-codes-of-conduct-for-political-parties-in-elections.pdf).

6.25 It would be highly desirable for such consultations to be initiated sooner rather than later, and well before the campaign period, so that parties and candidates will well understand the ground rules and will be able to plan and implement their campaign activities accordingly.

### Polling

6.26 As noted previously, polling is a point of high Covid risk, because of the way in which it leads to people being assembled and concentrated. Specific risks fall into two categories.

- (i) First, a person may become infected through airborne or droplet transmission due to close proximity with an infected person, such as an official, a *fiscal*, an observer, or another voter.
- (ii) Second, a person may become infected by touching something touched by an already infected person.

6.27 Most dangerous of all will be the provision of polling facilities to those who are in isolation due to a positive Covid test, or who are in prophylactic isolation. Procedures for such polling are subject to regulation approved by government decree. Here, it should be noted that it is unclear whether voting facilities are to be extended to people in isolation at home, or only to those in an institutional setting. Article 4, sub-article 1 of Law No. 15/2021 (*“Sixth Amendment to Law No. 7/2006, of 28 December 28 - Electoral Law for the President of the Republic”*) appears to state that voters in isolation other than in an institutional setting have the right to vote, but sub-articles 2 and 3 of that article do not appear to cover such voters.

6.28 A range of options exist for modification of the polling process to make it Covid-safer.

### *Additional polling centres*

6.29 A first option would be to increase the number of polling centres and stations even beyond the increase driven by population growth which has already been publicly foreshadowed by STAE. The aim of this would be to reduce the average number of people voting at each centre (or at each station within a centre), and therefore to make crowding less likely. Such a move would, however, have significant and obvious resource implications, including the need for additional staff and materials, additional transport resources, and, of course, additional equipment and materials specifically required to minimise Covid risk. It would also give rise to a need for significant public information efforts, as some voters might find themselves directed to vote at a different polling centre from that at which they had voted previously. The benefit of such a change would probably be felt most in Dili, and in the larger towns with significant concentrations of voters. The effective planning of the rollout of additional polling centres would require significant fieldwork on the part of STAE staff to identify appropriate locations. (Some such work, however, would already have been

made necessary by the increase in numbers which is already in the pipeline.) It is **recommended** that STAE give early consideration to the expansion of polling centre numbers along these lines, at least in Dili and the larger municipal centres.

6.30 Even if it is decided only to proceed with the increases already foreshadowed, it is **recommended** that the reconfiguration of the locations of polling centres place particular emphasis on the need to ensure as far as possible that voters will be distributed among them so that the number of voters expected to be utilising each polling station will be approximately equal. That will help to reduce the risk of long queues.

#### *Longer polling hours*

6.31 Consideration could be given to extending the hours of polling on election day. The scope for this to be done in such a way as to have a significant impact on crowding is, however, limited. Within Timor-Leste, polling already starts at 7am, not long after dawn, and concludes at 3pm to provide sufficient time for the count at the polling centres to get underway before the sun sets. An earlier start of polling would seem unlikely to be feasible, and even if polling were to close later than 3pm, it would seem likely that voters will continue to prefer to come to the polling centre in the morning, especially in the March-April period when rain may be more likely in the afternoon. The impact on crowding of such a change might therefore prove to be negligible.

#### *Multi-day polling*

6.32 A further option would be to spread the polling over multiple days. This would not only increase the hours of polling available to voters, but, importantly, would increase the number of morning hours so available. This option would, however, require legislative amendment, would represent a substantial change from the way in which polling has been organised at past elections, and would give rise to the following practical challenges, as well as considerable additional costs.

- (i) Staff (including those providing security), materials and premises would need to be secured for a longer period, and election observers, and candidates' *fiscais*, would also have to be deployed for that longer period. Staff could reasonably expect that they would be provided not only with a salary reflecting the longer time worked, but possibly a place to sleep overnight (in remote areas), along with food or meal allowances. Some potential recruits could be put off by the prospect of having to spend several days as polling officials in a polling station, at risk of being in close contact with infectious people. On the other hand, additional remuneration associated with multi-day polling could prove to be an attraction.
- (ii) Working in a polling centre involves long hours and is a potentially exhausting experience. The more days of polling, the greater would be the need for trained reserve staff to cover illness and absenteeism, and as a precaution for a higher than expected turnout on a single day. It would therefore be necessary to set basic staff-

to-voter ratios higher than for single-day voting, and to allow for more frequent rest breaks for staff, particularly as the same polling centre staff would be conducting the counting.

- (iii) Support from agencies providing security would also be required for a longer period, and it might well be necessary also to provide them with appropriate facilities and allowances.
- (iv) Arrangements would need to be made for the storing of sensitive equipment and materials (including ballot papers and ballot boxes) overnight in conditions which were both secure and transparent. It might be feasible for that to be done at a polling centre site, but if security there could not be guaranteed or if the site were otherwise unsuitable, it might be necessary at the daily close of the polls to arrange transport of staff and materials to a more secure storage facility (such as a STAE office or warehouse, or a police station) and their return to the polling centre before the prescribed time for the start of polling next day. This would give rise to a need for vehicles for convoys, and *fiscals* and observers might similarly wish to obtain vehicles so that they could join the convoy and satisfy themselves that there had been no interference with ballot boxes or ballot papers in transit.
- (v) Ballot boxes would normally have to be sealed before being sent to storage at night, and unsealed the next morning. It would also be necessary to place unused ballot papers in sealed boxes, packages or tamper-evident bags. This would give rise not only to a need for more seals, but also for more record-keeping by polling staff of the whole process.
- (vi) Unless the polling staff were able to stay with the ballot boxes all night, a formal process would be needed to document the consignment of the ballot boxes and sensitive materials to the custody of those guarding them, and their return next day to the custody of the polling staff. Typically this would include the recording of the serial numbers of seals, their inspection next day to ensure that they were intact, and the specification of steps to be taken if a seal were found to have been broken.
- (vii) The ballot boxes and seals would have to be sufficiently robust to ensure that they could not be damaged or broken while being transported (possibly over rough roads). It might be necessary for padlocks to be used as well as seals to secure the ballot boxes (though that could give rise to additional requirements for the securing of keys or combinations). Again, steps to be taken if a seal were found to have been broken would need to be specified.
- (viii) Polling staff would need additional training to cover those elements of the operation which would not have been encountered with single day polling. People to whom ballot boxes and materials might be handed over for safekeeping would also need training in their responsibilities, and in documentation of their actions; and would need to be warned of sanctions they might incur if they failed to comply with security requirements.

- (ix) Detailed plans for the securing and storage of materials overnight would need to be developed with every other agency involved in the process. During the election itself, ongoing liaison would be required between STAE and those agencies to ensure that all was proceeding smoothly.
- (x) In general, multi-day voting makes capacity planning more difficult. It is not simply a matter of dividing expected voters by the number of days of voting and thus establishing expected daily polling centre traffic.
  - (a) Analysis of the potential voter population's daily work patterns, the impact of voter information campaigns on voters' understanding of when they may vote, and past time patterns of voter turnout might have to be taken into account in determining likely attendance on each day.
  - (b) There are administrative means of staggering the turnout over multiple voting days. Potential voters may be administratively split and assigned particular days to vote. This may be effective if done on a geographic basis, but is more likely to cause voter confusion if done on other bases, such as name.
  - (c) In the absence of any historical patterns, basic polling centre location and resourcing should prudently be based on a potential turnout of between two-thirds and three-quarters of the total potential voters on a single day.
- (xi) Planning would need to allow for increased levels of reserve equipment, such as ballot boxes, voting screens, and all Covid-mitigation related equipment and materials, in case of damage during the polling period.
- (xii) Plans for the operation would need to be able to be explained in detail to communities where voting would be taking place, to EMB staff, parties and candidates and their *fiscals*, security officials and election observers.

6.33 Given the great potential complexity of multi-day polling, and the limited time which would now be available to put the necessary arrangements in place, its use for the 2022 presidential election is **not** recommended.

### *Outdoor polling*

6.34 The conduct of polling outdoors to the greatest extent possible will be the most potent architectural measure for delivering a Covid-safe election, and is **strongly recommended**. The proven dangers associated with assemblies of people in small, crowded rooms have been highlighted above. The up-to-date study by Wang *et al* observes that:

“Many studies indicate that the risk of airborne transmission in outdoor environments is substantially lower than indoor environments ...; however, the risk of transmission outdoors exists in close proximity situations, especially if talking, singing or shouting over time”.<sup>9</sup>

The most recent published advice on polling from the International Foundation for Electoral Systems (IFES) emphasises that “Weather allowing, outdoors and other open spaces should be preferred to minimize risks of airborne transmission”.<sup>10</sup> Outdoor polling is already routinely used at elections in Thailand, Indonesia and several countries in Melanesia.

6.35 A detailed explanation of how outdoor polling can be made to work in Timor-Leste, which takes account, among other things, of difficulties which could arise due to bad weather, is contained in a paper on the subject prepared by the International IDEA team, which has been provided to STAE and CNE, and is set out at **Annex 3**. It should be emphasised that outdoor polling of this type would fully satisfy the standard requirements for a free and fair election, and would be as transparent as indoor polling.

### *Parallel polling*

6.36 A significant change which has been legislated for the 2022 election is a modification of the requirement that people vote in the suco for which they were registered. In the past, that requirement has led to a mass exodus from Dili at election time on the part of people registered to vote in other municipalities who had previously made their way to the capital. A feature of this exodus has been travel in crowded mikroletts or other vehicles, involving close personal proximity of passengers which would appear likely to give rise to a high risk of Covid transmission. The scheme being implemented will enable voters from other municipalities who previously would have had to undertake such travel to instead vote in Dili. Pre-registration will be required. Precise details of how the scheme will work have not yet been clarified, but it can be anticipated that polling centres for parallel voting will operate similarly to normal polling centres. It is critical that this parallel voting process be used extensively, not just for reasons of Covid-safety, but also to preserve the voting rights of citizens who might otherwise be prevented from voting by any internal travel restrictions that may be in place at the time of the election. It is therefore **recommended** that the pre-registration process (to be determined by government decree) be made as simple and straightforward as possible. A similar scheme put in place in 2018 for the benefit of students was not extensively used due to the complexity of the registration process, with particular difficulties flowing from the documents and authorisations that had to be obtained to certify membership of an eligible class and the voter’s location in Dili.

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<sup>9</sup> Wang *et al*, *op. cit.*

<sup>10</sup> IFES, *Safeguarding Health and Elections: Updated Recommendations for the Conduct of Safe Elections Amid COVID-19*, March 2021, at [https://www.ifes.org/sites/default/files/ifes\\_covid-19\\_briefing\\_series\\_safeguarding\\_health\\_and\\_elections\\_updated\\_recommendations\\_march\\_2021.pdf](https://www.ifes.org/sites/default/files/ifes_covid-19_briefing_series_safeguarding_health_and_elections_updated_recommendations_march_2021.pdf)

6.37 Since the full public health benefits of this scheme will only be realised if it is utilised by voters to the maximum possible extent, major public information efforts by STAE to encourage that are **recommended**.

*Pre-poll, internet or postal voting*

6.38 There are three types of architectural change to polling processes which should be mentioned briefly here, specifically because they would **not** be feasible in Timor-Leste and therefore are **not** recommended: pre-poll voting, internet voting, and postal voting.

6.39 Pre-poll voting is a process whereby votes can be cast in the days or even weeks before polling day. It differs from multi-day polling discussed earlier in two respects:

- (i) it is made available at far fewer sites than are established as polling centres on polling day, typically at major centres where there are EMB offices; and
- (ii) it is undertaken over a longer period than is typical even with multi-day polling.

6.40 There would be multiple difficulties with establishing such a system in Timor-Leste, which taken together would make it impracticable to implement it at this late point in the election cycle.

- (i) First, a pre-poll voting process would be unlike anything ever used in Timor-Leste before, and would require the development of a whole new legal framework, set of procedures, set of forms, and set of training packages; as well as the training of staff who would have no previous familiarity with the process.
- (ii) Second, it would scarcely be practicable to remove from the lists of voters used on polling day the names of people who had voted pre-poll. (Such removal is an element of the parallel voting scheme discussed above, which is workable in that context because prior registration for parallel voting is required.)
- (iii) Third, the indelible ink which has been used at past elections to mark voters so as to prevent multiple voting has a limited lifespan once applied, and would be unlikely to remain visible throughout a prolonged pre-poll voting period.
- (iv) Fourth, the need to implement a pre-poll voting process in the weeks before polling day would place an additional substantial burden on STAE staff, especially those in municipal offices, at the time when they need to be most focused on preparing for polling day.
- (v) Finally, the CNE survey cited at sub-paragraph 2.1(vi) above specifically explored public attitudes to pre-poll voting, finding that 85.4% of respondents were opposed to the provision of such a facility for those who did not have time to vote on election day. While the public view of pre-poll voting as a Covid-safety measure could be



more favourable, the figures suggest a considerable lack of enthusiasm for the general concept.

6.41 Internet voting gives rise to a wide range of complex problems of a legal, political, administrative and technical character, many of which have not been solved, and some of which may in principle be impossible to solve.<sup>11</sup> It is for that reason that voting stands out as perhaps the only major area of social activity in which the use of the internet has been almost universally shunned. The implementation of internet voting in any form would require Timor-Leste's EMBs to have a skill base in subjects such as computer security and networking, and cryptography, which are far removed from the skills which have been needed to date and built up in STAE and CNE. For all these reasons, there is no prospect that internet voting could be implemented at Timor-Leste's elections in the foreseeable future.

6.42 Postal voting would also not be feasible in Timor-Leste, because of the absence of a comprehensive postal delivery system. While some foreign countries in which out-of-country voting is planned do have such systems, there is an additional problem, also applicable to internet voting: it is at least arguable that any form of voting away from a polling centre, whether by post or online, would fail to satisfy the requirement in article 76 of the Constitution for a secret ballot. A classic statement of the meaning of a "secret" ballot was given by the Norwegian political scientist Stein Rokkan in 1961:

"... there are two distinct elements in the secrecy provisions: the first is to make it possible for the voter to keep his decision private and avoid sanctions from those he does not want to know; the second is to make it impossible for the voter to prove how he voted to those he does want to know."<sup>12</sup>

Voting away from a polling centre clearly may fail to satisfy the second of these elements, and would have the potential to open the way to abuses of the process such as vote-buying; or to allegations thereof which would be almost impossible to disprove.

#### Out-of-country voting

6.43 The conduct of out-of-country registration and polling is likely to be more complex in 2022 than at the last national election in 2018. How it might proceed will very much depend on the local circumstances in each country in which it is taking place. With the delta variant of Covid now spreading rapidly and becoming dominant in many countries, relatively draconian measures implemented in an attempt to stop it may well be in place at election time. Such measures may not prevent the establishment of registration or polling

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<sup>11</sup> For a detailed discussion of these issues, see Electoral Council of Australia and New Zealand, *Internet Voting in Australian Election Systems*, at <https://www.ecanz.gov.au/sites/g/files/net4931/f/internet-voting-australian-election-systems.pdf>.

<sup>12</sup> Stein Rokkan, "Mass Suffrage, Secret Voting and Political Participation", *European Journal of Sociology*, vol. II, 1961, pp. 132-152 at p. 142.

facilities overseas, but they may well prevent potential voters from actually leaving their homes to register or vote. In any given country, the situation may also be unstable: recent experience has shown that it is possible for a country to move from being in a relatively good state to being in lockdown within a matter of days.

6.44 At past elections, voting at Timor-Leste's diplomatic missions has been supported by the deployment there of staff from STAE and CNE. Given widespread travel restrictions around the world, there can be no certainty that such an approach will be possible at the 2022 election. It is therefore **recommended** that there be:

- (i) enhanced training provided for diplomatic staff in electoral procedures (which may well have to be done remotely, using the internet); and
- (ii) close liaison between STAE, CNE and the Ministry for Foreign Affairs, and between Timorese diplomatic missions and the authorities in the host countries, to ensure that any likely obstacles to the conduct of out-of-country voting are identified as early as possible and communicated to STAE and CNE, so that appropriate solutions can be determined, developed and implemented.

Work on such training and liaison needs to be initiated as soon as possible, and continued right through the election.

6.45 It is also **recommended** that article 65-A of the Presidential Election Law be amended to permit STAE to request assistance in providing polling facilities from the election management body, or election management bodies, in a foreign country, by inserting the following new sub-article after sub-article 1:

- "1A. In respect of voting taking place in a country other than Timor-Leste, STAE may request the assistance of an election management body, or election management bodies, in that country."

There are precedents for such cooperation, for example at the 1994 election in South Africa. Overseas polling at the 1999 popular consultation was also supported in that way by the AEC in Australia, and by the International Organization for Migration in a number of other countries.

6.46 A further problem with out-of-country voting arises from article 44-A, sub-article 3 of the Presidential Election Law, which requires the minutes of counting and tabulation conducted out-of-country, and any disputed votes cast, to be delivered "in physical form" to the national tabulation centre in Dili within 72 hours of the end of the relevant out-of-country counting and tabulation operation. With international air travel and freight now largely disrupted, it is highly likely that in the absence of a substantial improvement in the situation, it will simply be impossible for this deadline to be met. It is therefore **recommended** that sub-article 3 be amended by deleting the words "in physical form".

## Counting

6.47 Apart from the polling itself, the counting of votes at polling centres gives rise to a greater risk of Covid transmission than any other phase of the electoral process for which the electoral authorities are responsible. A number of factors contribute to this.

- (i) First, the counting process used, while highly transparent, is inherently slow. Rather than the ballots being sorted directly into piles corresponding to each candidate, as is done in some countries, each ballot is displayed to those present, with the vote marked on it being announced (loudly) and tabulated on a large tally sheet, and with *fiscais* often keeping their own records as well. As a consequence of this slowness, those present spend more time in close proximity to each other than would be the case if the counting were quicker, giving rise to a greater potential risk of Covid transmission.
- (ii) Because of this, it is unusual in other than the smaller polling centres for the count to be able to be concluded in the natural light available between the close of the polls at or shortly after 15h00, and the setting of the sun at around 19h00. Indeed, counting at polling centres which take large numbers of votes - such as those in urban areas - typically continues well into the night, past midnight in some cases. The availability of lighting is therefore critical, making indoor counting standard.
- (iii) In the past, such indoor counting, like the polling, has often taken place in small, crowded and poorly ventilated rooms, with STAE and CNE staff, *fiscais* and observers in close proximity. As noted earlier, such premises have been identified by the WHO as giving rise to increased risks of Covid transmission. Often, members of the public from the locality have tended to return to the polling centre to watch the count through the windows. This in itself has been seen as an admirable feature of the counting, encapsulating and reinforcing a sense of public engagement with and ownership of the electoral process. But their presence can tend to obstruct the room's ventilation somewhat, and often gives rise to background noise and (sometimes) barracking in favour of a particular candidate (which is also problematical, as loud shouting in confined spaces has also been identified as increasing the risk of Covid transmission). Furthermore, the greater the number of people present in the room used for counting, the greater is the risk that one of them may be infectious with Covid (unless all present have been required to undergo rapid screening before being admitted).

6.48 For all of these reasons, there is a critical need for the counting process to be modified to make it more efficient and less time-consuming, while maintaining full transparency. A detailed explanation of how that can be done is contained in a paper on expedited vote counting prepared by the International IDEA team, which has been provided to STAE and CNE, and is set out at **Annex 4**. The key modifications involve the elimination of multiple handling of ballot papers as much as possible, and the conduct of counting at the polling station rather than polling centre level when a polling centre has more than one polling station. It is **recommended** that these modifications be made.

## Tabulation

6.49 The tabulation process at both the municipal and national levels has the potential to give rise to similar problems to those at counting. In two respects, however, tabulation can be expected to be less risky.

- (i) First, far fewer people in total will be present at the various tabulation centres than at the myriad polling centres on election night.
- (ii) Second, the prospect exists for tabulation to take place in larger settings, providing better opportunities for social distancing, and for the rigorous enforcement of hygiene measures. Options which are **recommended** for consideration include:
  - (a) investigating the availability of larger premises for tabulations than have been used in the past (especially at the national level, even if that would require CNE to run the operation at a venue other than its own headquarters, such as, for example, the Dili Convention Centre);
  - (b) limiting the numbers of people who can access the venue to observe (while maintaining access for those with a legitimate need to be there to preserve the transparency of the process, and ensuring that all contestants' *fiscais* have equal access rights); and
  - (c) preventing crowds from milling around the area outside the centre (which, for the national tabulation, could be done by limiting admission to the CNE compound).

6.50 The point of highest risk in the tabulation process arises right at the beginning, when documents and materials are being received back at the municipal level, late on election night, from all of the polling centres. In major centres there is a tendency for the materials from many polling centres to arrive at the tabulation centre at about the same time, giving rise to considerable scope for crowding and delays. Two ways of responding to this are **recommended**.

- (i) First, premises for the municipal tabulation centre need to be chosen with the view to reducing crowding in the approaches and at the entrance to the maximum possible extent. They need to be spacious, easily accessible, with ample parking space adjacent; and sites with a single approach road which will become a choke point should be avoided. If the existing STAE office in a municipality does not satisfy these requirements, an alternative venue, if one exists, should be used instead.
- (ii) Second, provided that premises can be found which will permit adequate social distancing, a substantial number of trained and well-supervised staff should be deployed at the tabulation centres to check in the materials and documents being received. This task should not be left to only a small number of people, who would rapidly be overwhelmed.

6.51 The tabulations (municipal and national), once underway, will need to incorporate the same sorts of social distancing, hygiene and sanitation measures as will be needed across the board.

6.52 Recent changes to the Presidential Election Law are likely to make the national tabulation of results a lengthier process. Specifically, article 45, sub-article 3 has been amended to require the results of municipal tabulations, and all null and disputed ballots, to be sent to CNE within three days (rather than two) after the election date, with a copy of the municipal tabulation minutes also to be sent to STAE. Article 46, sub-article 1 has been amended to require CNE to rule on the null ballots received from municipal tabulation centres. This gives CNE a significant new task: at the first round of voting at the 2017 presidential election, the total number of null votes was 8,989. The task will involve the individual handling at the national tabulation of (potentially) thousands of ballots from all over the country, cast by voters whose Covid status will be unknown.

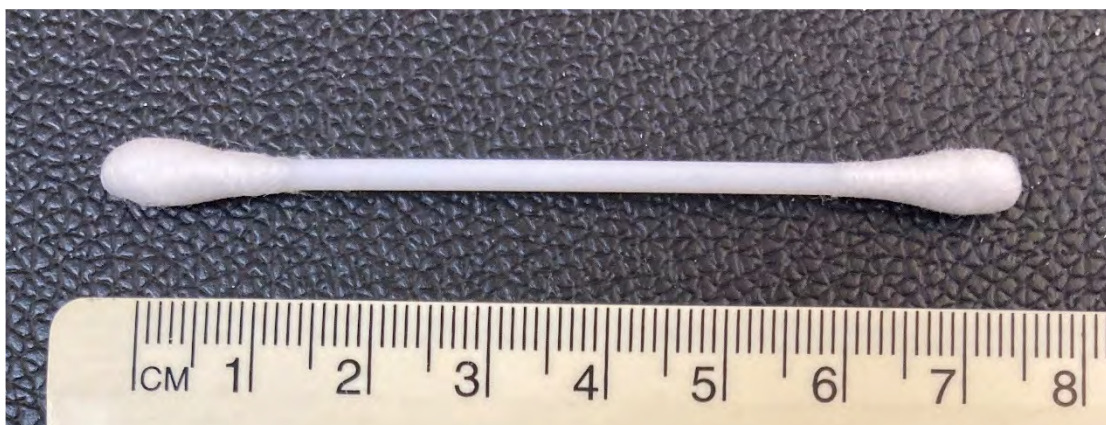
#### Social distancing, hygiene and sanitation measures

6.53 As noted previously, measures of this type have been a mainstay of public health responses to Covid worldwide. They are every bit as important in the context of elections as in that of any other form of social interaction. Some, such as requirements to wear masks and disinfect hands, will by now be familiar to many people in Timor-Leste. Others, such as temperature testing (if adopted) may be less familiar, especially in remote areas. These measures, above all others, depend for their effectiveness on overwhelming public cooperation; and for that reason it is **recommended** that they be socialised by extensive public information campaigns, complemented by specific briefings for parties, candidates, media, *fiscais*, and election observers.

6.54 A guiding principle underpinning hygiene measures to make polling Covid-safe is to eliminate from the process objects or materials which will be touched by more than one voter. This is analogous with basic medical practices such as avoiding the sharing of hypodermic needles. The implementation of such a principle will not only minimise the risk of cross infection, but also, importantly, will reinforce public confidence in the safety of the process. Two particular aspects of the polling stand out as needing modification along these lines.

- (i) In the past, voters have been marked with indelible ink to indicate they have voted, a process which has involved each voter dipping his or her finger into a bottle of ink. As of now there does not appear to have been specific research which would indicate that the ink used at elections will destroy the Covid virus. In the absence of the clearest and most unambiguous evidence on that, it would be untenable to put a process in place which could lead to the transfer of virus from one person to another. Even if there were research proving beyond doubt that the virus could not survive in ink, the risk would remain that the voting public might not believe that or feel confident in it, and rumours that voting would be unsafe would be difficult to monitor and dispel. (That, it might be noted, came to be a particular problem at

the South African election of 1994, when voters were afraid that HIV could be passed on through the use of shared ink.) For all of these reasons, it is **strongly recommended** that the dipping of multiple voters' fingers in a shared bottle of ink be replaced by a process in which each voter is marked using a single-use disposable applicator such as a "cotton bud", an example of which is shown below. Such cotton buds were used as applicators in Liberia during the Ebola outbreak there in 2014.



- (ii) Also, votes have in the past been marked by the punching of a hole in the ballot paper using a metal nail which is placed in the voting compartment and used by every voter. This use of a common nail again on the face of it gives rise to an unacceptable risk of cross-infection. It is therefore **strongly recommended** that each voter be provided with a single-use disposable wooden "nail", similar to a wooden meat skewer. These are relatively inexpensive.

6.55 It is also **strongly recommended**, and **vital**, that the social distancing, hygiene and sanitation measures to be put in place be developed cooperatively with, and signed off by, Timor-Leste's public health authorities. It would be extremely damaging to the credibility of the election process if the measures put in place came to be criticised by those authorities as unsafe, and moreover as something decided without adequate consultation with them.

6.56 At the 2018 election, voters, when entering the polling station, were required by article 42, sub-article 1 of Government Decree No.21/2017 (*"Regulating the Organization and Operations of Polling Centers and the Voting, Vote Counting and Tabulation of Results Procedures"*) to surrender to the queue controller any "image-capturing mobile devices" in their possession. This was intended to prevent the practice of taking so-called "ballot selfies". In the Covid era, the handing of such devices from voters to officials and back to voters again in a way which would avoid any possibility of cross-infection would be likely to be complex, and would have the potential to slow the flow of voters through the polling station, leading to slower moving queues and longer queueing times. It is therefore **recommended** that:

- (i) article 42, sub-article 1 of Government Decree No. 21/2017 be deleted;
- (ii) voters be advised in public information campaigns that they should not bring such devices to the polling centre, that their use within a polling station is forbidden, and

that any which are nevertheless brought will have to be switched off before the voter enters the polling station;

- (iii) this message be reinforced through signage, and verbal instructions from the queue controller; and
- (iv) polling official training include a requirement for staff to be on the lookout for any breach by voters of this requirement.

6.57 **Annex 5** contains a preliminary exploration of how some of these measures might be implemented at polling centres. Except where specifically identified, the ideas set out therein do not have the status of recommendations, but are rather proffered as a possible starting point for consultations which need to be undertaken between STAE and CNE and the public health authorities. It should be noted that in many cases, outdoor polling as proposed above will also provide better opportunities for social distancing than the use of confined spaces as polling stations.

#### *Assisted voting*

6.58 Finally, there is one part of the polling process in which the maintenance of social distancing could be especially challenging: the provision of assistance to voters who are unable to record their votes themselves. At the 2018 election, provision was made for this situation by article 31 of Government Decree No. 21/2017, as follows:

#### **“Article 31**

##### **Blind or other voters with a disability**

1. A voter who is blind or has another disability and cannot vote on their own can exercise his/her right to vote accompanied by another voter chosen by him/her.
2. The companion is bound by secrecy regarding the vote of the voter who is blind or has another disability.
3. The secretary of the polling station, in the presence of the representatives of the political parties, must check if the companion was freely chosen by the voter to accompany him/her during the exercise of his/her right to vote.
4. Should it be concluded that the choice of the companion was not made freely, the secretary of the polling station facilitates the choice of another companion by the voter to assist him/her to exercise his/her right to vote.
5. When the secretary of the polling station questions the true nature of the circumstances or facts referred to in paragraph 1, which enable the exercise of the right to vote with a companion, the secretary shall request the voter to provide a medical certificate stating the facts or circumstances that prevent the voter from exercising his/her right to vote on their own.”.

6.59 These provisions are broadly in line with what can be found in many electoral laws around the world. In one respect, however, they functioned in a problematical way in 2018, as documented by observers deployed by the organisation Ra'es Hadomi Timor Oan (RHTO):

“In 88 percent of the polling stations monitored, the access monitors observed at least one voter with a disability requesting to be allowed to vote with an assistant. In 75 percent of the polling stations in which requests for assisted voting were observed, election staff allowed each of these voters to vote with an assistant. Polling stations monitored where voters’ requests for an assistant were denied were more likely to be in Covalima, Ermera and Manatuto. The access monitors observed 280 voters voting with an assistant.

In two-thirds of the polling stations where the access monitors observed at least one person requesting to vote with an assistant, the polling station secretary checked with the voter that the voter had freely chosen the assistant. This legal requirement was implemented in all such polling stations monitored in Baucau and in most in Manufahi (90%), Liquica (80%) and Manatuto (80%). On the other hand, this was implemented in a much lower proportion of such polling stations in Bobonaro (8%) and Dili (33%). In almost all (91%) of the polling stations monitored where the polling station secretary checked whether the voter had freely chosen their assistant, political party agents were present at the check. While this is now required by law, this can provide a further opportunity for political party agents to try to influence a voter in his/her choice of assistant, which is not good electoral practice. The access monitors reported that political party agents had made at least one attempt to influence voters on who should assist them to vote in 30 per cent of polling stations where assisted voting was observed.”<sup>13</sup>

6.60 The requirement in article 31, sub-article 3 that the secretary of the polling station confirm that a person to provide assistance has been freely chosen by the voter is intended as a protection for the voter. The right of *fiscais* to be present when that is being done provides transparency to the confirmation process; but nothing in the provision gives *fiscais* the right to seek to influence the voter’s choice as was reported to have occurred in 2018. In the context of the Covid pandemic, the right of the voter to choose his or her own assistant is even more important than in normal times, as voters are more likely to feel confident that they will not catch Covid from a friend or family member than from someone they may not know, but are being urged or even pressured to accept as an assistant. It is therefore **recommended** that it be made clear in briefings and training, both for polling staff and for candidates and their *fiscais*, that:

- (i) *fiscais* do not have the right at a polling station to seek to influence a voter in his or her choice of assistant; and
- (ii) when “present” while the polling station secretary is confirming the free choice by the voter of his or her assistant, *fiscais* must maintain social distancing.

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<sup>13</sup> Ra'es Hadomi Timor Oan (RHTO), *Timor-Leste 2018 Early Parliamentary Elections: Disability Access Monitoring*, August 2018, pp. 24-5, at [https://aceproject.org/ero-en/timor-leste-2018-early-parliamentary-elections/at\\_download/file](https://aceproject.org/ero-en/timor-leste-2018-early-parliamentary-elections/at_download/file).




6.61 In relation to voters who are blind, advocacy groups in Timor-Leste have in the past made a case for the provision of ballots suitable for users of Braille. In a number of countries, this has been able to be done by devising a template into which the ballot can be slipped, and on which markings in Braille, or other tactile markings, are placed to enable the voter to identify the candidates.<sup>14</sup>

- (i) Any such template would either have to be designed for single use, or be capable of being sanitised after each use. If the former approach were adopted, the templates would have to be produced in considerable quantities; while under the latter approach, it would suffice for each polling station to be supplied with two such templates (with the second being a spare in case the first was damaged), along with appropriate disinfection materials.
- (ii) A sanitisable template would need to be manufactured from a durable material, such as metal or plastic. It is unclear whether the production of such templates bearing Braille markings would be able to be done locally in Timor-Leste, or whether they would need to be imported.
- (iii) The design of a template for use at the first round of voting could only be concluded once the number of candidates was known. For a run-off vote, a simpler template, for a ballot with only two candidates, would need to be used.
- (iv) The template production process could be simplified by using a different style of template, not marked with Braille, but rather containing holes and raised dots corresponding to the different candidate positions on the ballot: so a voter who had decided to vote for Candidate 4 (for example) would feel the template to find the fourth hole from the top, or the candidate adjacent to a set of four dots. This would have the benefit of being usable by voters who are blind but who have not been taught Braille. An example of a template based on holes, from the Canadian Province of Saskatchewan, is set out below.

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<sup>14</sup> For examples from a range of countries, see [www.electionaccess.org/en/resources/tactile-ballot-guides/](http://www.electionaccess.org/en/resources/tactile-ballot-guides/).

 <b>E-310</b> Form FF The Election Act, 1996 Section 77 (Rev. 2011)	1 2 3 4 5 6 7 8 9 10
<p>THIS TEMPLATE IS FOR THE USE OF BLIND VOTERS WHO DO NOT WISH TO BE ASSISTED BY A FRIEND OR THE DEPUTY RETURNING OFFICER IN MARKING THE BALLOT</p>	
<p>General Instructions to Deputy Returning Officer</p> <ul style="list-style-type: none"> <li>• Blind voters ARE NOT required to take the oath of an incapacitated voter when using this template.</li> <li>• Your poll clerk will make the usual entry in the poll book, i.e. "voted".</li> </ul>	
<p>Procedure in the handling of the Ballot Paper</p> <ul style="list-style-type: none"> <li>• Detach voter's ballot from the book and fold it in the prescribed way.</li> <li>• Unfold ballot paper and place it inside template in such a way that the first circle on the ballot is aligned with the first circle on the template.</li> <li>• IF ASKED, inform voter of the order in which the names of the candidates appear on the ballot.</li> <li>• Direct the voter to refold his/her ballot, after marking it, using as a guide the ridges left when you folded it.</li> </ul>	

6.62 The use of templates of this type is widely supported, including by IFES, International IDEA, and a range of organisations speaking for people with disabilities. It is **recommended** that STAE arrange for the production and use in Timor-Leste elections of appropriate ballot paper templates for voters who are blind.

#### Enhanced capacity to change processes in response to the unexpected

6.63 It must be emphasised that STAE and CNE need to have the capacity, from both a legal and practical standpoint, to respond to potentially rapidly changing situations on the ground. While prescriptive laws and decrees are a useful tool for ensuring that there is a shared understanding of the "rules of the game", they become a problem if so inflexible as to make the electoral process susceptible to disruption by unanticipated events.

6.64 In one respect, the most recent amendments to the Presidential Election Law have actually made STAE's situation more challenging. Article 31, sub-article 4 as amended now provides that while the number and locations of polling centres must be announced by STAE at least 30 days before election day, the locations, and only the locations, may be changed up to ten days before election day. Previously, both the number and locations of polling centres could be changed up to ten days before election day. This removal of an element of flexibility for the planning and implementation of polling is likely to be unhelpful for the conduct of a Covid-safe election, especially since article 51, sub-article 1 of the Law requires the same number and locations of polling centres to be used at a run-off as at the first round of voting. The effect of that on the face of it is that polling centre numbers at a run-off will reflect the situation prevailing in the country at least 60 days before, and polling centre locations at a run-off will reflect the situation at least 40 days before.

6.65 Article 41 of the Presidential Election Law makes provision for changed polling arrangements in circumstances where a "calamity" has occurred. It is desirable to clarify the definition of a "calamity" to ensure that it covers matters arising from the Covid pandemic. An amendment is therefore **recommended** to clarify that such matters are covered, by inserting in article 41 the following new sub-article after sub-article 1:

- "1A. In sub-article 1, "calamity" includes any circumstance arising from the existence of a communicable disease which, in the judgement of the Director-General of STAE:
- a) would give rise to unacceptable risks to the health and safety of STAE staff, voters, or any other persons entitled to be present at the polling or counting of votes; or
  - b) would make it impossible, or unreasonably difficult, for voters to attend the polling centre or station."

6.66 At the moment, there is no general provision in the Presidential Election Law which would permit STAE, if confronted with an unforeseen and possibly unforeseeable problem, to put in place an effective response. While last-minute changes to procedures are typically seen as undesirable in a normal electoral context, the absence of an ability on STAE's part to make such changes in the Covid era could well have even worse consequences.

6.67 An example of such a provision can be found in section 17 of the *Canada Elections Act*:

**"Power to adapt Act**

- 17(1) During an election period or within 30 days after it, if an emergency, an unusual or unforeseen circumstance or an error makes it necessary, the Chief Electoral Officer may, for the sole purpose of enabling electors to exercise their right to vote or enabling the counting of votes, adapt any provision of this Act and, in particular, may extend the time for doing any act, subject to subsection (2), or may increase the number of election officers or polling stations.

#### **Limitation – power to adapt**

- (2) The Chief Electoral Officer shall not extend the voting hours at an advance polling station or, subject to subsection (3), the voting hours on polling day.

#### **Emergency – extending voting hours**

- (3) If voting at a polling station is interrupted on polling day by an emergency and the Chief Electoral Officer is satisfied that, if the voting hours at the polling station are not extended, a substantial number of electors will not be able to vote, the Chief Electoral Officer shall extend the voting hours at the polling station for the period the Chief Electoral Officer considers necessary to give those electors a reasonable opportunity to vote, as long as the polling station does not in any case
  - (a) close later than midnight on polling day; or
  - (b) remain open during polling day for a total of more than 12 hours.”.

An even more comprehensive provision is section 50 of Uganda’s *Electoral Commission Act 1997*:

#### **“Special powers of the commission.**

- (1) Where, during the course of an election, it appears to the commission that by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstances any of the provisions of this Act or any law relating to the election, other than the Constitution, does not accord with the exigencies of the situation, the commission may, by particular or general instructions, extend the time for doing any act, increase the number of election officers or polling stations or otherwise adapt any of those provisions as may be required to achieve the purposes of this Act or that law to such extent as the commission considers necessary to meet the exigencies of the situation.
- (2) For the avoidance of doubt, this section applies to the whole electoral process, including all steps taken for the purposes of the election and includes nomination.”.

6.68 An amendment to the Presidential Election Law is therefore **recommended**, empowering the Director-General of STAE, with the concurrence by resolution of CNE, to give written instructions adapting the process in such circumstances, as follows:

#### **“Special emergency powers**

1. Where, during the course of an election, it appears to the Director-General of STAE that by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstances any of the provisions of this Law or any law relating to the election, other than the Constitution, do not accord with the exigencies of the situation, the Director-General may, with the concurrence of CNE signified by CNE resolution, by particular or general instructions in writing, extend the time for doing any act, increase the number of election officers or polling centres or stations or otherwise adapt any of those provisions as may be required to achieve the purposes of this Law to such extent as the Director-General considers necessary to meet the exigencies of the situation.

2. Immediately after any instructions referred to in sub-article (1) are issued, the Director-General of STAE shall:
  - a) provide a copy to CNE;
  - b) provide a copy to the representative of each candidacy;
  - c) publish a copy online; and
  - d) cause a copy to be published in the *Jornal da República*.
3. For the avoidance of doubt, this section applies to the whole electoral process, including all steps taken for the purposes of the election and includes nomination.”.

This amendment would be sufficiently broad to cover events such as the disruption of polling or counting at Timor-Leste’s diplomatic missions overseas by lockdown arrangements or other legal requirements which have been put in place by the country in which the mission is located.

## **Part 7 - Training needs**

7.1 Effective, well-resourced and timely training of staff, based on clear legal decrees produced as early as possible in the election cycle, is one of the fundamental requirements for a successful election. This will especially be so in 2022, for several reasons.

- (i) First, one of the most basic challenges of electoral administration is that its success ultimately depends on the work done at polling centres by staff who are only temporarily employed to perform their tasks, and who at best will not have done such work in the years since the previous election. Moreover, it is in the nature of the work that they must “get it right” first time. This stands in stark contrast to most other areas of public administration, in which people get the opportunity to learn on the job under the direct supervision of more experienced officers, and errors are typically retrievable.
- (ii) Second, there will be a significant number of polling staff in 2022 who will never have worked at an election before, if only because of the planned increase in the number of polling centres.
- (iii) Third, the need to deliver a Covid-safe election will inevitably mean that the processes used at previous elections will be changed, and all polling staff will therefore have to be trained in new procedures. If the recommendation above to undertake vote counts at the polling station level is accepted, polling station secretaries will also require training for managing these counts.
- (iv) Fourth, specific training will be needed, with a major public health dimension, for staff who will be taking the votes of persons in isolation or quarantine.

- (v) Finally, the likely absence of STAE and CNE deployees from out-of-country voting sites means that appropriate training in electoral procedures will need to be developed for and delivered to the staff of Timorese diplomatic missions.

7.2 The exact content of training to be delivered for the 2022 election cannot be determined at this point, since it will depend among other things upon policy decisions to be made by Timor-Leste's authorities in response to recommendations in this Baseline Assessment, and the expression in clear legal decrees of those of the recommendations which are accepted. It can, however, be anticipated that much of the content, being focused on electoral procedures which have not been changed since 2017-18, will be based on materials previously used. Additional content, however, will be required to cover Covid-specific procedures (including both public health measures, and new processes such as polling station-based counting). As the successful implementation of those procedures could literally have "life or death" consequences, both the training content and methodology will need to be altered to give trainees more time to practise and familiarise themselves with new procedures. It will also require training resources that are clear, concise and easy to use on the day.

7.3 As all of the Covid-safety procedures will be new and will require changes to existing behaviours and responsibilities, it will, as noted earlier, be important to offer either training or sensitisation programs to groups such as *fiscais*, domestic and international observers, and the professional media. In these training and sensitisation programs it will be important to explain not just how procedures are changing, but also why they are changing.

7.4 Training programs by themselves will not suffice to avoid potential difficulties on election day. If polling and counting staff and the other stakeholder groups just mentioned are well trained, but members of the general public are not made aware of what changes to polling and counting procedures will be occurring and why, that could limit the benefits of whatever training efforts are undertaken. For that reason, it is **recommended** that all education and information strategies for the upcoming presidential election should be developed with a multi-functional focus so that they can be used simultaneously to inform the general public and as training tools. If that can be achieved, it will mean that electoral officials and other stakeholders in Timor-Leste's electoral processes will have a shared understanding of the challenges and mitigation strategies from the outset. **Annex 6** sets out an indicative list of potential audiences and strategies for formal training in the lead up to the 2022 election.

7.5 The importance of ensuring that vital functions performed in the headquarters and municipal offices of STAE and CNE do not depend on just a single individual or a very small team also implies the need for targeted training and mentoring within those offices to minimise the risk that Covid infections could give rise to a situation in which no one is able to perform a time-critical function on which the effectiveness of the electoral process depends. Should any new STAE municipal coordinators be appointed, urgent training for them to bring them up to speed will also have to be given high priority.

7.6 It needs to be emphasised that the timely provision of adequate funding for investment in training activities is vital.

7.7 Finally, all training will have to be delivered in a way which is itself Covid-safe, with appropriate social distancing, hygiene and sanitation measures fully observed. This may require the use of larger/better ventilated venues than in the past; and/or the conduct of training outdoors; and/or the conduct of training in smaller groups (which could give rise to a need for more training teams, for which more funding would likely be required).

## **Part 8 - Public information**

8.1 At a number of points in this document, the need for Covid-safe procedures to be reinforced by a strong public information campaign has been highlighted. Such a campaign is covered by Component 3 of the Core-TL Project. The nature of the campaign will be a matter for discussion between UNDP and the key stakeholders in Timor-Leste, and the following observations are intended to stimulate thought rather than to be prescriptive.

- (i) Any campaign should emphasise the nature of the election as a societal undertaking, the success of which will depend on all stakeholders playing their part cooperatively and constructively.
- (ii) It should also draw attention to the unique challenges posed by the Covid pandemic, and inform its target audience(s) about how past practices will be changed, and why that will be done. Its impact will be increased if underpinned by research to identify what aspects of voting in a pandemic are of greatest concern to voters.
- (iii) It should be developed in cooperation with, and approved by, the relevant public health authorities.
- (iv) As recommended above, the content of information programs and training materials should be harmonised, not least because from the audience's point of view, the distinction between training received and information received will not necessarily be clear-cut.
- (v) A campaign will reach the greatest number of people if it uses a diversity of delivery channels - including traditional broadcast media, social media, newspapers, printed materials - and can be configured with different content and levels of detail depending on the needs of particular target audiences.
- (vi) Appropriate targeted content should be developed for persons with disabilities, women, and young and first-time voters, with a particular need to emphasise in relation to the latter that they are will still be at risk of catching or spreading Covid if they do not comply with the safety measures being put in place.
- (vii) Targeted information will also be especially important for potential users of entirely new processes, such as the parallel voting to be conducted in Dili, and voting by persons in mandatory quarantine or isolation.

- (viii) Impact may be increased through the involvement of well-known personalities, and by the consistent use of an engaging theme and a “Covid-safe election” logo.
- (ix) Input should be sought from the Ministry of Foreign Affairs on how best to convey information to those who will be voting out-of-country.
- (x) The information campaign structure should encompass mechanisms for answering questions received from the public via social media channels, and for identifying and promptly responding to rumours or misinformation.
- (xi) Finally, key messages should be conveyed using simple metaphors likely to be well-understood, for example “if you are close enough to someone to breathe in their cigarette smoke, you are close enough to be breathing in their Covid viruses as well”.

## Part 9 - Additional legal issues

9.1 In addition to the amendments to the Presidential Election Law which have been recommended above, two further amendments are also **recommended**.

- (i) At the moment, the prescribed deadline specified for the withdrawal of a candidate from a run-off vote (if required) is 48 hours from the conclusion of the first round of voting. Delays in the tabulation of results of the first round due to disruptions caused by Covid could mean that the deadline for withdrawal from the second round passes before the results of the first round have even been finalised. The deadline should instead be set at 48 hours after the proclamation of the result of the first round of voting. In article 24 of the Law, sub-articles 3 and 4 should be replaced by the following sub-articles.
  - “3. After the first voting has been held, the withdrawal of any of the two candidates with the highest number of votes may only occur within 48 (forty-eight) hours from the proclamation under sub-article 48(1) of the result of the first voting.
  - 4. In case of a withdrawal pursuant to paragraph 24(3) above, the remaining candidates shall be invited in accordance with the voting order, so that up to the 4th (fourth) day after the proclamation under sub-article 48(1) of the result of the first voting, they may communicate their eventual withdrawal.”.
- (ii) Article 28 of the Law requires CNE to verify compliance with various principles relating to election campaigning, but these do not currently include ones relating to public health. Accordingly, sub-article 2 should be replaced by the following sub-article:



- “2. CNE shall verify the compliance with these principles, to be applied from the date of the scheduling of the election, and shall adopt measures to ensure compliance with such principles, the peaceful unfolding of the electoral campaign and the protection of public health and safety.”.

9.2 In addition to the amendments to the Presidential Election Law already recommended in this document, it will undoubtedly be necessary for Covid-safety driven changes to electoral processes to be reflected in subordinate laws such as government decrees. This will presumably involve the recasting and reissuing of decrees previously used. As such redrafting could be done in a number of different ways, it would not necessarily be helpful at this point to propose specific wording of “amendments” to previous decrees. That having been said, the resources of the International IDEA team will be able to be made available at the appropriate point in the electoral cycle to provide advice on ways of structuring the decrees to give effect to its policy recommendations.

9.3 Finally, it needs to be emphasised that there is a considerable likelihood that general laws enacted to protect public health in the Covid era, probably not originally drafted with the prospect of an election in mind, may impact upon electoral process, possibly in a disruptive way. For that reason, it is vitally important that the laws relating to public health and to the election be harmonised so that nobody will be confronted with contradictory legal requirements. This will require a cooperative approach involving the EMBs and the public health authorities. It is **recommended** that structured mechanisms in support of this, such as joint working parties, be put in place as soon as possible, and continue to operate through to the election.

## **Part 10 - Cross-cutting issues**

10.1 Two crosscutting issues need to be addressed at this point: digital transformation, and the potential impact of Covid-mitigation measures on particular societal groups.

### Digital transformation

10.2 It was contemplated in the CORE-TL Project Document that a “Digital Transformation Specialist” would be deployed “to provide the digital advice and solutions” to be part of the COVID-Resilient Election Plan and Manual being developed as part of the Project. It was also envisaged that the specialist would:

“design and advise the EMBs’ IT staff on IT infrastructure for voter registration, nominations of candidates, the production of ballot papers and consolidation of election result”

and also

“advise on how to set up and manage election databases including voter list, candidates, registration and polling centers and result”.

Consideration of the development of an online system for the presentation of presidential candidates - an undertaking driven by the need to enhance Covid-safety - has also been recommended earlier in this document.

10.3 Significant, transformational development or redevelopment of EMB IT systems between now and the presidential election is likely to prove challenging, for the following reasons.

- (i) Almost half of the time between the start date shown on the Project Document (22 March 2021) and the likely date of the election in March 2022 has now elapsed. Due to the profound difficulties caused by Covid, it has not yet been possible for a Digital Transformation Specialist to be deployed. Timor-Leste is therefore now approaching the final part of the pre-election cycle, a time when the introduction of major new IT systems is generally regarded as a sub-optimal practice giving rise to considerable risks of failure.
- (ii) Specifically, any major system development initiated now would involve a compressed system development life-cycle, with key activities such as specification, testing, development of system and user documentation, user training, and deployment having to be undertaken in a rush, giving rise to higher risks of failure of one form or another. As every day goes by, this risk increases.
- (iii) The development of systems in such an environment would almost inevitably have an impact on the EMBs' other critical activities, including those required for Covid-resilience, and would place a substantial burden on senior managers in both STAE and CNE.

10.4 For all of these reasons, IT work to be done between now and March 2022 needs to focus on maintaining, and ensuring the effective operation of, the systems which support activities critical to the success of the election, such as presentation of candidates, voter registration, and tabulation of results. Broader transformation of the EMBs' digital environments would be more safely pursued after the election.

#### Impact of Covid-mitigation measures on societal groups

10.5 Broadly speaking, Timor-Leste has been successful in running elections which have been inclusive of almost all societal groups. Nevertheless, where obstacles to voting have been encountered - for example by people with disabilities - there is a risk, as noted earlier, that an additional danger of Covid infection could tip the balance against their being prepared to participate in the electoral process.

10.6 It is beyond the scope of this Baseline Assessment to solve broader pre-existing problems of this type. It need simply be noted that none of the Covid-safety measures recommended herein would be expected to place any significant additional obstacles in the way of voters. Furthermore, the introduction of outdoor polling could make access to polling stations easier for voters who in the past may have had difficulty in gaining entry to

buildings which had not been designed with ease of access in mind, such as schools with rooms which had to be approached via a staircase.

10.7 As people with disabilities, and often with serious co-morbidities, have been widely identified as a high-risk group for Covid, it is possible that some may simply be unwilling to come to a polling centre at all. In a number of countries, the option exists for providing house-to-house polling facilities to be made available, but the implementation of such a scheme in Timor-Leste would be likely to be exceptionally challenging.

## Part 11 - Resources

11.1 The design of the CORE-TL Project has sought to take account of the fact, clearly demonstrated by experience around the world in the last 18 months, that the delivery of Covid-resilient elections gives rise to a need for significant investment. This may be required in almost every category of significant activity: staffing, premises, equipment and materials, and, in particular, specialised reusable or consumable items needed either to reinforce social distancing (for example queueing equipment or plastic sneeze guards) or to provide hygiene (for example, PPE, disposable gloves, hand sanitiser, disposable antiseptic wipes, garbage bags for the safe disposal of used materials, etc., etc.).

11.2 When the CORE-TL Project was being designed, attempts to quantify these investment needs could at best be speculative, based on knowledge at the time of how the Covid pandemic was unfolding, and assumptions about broader measures which might need to be taken to modify the electoral process. To a considerable extent, that remains the situation now: decisions to be made on key issues flagged earlier in this Baseline Assessment, and the outcome of recommended consultations with the public health authorities, will greatly influence quantities and costs of materials which might need to be secured. Several examples can be given.

- (i) The creation of additional polling centres would give rise to costs increases which could be expected to be at least linear: a 20% increase in the number of polling centres could be expected to give rise to at least a 20% increase in that component of the total election cost associated with the operation of polling centres.
- (ii) Outdoor polling could (but would not necessarily) give rise to costs associated with materials purchased for the creation of shade structures.
- (iii) Several categories of additional staff may be required, as discussed in **Annex 5**: one or two “hygiene assistants” per polling station; one additional staffer per polling centre tasked with checking voters’ temperatures at the entrance; and one additional staffer per polling centre tasked with enabling voting by those found to have a high temperature.
- (iv) Additional items of equipment, not used in the past, have been identified, including single-use cotton-bud applicators for indelible ink; single-use wooden “nails” for marking votes; ballot paper templates for voters who are blind; plastic mats for

lining voting screens; and garbage bags for the disposal of potentially contaminated waste.

11.3 An attempt to quantify some of the costs of “Covid-safety” equipment and materials which the CORE-TL Project has taken responsibility for supplying has been developed by the International IDEA team in the form of the spreadsheet which is set out at **Annex 7**. This has required some significant preliminary assumptions about the nature of materials which might need to be procured, based on some of the items set out in Table 14 of the CORE-TL Project Document. While these estimates will clearly need to be refined as the election planning process proceeds, they do highlight, even now, that once allowance is also made for:

- (i) the costs of Covid-safety materials for locations and staff not included in **Annex 7** (such as for STAE and CNE permanent and temporary offices, tabulation centres and the polling of voters subject to mandatory prophylactic or therapeutic isolation);
- (ii) the costs of freight; and
- (iii) the possibility of price increases between now and when procurement proceeds,

it cannot be certain that the funds for such equipment and materials currently earmarked by the Project and by STAE will suffice.

11.4 The International IDEA team stresses that **Annex 7** contains preliminary estimates intended only as an indicative guide to potential costs of “Covid-safety” equipment for two single-day rounds of a presidential election in Timor-Leste. These estimates are based on current lowest apparent international market prices from internet searches, for items broadly comparable to some of those identified at Table 14 of the CORE-TL Project Document and for additional items the possible need for which has been identified. Procurement policies of CORE T-L Project funders and the Government of Timor-Leste have not been considered. The estimated costs are not based on formal specifications or required quality standards for any material or item of equipment, and they have not been obtained through any bidding process. Local procurement in Timor-Leste may have significantly higher unit costs. The estimated costs do not include transportation and delivery costs, and have not identified large volume discounts that may be available other than those publicly advertised. Quantities estimated are based on international experience as appropriate for:

- (i) the numbers of polling centres and polling stations as indicated by STAE in June 2021; and
- (ii) polling staff numbers including additional staffers as flagged in **Annex 5**.

Quantities do not cover requirements for activities other than those in polling centres and polling stations.

11.5 Finally, it needs to be emphasised that funding for the election need to be not just sufficient, but also timely. If funds are made available to the EMBs only at the last minute,

that will be disruptive of all elements of planning for the election, and moreover will be likely to give rise to significant additional costs, if, for example, items which could have been obtained locally given sufficient time instead have to be imported, and brought into the country by air freight.

## Annex 1 - Timor-Leste's Electoral History - Key Milestones

Date	Event/milestone	Aspects to be noted
29 May 1997	Last time Timor-Leste voted in an Indonesian election under the “New Order” (not free and fair, only three parties).	<ul style="list-style-type: none"> <li>Organised by Indonesian authorities.</li> <li>Only 3 parties (GOLKAR (ruling party) and two other official parties (PDI-P and PPP).</li> <li>Elections in Indonesia not then “free or fair” by any international standards. (“Festivals of democracy”)</li> <li>GOLKAR received 84.7% of the vote in Timor.</li> <li>Voters at least witnessed a polling process, even though it lacked credibility.</li> </ul>
5 May 1999	Agreements signed for a “popular consultation” to determine Timor-Leste’s future.	<ul style="list-style-type: none"> <li>The vote to be organised by the UN (UNAMET), with international staff.</li> <li>Limited but important role played by Timorese: language assistants.</li> <li>Expatriate voting organised by AEC in Australia, IOM elsewhere.</li> <li>Extensive support from AusAID, AEC. Overseen by three person Commission (Johann Kriegler, Bong-Scuk Sohn, Patrick Bradley).</li> <li>Conducted under tight time constraints.</li> <li>Simplicity of processes dictated by tight time frame. Manual but effective voter registration. All counting in Timor-Leste done centrally in Dili. Ballots mixed prior to the counting so that it could not be seen how any individual district had voted.</li> <li>Agreements did not provide for a neutral security force. Unarmed international police only. Indonesian military sought covertly to undermine the process.</li> <li>Planning done with support from AEC, IOM. <ul style="list-style-type: none"> <li>Prioritised simple, robust processes with backups in place in the event of attack.</li> <li>Legal framework (“directions”) based on previous voter registration process run by the UN in Cambodia.</li> </ul> </li> <li>On the ground staff (international, UNVs and locally employed) funded by UN.</li> </ul>

		<ul style="list-style-type: none"> <li>• Most equipment and materials purchased by AEC and funded by AusAID, to short cut UN procurement processes. (UN regarded this as critical.)</li> </ul>
7 June 1999	First Indonesian election after the New Order era.	<ul style="list-style-type: none"> <li>• Organised by the newly appointed KPU (48 party representatives, plus 5 government representatives).</li> <li>• Voting conducted in Timor-Leste against the backdrop of the imminent popular consultation.</li> <li>• Very slow compilation of results. Now very hard to obtain. But high vote for GOLKAR, high turnout.</li> <li>• The legacy of Indonesian elections can still be seen in some of Timor-Leste's processes today, e.g. marking ballots with a nail, counting by holding up ballots one by one, observation of the counting by local community, campaigning via big rallies, t-shirts, truck convoys. In many ways Timor-Leste's elections still look quite like Indonesian elections.</li> </ul>
30 August 1999	Timor-Leste votes for independence, after a campaign marred by violence and intimidation.	<ul style="list-style-type: none"> <li>• 78.5% vote for independence rather than autonomy.</li> <li>• Result announced on 4 September 1999.</li> <li>• High quality operation which clearly met international standards.</li> <li>• Extensive destruction in the aftermath.</li> <li>• The vote had momentous political implications, but didn't involve building election administration capacity in Timor (other than what was experienced by language assistants).</li> <li>• The way in which voting led to the country's independence generated a public respect for voting processes which still endures.</li> </ul>

1999-2002	Timor-Leste under UN transitional administration (UNTAET) from October 1999 to 20 May 2002.	<ul style="list-style-type: none"> <li>• 5 May 1999 agreements had been silent on what process would be needed to go from a vote for independence to actual independence.</li> <li>• UNTAET engaged with Timorese political figures throughout 2000 to set up a National Council, and make plans for an elected Constituent Assembly to write a constitution.</li> <li>• UNTAET mandate included capacity-building.</li> <li>• UNTAET sought to build on its relationship with AEC which was crucial in 1999, by inviting AEC to run an electoral capacity-building program under UNTAET auspices, which AusAID funded.</li> </ul>
16 March 2001	UNTAET establishes Independent Electoral Commission (IEC)	<ul style="list-style-type: none"> <li>• The IEC included Timorese staff in key positions of responsibility (Deputy District Electoral Coordinators, plus HQ staff).</li> <li>• Detailed capacity-building strategy developed by IEC, involving BRIDGE modules timed to come immediately before the activity with which each dealt.</li> <li>• IEC Board of Commissioners had both international and Timorese members.</li> <li>• The IEC did not do voter registration, but rather was forced to depend on what turned out to be defective data from a UN civil registry unit.</li> </ul>
30 August 2001	Constituent Assembly election.	<ul style="list-style-type: none"> <li>• Mixed-member majoritarian system - 75 seats filled by nationwide proportional representation with a “largest remainder” formula and no “threshold”, plus 13 district seats filled by plurality (“first past the post”). FRETILIN won 55/88 seats, with 57.4% of the vote (and 12/13 district seats).</li> <li>• Effectively transferred political authority away from the UN.</li> </ul>
22 March 2002	Constitution adopted with significant electoral requirements.	<ul style="list-style-type: none"> <li>• Article 65, no. 6 of Timor-Leste’s Constitution states that: “Supervision of voters’ registration and electoral acts shall be incumbent upon an independent organ, the competences, composition, organization and functioning of which shall be established by law.”.</li> <li>• Constitution provides for Parliament to be elected using proportional representation.</li> </ul>



		<ul style="list-style-type: none"> <li>• Constitution provided for the Constituent Assembly to be converted into the National Parliament at independence.</li> </ul>
14 April 2002	Presidential election.	<ul style="list-style-type: none"> <li>• Timorese electoral staff promoted to District Electoral Coordinator positions.</li> <li>• Xanana Gusmão wins with 82.7% of the vote.</li> </ul>
20 May 2002	Restoration of independence.	<ul style="list-style-type: none"> <li>• Immediately before restoration of independence UN abolished IEC, created by regulation a new body with the same name, tasked only to advise the Government and Parliament on future electoral arrangements.</li> <li>• Immediately after restoration of independence, UN civil registry was abandoned by the incoming government. No longer a basis for voter registration.</li> <li>• Stocktake of electoral situation immediately after independence. <ul style="list-style-type: none"> <li>○ Skilled core group of election administrators in the small IEC.</li> <li>○ Many other Timorese with electoral administration capacity, most of whom however found themselves doing other things for a few years.</li> <li>○ Need for the Parliament to focus in due course on developing an administrative framework for elections.</li> <li>○ Many of the resources of the old IEC belonged to the UN: vehicles, buildings in the districts, etc. Not transferred to new, small IEC. But they had the archives of the old IEC, plus corporate memory, good contacts.</li> <li>○ Situation on the ground remained challenging - power cuts, limited telecommunications, bad roads etc.</li> <li>○ An ongoing relationship with the UN and AEC in particular, but in general the typical decline in donor interest which typically followed an election in those days (before the “election cycle” concept was first elaborated in 2006).</li> </ul> </li> <li>• UNTAET replaced by a smaller UN support mission (UNMISSET) from 20 May 2002 to 20 May 2005.</li> </ul>

First suco elections and aldeia (2004-5)		<ul style="list-style-type: none"> <li>• STAE created 22 July 2003. Experienced STAE staff went out district by district, rolling process across the country.</li> <li>• <i>Ad hoc</i> CNE created to oversee first suco elections.</li> <li>• Hundreds of elections across sucos and aldeias.</li> <li>• Multiple ballot box system used for aldeias to avoid having to manage complex nomination processes and print hundreds of different ballot papers.</li> </ul>
2006-7 crisis		<ul style="list-style-type: none"> <li>• Petitioners dispute. Alfredo Reinado insurrection. Breakdown of law and order, fighting between military and police. Regional violence. Property destruction in Dili. Many people in IDP camps. Division among political elites, PM in dispute with President. Resignation of FRETILIN PM.</li> <li>• Request for deployment of international stabilisation force.</li> <li>• Return of a larger UN Mission (UNMIT) from 25 August 2006 to 31 December 2012. Included electoral support mandate.</li> <li>• UN Electoral Certification Team established for 2007 elections.</li> <li>• Suddenly it was clear that the 2007 elections would not be routine ones, but would rather again have a transitional, peacebuilding dimension.</li> </ul>
2006-7	Legal framework for future legislative and presidential elections created, along with law creating permanent CNE and defining role of STAE.	<ul style="list-style-type: none"> <li>• STAE, even before the passage of this law, had been building up over several years (from 2003): more staff, new HQ, international engagement (including with STAPE in Portugal), ongoing UN support.</li> <li>• STAE had developed a new voter registration system to be used in place of the abandoned civil registry. Involved issuing photographic voter cards.</li> </ul>
2007	Three polls: presidential election; runoff; parliamentary election.	<ul style="list-style-type: none"> <li>• Significant UN support, including nationwide deployment of UNVs, in the runup to the elections.</li> <li>• New Parliamentary elections law provided for a 65 seat parliament voting nationwide (no district seats) using list PR (d'Hondt) with a 3% threshold.</li> </ul>

		<ul style="list-style-type: none"> <li>• 9 April 2007: first round of presidential election, with Jose Ramos-Horta and Lu'Olo the two leading candidates.</li> <li>• 11 May 2007: Ramos-Horta won runoff with 69.2% of the vote.</li> <li>• 30 June 2007: FRETILIN went from 55 seats in an 88 seat Parliament to 21 seats in a 65 seat Parliament. This was the largest number of seats for any single party, but an alliance of non-FRETILIN parties commanded a majority and was commissioned to form the new government. FRETILIN denounced this as unconstitutional and some violence followed.</li> <li>• But, critically, the integrity of the electoral process itself was not disputed by the main players.</li> <li>• This was the start of a clear pattern of Timorese voters being prepared to switch their votes from one party to another; to use the power of their votes to maximum effect.</li> <li>• Also started to see a pattern of very strong engagement by party agents and domestic observers.</li> <li>• Attempted assassination of President Ramos-Horta on 11 February 2008, in which Alfredo Reinado was killed, effectively ruled a line under the 2006-7 crisis.</li> <li>• Significant support from the UN to both STAE and CNE for planning and management of operations.</li> </ul>
2008	STAE permanent field offices established.	<ul style="list-style-type: none"> <li>• Significant investment in building the capacity of the new field staff.</li> <li>• This was happening early in the election cycle, as it should.</li> </ul>
2009	Nationwide local elections	<ul style="list-style-type: none"> <li>• First elections with a multiplicity of different ballot papers. Whole lot of new challenges: setup, distribution, difficulty of fixing problems in the field.</li> <li>•</li> </ul>
2011	CNE permanent field staff appointed.	<ul style="list-style-type: none"> <li>• Transferred from temporary to permanent status.</li> </ul>

2012	Three polls: presidential election; runoff; parliamentary election.	<ul style="list-style-type: none"> <li>• Last elections with UNVs present.</li> <li>• Generally acclaimed as free and fair.</li> <li>• A degree of competitiveness on the ground between CNE and STAE, due to overlapping mandates, different reporting lines, and strong personalities.</li> <li>• Very clear that both CNE and STAE were becoming well-consolidated.</li> </ul>
2014	Timor-Leste support mission to elections in Guinea-Bissau	<ul style="list-style-type: none"> <li>• A clear sign of rising skills in Timor-Leste's election administration. Timor-Leste's voter registration system and skills were important.</li> <li>• Very few countries have graduated from being electoral assistance recipients to electoral assistance providers.</li> <li>• Timorese politicians visited, sent positive messages about the benefits of respecting elections and accepting results.</li> </ul>
2016	Nationwide local elections	<ul style="list-style-type: none"> <li>• Suco and aldeia elections.</li> <li>• Run by locals - suco chiefs, administration, not by STAE. (But STAE supported, provided training.)</li> <li>• Partly a test of the maturity of local administration.</li> </ul>
2017	Presidential election (no runoff required); parliamentary election.	<ul style="list-style-type: none"> <li>• Smooth, straightforward, routine elections.</li> <li>• Strong engagement by observers, insistence on their role.</li> <li>• Clear evidence in practice of a culture of continuous improvement within STAE and CNE: issues raised by observers not ignored, but seriously taken on board.</li> </ul>
2018	Early (anticipated) parliamentary election.	<ul style="list-style-type: none"> <li>• Handled, in all the circumstances, very well. Little disputation, good turnout.</li> <li>• Consolidation of a pattern of well-run elections. TL receives a higher electoral integrity rating than the USA.</li> <li>• Collaborative and open planning and budgeting within STAE. Reflects collegial leadership style.</li> </ul>

## Annex 2 - Recommendations for Voter Registration

# Recommendations for Enhancing the COVID-Resilience of Voter Registration in Timor-Leste

Prepared by



International Institute for Democracy  
and Electoral Assistance (IDEA) Team

17 June 2021

Implemented by:



In partnership with:



Funded by:



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the People of Japan

1. Voter registration in Timor-Leste, suspended due to Covid, needs to resume to ensure that the electoral register to be used for the 2022 presidential election will be up-to-date and accurate. This resumption, however, has the potential to pose a risk for the election process itself, since any claims that STAE, by failing to take adequate precautions, was responsible for Covid spread during registration, would be likely to have a very negative effect on voters' inclination to turn out for the election. On a more positive note, voter registration - that is run with proper safeguards and preventive measures and broadly perceived to be safe - can be seen as an opportunity to build public confidence in STAE's commitment and ability to run a Covid-resilient operation.

2. This note therefore provides some brief observations on measures which could be taken to seek to prevent the risk of Covid transmission during the re-started registration process. It does not seek to take account of any amendments to the law governing voter registration which are currently before the National Parliament. It assumes that funding for the suggested measures will be able to be secured. Furthermore, it assumes that the voter registration process will still be taking place against the background of state of emergency regulations which impose general requirements for social distancing, mask wearing etc.

3. Clearly much planning for the resumption of registration has been undertaken by STAE even prior to the start of the CORE-TL Project, and some of the measures set out below may already be planned. Even if some of them are not currently planned and may not be able to be implemented from the start of registration, there would be benefit in exploring the possibility of putting them in place as soon as possible thereafter.

4. Given that voter registration is less time-constrained than polling and counting, consideration could be given to deferring the restart of voter registration until the benefits of the vaccination program have been more fully realised, and there is less evidence of community spread of Covid. Alternatively, registration could be delayed in parts of the country where community spread is a particular problem at the moment, especially Dili and the larger towns.

5. The following specific measures are recommended:

- Perhaps most importantly, in keeping with the latest WHO advice on airborne spread of Covid, every effort should be made to ensure that registration sites are well ventilated. Consideration should be given to doing registration on the verandas of buildings where that is possible (which may need extension leads and power boards to be purchased for the computers and printers).
- Persons waiting to register should be required to stay outside, and to maintain social distancing. If things get busy, a queue controller may be needed to reinforce that, allowing access to the registration area one person at a time.
- Every effort should be made to ensure that the staff doing or supporting registration have been vaccinated.

- Staff should also be provided with gloves and masks and, if possible, with other PPE such as plastic face shields. If sneeze guards are available, they could also be provided.
- Hand sanitiser should be provided for staff and people who are being registered. Masks should also be provided to registrants who don't have one, and they should be worn throughout the registration process, and removed only when the voter's photograph is being taken (with the voter being encouraged to hold his or her breath while the mask is off).
- Consideration should be given to positioning a plastic place mat between the voter and the registration officer, on which any documents required to be produced by the voter would be placed. The mat should be sanitised after each registration.
- Fingerprint scanners should also be sanitised after each registration.
- Steps need to be taken to ensure that the writing implement used to capture the voter's signature does not become a source of cross-infection. Steps which should be considered include:
  - providing gloves to be worn by registrants throughout the process (except when having a fingerprint scanned); and
  - disinfecting the stylus and signature pad after every use.
- The voter's registration card should be sanitised with a disinfectant wipe before being handed back to the voter.
- A process needs to be devised for the capture and safe destruction of any potentially contaminated waste (for example, gloves, disinfectant wipes and other single-use items).

6. Finally, if these sorts of mechanisms can be put in place, it would be beneficial to obtain some pictures and film footage of the entire registration process, as they could be useful for later training and public information purposes.

International IDEA Team:

Michael Maley, Augusto Pereira, Alan Wall, Antonio Spinelli & Adhy Aman

17 June 2021

## Annex 3 - Outdoor Polling

# Outdoor Polling

Prepared by



International Institute for Democracy  
and Electoral Assistance (IDEA) Team

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Implemented by:



In partnership with:



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From  
the People of Japan



## OUTDOOR POLLING

### 1. Introduction

1.1 For the 2022 presidential election, the International IDEA team has recommended that as much of the polling as possible should be conducted outdoors. The purpose of this paper is to explain why and how this could be done.

1.2 The following issues are dealt with below, in the listed Parts.

- Part 2 - Why should polling be done outdoors?
- Part 3 - What should happen if rain or weather conditions prevent outdoor polling?
- Part 4 - Identifying the best site in a locality for outdoor polling
- Part 5 - Planning the polling station layout for outdoor polling
- Part 6 - Rehearsing the polling process
- Part 7 - Briefing of *fiscals*, observers and security staff prior to the start of polling
- Part 8 - Moving indoors

### 2. Why should polling be done outdoors?

2.1 Polling needs to be done outdoors as much as possible because that will reduce the risk of catching Covid for election staff, voters, *fiscals*, election observers and the media. It should be emphasised, however, that outdoor polling is only one of several such risk reduction steps, all of which are important. It will complement, rather than replace, other well-established and critical measures such as social distancing, disinfection, the wearing of masks, and the use of personal protective equipment.

2.2 When Covid first appeared in late 2019, the available evidence suggested that it was mainly spread by small droplets containing virus, emitted by an infected person when coughing, sneezing, shouting, singing etc. Scientists believed that the weight of these droplets would cause them to fall to the ground rapidly, and not very far from the infected person. For that reason, people were advised to wear masks which would capture some of the droplets, to stay a few metres away from other people so that any droplets which got through the mask would fall to the ground, and to disinfect surfaces on which droplets might accumulate.

2.3 More recently, however, further research has discovered that the virus can also be emitted in microscopic particles which are too light to fall to the ground, and which can build up in the air in an enclosed space, as cigarette smoke does, and infect people who breathe that air.

2.4 As at 30 April 2021, the advice from the World Health Organization (WHO) on this, in the form of a question and answer, was as follows.

“Are there certain settings where COVID-19 can spread more easily?

Yes, any situation in which people are in close proximity to one another for long periods of time increases the risk of transmission. Indoor locations, especially settings where there is poor ventilation, are riskier than outdoor locations. Activities where more particles are expelled from the mouth, such as singing or breathing heavily during exercise, also increase the risk of transmission.

The “Three C’s” are a useful way to think about this. They describe settings where transmission of the COVID-19 virus spreads more easily:

- Crowded places;
- Close-contact settings, especially where people have conversations very near each other;
- Confined and enclosed spaces with poor ventilation.

The risk of COVID-19 spreading is especially high in places where these “3Cs” overlap.”<sup>1</sup>

Many of the rooms in which polling stations have previously been set up at elections in Timor-Leste fit this description of high risk venues for transmission of Covid. The most recent published advice on polling from the International Foundation for Electoral Systems (IFES) emphasises that “Weather allowing, outdoors and other open spaces should be preferred to minimize risks of airborne transmission”.<sup>2</sup>

2.5 Inevitably there will be some voters who will not be able to vote outdoors: for example, immobile patients in a hospital or Covid isolation centre. The viability of outdoor polling in prisons will have to be assessed in the light of advice from the prison authorities. The arrangements to apply at out-of-country voting sites will need to be determined on a case-by-case basis; if there is no longer community transmission of Covid in a country, indoor polling could be conducted as in the past.

2.6 Finally, it needs to be emphasised that although it remains possible that in early 2022 the state of the Covid pandemic in Timor-Leste may appear to have so improved as to make it seem unlikely that outdoor polling will be needed, the situation on the ground can change very rapidly, as has been shown by the repetition of waves of infection in places where the virus was thought to have been brought under control, and the emergence of new and more communicable variants of the virus. As article 51 of the *Law on the Election of*

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<sup>1</sup> <https://www.who.int/news-room/q-a-detail/coronavirus-disease-Covid-19-how-is-it-transmitted>

<sup>2</sup> IFES, *Safeguarding Health and Elections: Updated Recommendations for the Conduct of Safe Elections Amid COVID-19*, March 2021, at [https://www.ifes.org/sites/default/files/ifes\\_Covid-19\\_briefing\\_series\\_safeguarding\\_health\\_and\\_elections\\_updated\\_recommendations\\_march\\_2021.pdf](https://www.ifes.org/sites/default/files/ifes_Covid-19_briefing_series_safeguarding_health_and_elections_updated_recommendations_march_2021.pdf)

*the President of the Republic* (Law No. 7/2006 of 28 December 2006) requires the same polling centres to be used in a run-off vote (if needed) as in the first round of voting, plans need to be made, and polling centres need to be chosen, on the basis of a worst-case assumption that outdoor polling will be needed at such a run-off.

### **Part 3 - What should happen if rain or weather conditions prevent outdoor polling?**

3.1 Outdoor polling stations will need to be located adjacent to a building or buildings to which the operation can be moved if:

- in the one hour period between the opening of polling centres at 06h00 on election day and the opening of polling stations at 07h00, the weather is such as to make the commencement of polling outdoors impracticable; or
- the polling centre president decides later during election day, on the basis of the prevailing local conditions, that rain is about to start, or the weather is otherwise about to deteriorate in a way which will prevent the continuation of orderly polling.

### **Part 4 - Identifying the best site in a locality for outdoor polling**

4.1 At the 2017 presidential election, the choice of polling centre sites was governed by articles 5 and 6 of Government Decree No. 6/2017 of 27th February 2017 (“Regulating the Organisation and Operations of Polling Centres and Polling Stations”), which provided as follows:

#### **“Article 5**

##### **Setting up of polling centres**

1. Polling centres are set up in public premises, preferably schools, which offer security and accessibility to the voters.
2. If there are no public premises offering the conditions mentioned in the preceding paragraph, the suco office or community centres shall be made available.
3. If the premises mentioned in this article are unavailable, STAE shall arrange for a structure in which to set up the polling centre and polling stations.

#### **Article 6**

##### **Forbidden locations**

A polling centre cannot be set up in any:

- a) Police unit;
- b) Military unit;
- c) Traditional leader's house;
- d) Private house;
- e) Political party property;

- f) Place of worship;
- g) Hospitals or any health-related facilities, subject to what is stated regarding voting rights in hospitals.”.

4.2 At past elections, the following factors have also been taken into account in determining polling centre sites:

- road access;
- availability of electricity;
- telecommunication network coverage;
- the likelihood that a minimum of 50 voters will attend; and
- the availability of human porters.

4.3 If outdoor polling is to be the preferred model for the 2022 presidential election, a range of additional factors will also need to be considered.

#### Proximity to a suitable building

4.4 A polling centre should be set up close to a building with rooms which will be able to be used for the continuation of polling if rain or other weather conditions make it necessary to move indoors. For this reason, preference should be given to sites adjacent to buildings which have been used as polling centres in the past, provided that those sites satisfy other necessary requirements for outdoor polling. For example, if a school has previously been used, the schoolyard or an adjacent sporting ground could be a good choice.

#### Shelter and shade

4.5 The ideal position for an outdoor polling station will be one where there is a fixed structure which will provide shelter and shade, but which is open to the fresh air. This could be a freestanding building, or a reasonably sized porch which forms part of a building, as shown in Figure 1 below. In some cases the porch on a building may not be large enough to accommodate all of the polling station’s staff, equipment and materials while maintaining necessary social distancing: Figure 2 below shows such a porch. It may still be able to be used, however, to provide shelter for the ballot paper control official and the voting screens, with the remaining staff (and the ballot box) being positioned just off the porch. Even if a building or structure has no porch, it may be possible to establish a polling station adjacent to an exterior wall which will provide shade for at least some of the day.

Figure 1 - Porch large enough to cover an entire polling station



Figure 2 - Porch large enough to cover only some polling station staff and equipment while maintaining social distancing



4.6 If no fixed structure is available, the polling station could be situated under a large tree, which will provide shade, and at least some shelter from light rain, as shown in Figure 3 below.

Figure 3 - Autonomous Bougainville Government election, Papua New Guinea, 2015



4.7 Alternatively, a structure to provide shade for polling staff, or shelter from rain and other weather conditions, could be borrowed, or made from locally available materials, as shown in the following photographs at Figures 4, 5 and 6 below, taken at a number of different elections in Indonesia.

Figure 4 - Polling station, Pilkada election, Depok, Indonesia, 2005





Figure 5 - Polling station, Pilkada election, Surabaya, Indonesia, 2005



Figure 6 - Polling station, Pilkada election, Surabaya, Indonesia, 2005



#### Public access

4.8 The site chosen should be sufficiently close to a road or track to permit reasonable vehicular access for the movement of electoral materials and staff. In addition, there will need to be space for the voters to queue. In some situations, for example where a schoolyard is used, space where voters previously may have been able to queue may have to be used instead for the positioning of the polling stations, which could cause the queue(s) to spill over into adjacent property or a roadway. If this is likely, prior consultation with police/security authorities, and local community leaders, should be undertaken so that plans can be made to avoid undue disruption. More generally, consideration needs to be given to ensuring ease of access for voters with disabilities, who in the past have often encountered difficulty in accessing buildings with steps, or narrow entrances and exits.

### Defining the boundary of an outdoor polling centre

4.9 It is important for legal purposes that the boundary of a polling centre be well-defined. In some situations - for example, if a schoolyard within a walled compound is being used - that will not be an issue. In others, such as those shown in the photographs above, consideration will need to be given to where the boundary should be defined, and how that will be publicised. In Figures 5 and 6 above, the polling centre was defined as the area covered by the sheltering tarpaulin. In Figures 7 and 8 below, it was defined as the area enclosed with stakes and twine/tape, while in Figure 9 below, it was defined as the area contained within the cloth barrier.

Figure 7 - Definition of polling centre boundary using stakes and tape, Depok, Indonesia 2005



Figure 8 - Definition of polling centre boundary using stakes and tape, Depok, Indonesia, 2005





Figure 9 - Definition of polling centre boundary using cloth barrier, Jakarta, Indonesia, 2017



4.10 Where a polling centre has more than one polling station, there may also be a need to define the boundary of each polling station. That may best be done using rope, twine or plastic boundary tape.

#### Positioning the voting screens

4.11 It will be essential that the site be one which enables the voting screens for every polling station in the polling centre to be positioned (and if necessary pegged to the ground) in such a way that they are stable, and will enable the voters to mark their ballots secretly, and to feel confident that they can do so. Screens should not be placed close to a window looking out of a building, or so close to the boundary of a polling station that someone looking in from outside can see how a person has voted. The photograph at Figure 10, from the Autonomous Bougainville Government election of 2015, shows the sort of positioning which must be avoided.

Figure 10 - Autonomous Bougainville Government election, Papua New Guinea, 2015



The photograph at Figure 11, from the same election, shows a much better positioning, with the screen well away from the boundary, and with no other people nearby.

Figure 11 - Autonomous Bougainville Government election, Papua New Guinea, 2015



### Furniture

4.12 Ideally, the furniture from the building to which the polling centre is adjacent will be able to be moved outdoors for use there. If that is not possible, alternative arrangements will need to be made to obtain the necessary chairs and tables. Some sorts of paperweights may also be needed to keep documents in place on tables should the weather be windy.

### Inspection of sites

4.13 A critical element of the process of identifying appropriate sites will be on-the-ground inspections. Ideally, these will be able to be done over a period of weeks or even months by STAE district office staff. If some sites cannot be so inspected, reports should alternatively be obtained from the *brigadas* who will be serving in the locality, containing their recommendations - taking into account the factors listed at paragraphs 4.4 to 4.12 - for the site to be used. Given the scale of this task, it should be commenced as early as practicable.

## **Part 5 - Planning the polling station layout for outdoor polling**

5.1 Once a site has been chosen for a polling centre, a plan will then need to be made for the location of the polling stations or stations within that polling centre. This should take into account at least the following points.

- The outdoor polling station, or each outdoor polling station, should if possible be located in a sheltered position, as discussed above.
- Multiple outdoor polling stations should be clearly distinguished and separated, in such a way that separate queues for each can be formed and kept apart.

- In considering such queue location, the need for social distancing, including within each queue, will need to be factored in. With that in mind, consideration should be given to what sort of signage will be needed to reinforce such social distancing. This could include the use of plastic tape boundaries to shape a queue, and the placing of markers on the tape to identify socially distanced queue positions.
- For each outdoor polling station, the indoor room to which it will shift in the event of rain will need to be identified. Such a shift should be able to be done in such a way as to avoid the disruption or mixing of the queues from different outdoor polling stations.
- For each outdoor polling station, a layout plan will need to be developed identifying:
  - the location of its boundary;
  - the location of its entry and exit points, with due consideration given to access for voters with disabilities; and
  - the positioning of the various staff, voting screens and ballot boxes - taking account of the need to maintain social distancing not only of staff, but also of *fiscals*, observers and any voters within the station.
- A similar layout plan will need to be developed for the designated indoor room to which the polling station will be shifted in the event of rain.
- In general, the principles which have applied in the past to the internal organisation of polling stations will continue to apply to outdoor polling stations.

## Part 6 - Rehearsing the polling process

6.1 Since outdoor polling will be unfamiliar to most *brigadas* and polling staff, it is highly desirable that before polling day, the staff for each site conduct an on-the-ground rehearsal of:

- the positioning of boundary tape, signage, furniture and equipment for the start of polling; and
- the shifting of the operation indoors in the event of rain or other weather conditions.

This will help to ensure that:

- all staff have an understanding of what will have to be done;
- a good estimate will be able to be made of how long a pause in polling will be needed when shifting indoors; and

- problems which might arise will be able to be identified before polling day, thereby better ensuring that polling will proceed smoothly.

## **Part 7 - Briefing of *fiscais*, observers and security staff prior to the start of polling**

7.1 As the process of outdoor polling will not have been previously experienced by *fiscais*, observers and security staff, it is important that they be briefed about it prior to the start of polling. They should be told why it is being done, and advised of the possibility of a shift indoors; and how that will be done should be explained to them. (Such an explanation should also have been given beforehand to their sponsoring candidates and organisations, but a reinforcement of that on polling day will ensure that the message will have been clearly understood.)

## **Part 8 - Moving indoors**

8.1 The power to make a decision to move polling indoors should rest with the president of the polling centre. If a polling centre has more than one polling station, the president may decide whether all or only some will need to shift their operations indoors. Such a decision may need to be made, for example, if one polling station has been able to be set up under an open but otherwise weatherproof shelter, but others have not.

8.2 Moving indoors will involve the following steps.

- The president of the polling centre assesses whether the shelter at a polling station will suffice to protect it from the imminent rain or other adverse weather conditions.
- The president of the polling centre advises the secretary of each polling station where the shelter is judged to be insufficient that a decision has been made to move that station's operations indoors, to the room or venue which has previously been identified for that particular station.
- The president of the polling centre conveys that decision to the on-site officials responsible for security.
- The secretary of each affected polling station advises the staff of the polling station of the decision.
- The polling station's queue controller advises persons waiting to vote that there will be a short pause in operations while the polling station is moved inside, and asks them to maintain their positions in the queue.
- The secretary invites *fiscais* and observers to monitor the move of operations indoors, with particular attention to the movement of ballot boxes, voter lists and unused ballot papers.

- Cardboard voting screens - being susceptible to water damage - are moved indoors first, followed by the ballot boxes, voter lists, unused ballot papers and remaining equipment and materials. Should the rain have already started, the ballot box slots will need to be covered as the boxes are moved to prevent the ballot papers in them from getting wet. The voter lists and unused ballot papers will have to be similarly covered.
- Any furniture is then moved indoors and repositioned in accordance with the prior plan. Observers and *fiscais* will be asked to move their own chairs.
- Once everything is in place, the queue controller then asks the person at the front of the queue to lead the queue to the entrance of the indoor polling station.
- Polling then resumes.
- The president of the polling centre records, in relation to each polling station, the time at which polling was paused and recommenced.
- If the weather permits, windows and doors will be left open in order to promote maximum ventilation consistent with the effective continuation of polling. While this may not be possible if, for example, there is driving rain or a strong wind, every effort will need be made to promote at least some airflow, for example by regularly opening windows for a brief period.

8.3 If the weather improves, the president of the polling centre may decide to move the polling outdoors again. Whether to do so will be up to the judgement of the president, and will need to take account of the following factors.

- How much time for polling is left? If only a short time is left, the inevitable delay associated with moving outside again may take up too much of that time for the effort to be worthwhile.
- How many people are waiting to vote? If there are only a few people, the inconvenience associated with moving again will be less than if a large number of people are waiting.
- Does the rain appear to have cleared for the day, or at least for several hours? It would in general be undesirable to move outside, only to have to move inside yet again shortly thereafter.
- Has the rain left the ground outside in such a state that will not be feasible to re-establish the outdoor polling? In particular, is there a firm, dry place on which the voting screens can be repositioned?

8.4 Finally, it needs to be reiterated that the need for using outdoor polling station locations wherever possible has been driven by the unique challenges of the Covid pandemic. It is designed to ensure that all staff, voters and other stakeholders remain safe

throughout polling day and that citizens are confident of this so they participate in the election. It may lead to some inconveniences, compared to the way in which polling has been conducted in the past. However, it would be tragic, not just inconvenient, if the change to outdoor polling stations were not made, and as a result participants in the election were to be infected, to fall sick or to die.

## Annex 4 - Expedited Vote Counting

# Expedited Vote Counting

Prepared by



International Institute for Democracy  
and Electoral Assistance (IDEA) Team

*25 August 2021*

Implemented by:



In partnership with:



Funded by:



From  
the People of Japan

## EXPEDITED VOTE COUNTING

### Part 1. Introduction

1.1 For the 2022 presidential election, the International IDEA team has recommended that procedures be put in place to expedite the vote counting process. The purpose of this paper is to explain why that should, and how that could, be done.

1.2 Apart from the polling itself, the counting of votes at polling centres gives rise to a greater risk of Covid transmission than any other phase of the electoral process for which STAE is responsible. A number of factors contribute to this.

- (i) First, the counting process used, while highly transparent, is inherently slow. Rather than the ballots being sorted directly into piles corresponding to each candidate, as is done in some countries, each ballot is displayed to those present, with the vote marked on it being announced (loudly) and tabulated on a large tally sheet, and with *fiscais* often keeping their own records as well. As a consequence of this slowness, those present spend more time in close proximity to each other than would be the case if the counting were quicker, giving rise to a greater potential risk of Covid transmission.
- (ii) Because of this, it is unusual in other than the smaller polling centres for the count to be able to be concluded in the natural light available between the close of the polls at or shortly after 15h00, and the setting of the sun at around 19h00. Indeed, counting at polling centres which take large numbers of votes - such as those in urban areas - typically continues well into the night, past midnight in some cases. The availability of lighting is therefore critical, making indoor counting standard.
- (iii) In the past, such indoor counting, like the polling, has often taken place in small, crowded and poorly ventilated rooms, with STAE and CNE staff, *fiscais* and observers in close proximity. Such premises have been identified by the World Health Organisation (WHO) as giving rise to increased risks of Covid transmission.<sup>1</sup> Often, members of the public from the locality have tended to return to the polling centre to watch the count through the windows. This in itself has been seen as an admirable feature of the counting, encapsulating and reinforcing a sense of public engagement with and ownership of the electoral process. But their presence can tend to obstruct the room's ventilation somewhat, and often gives rise to background noise and (sometimes) barracking in favour of a particular candidate (which is also problematical, as loud shouting in confined spaces has also been identified as increasing the risk of Covid transmission). Furthermore, the greater the number of people present in the room used for counting, the greater is the risk that one of them may be infectious with Covid (unless all present have been required to undergo rapid screening before being admitted).

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<sup>1</sup> <https://www.who.int/news-room/q-a-detail/coronavirus-disease-Covid-19-how-is-it-transmitted>



1.3 As with the polling, the problem of having to work in poorly ventilated premises would be greatly reduced if the counting could be conducted outdoors. The opportunity to do that using current procedures is, however, constrained by the fact that less than four hours of natural light will typically be all that is available to conclude the process. Outdoor counting, unlike outdoor polling, would therefore only be feasible if the counting process could be optimised in such a way as to make it faster without compromising its transparency, and then only in certain limited circumstances. The opportunities which might exist for that are explored in Part 5 of this paper.

1.4 The following issues are dealt with below, in the listed Parts.

- (i) Part 2 - What does the current counting process involve?
- (ii) Part 3 - Measures for speeding and simplifying the count at polling centres with a single polling station
- (iii) Part 4 - Measures for speeding and simplifying the count at polling centres with multiple polling stations
- (iv) Part 5 - Outdoor counting options
- (v) Part 6 - Counting locations
- (vi) Part 7 - General Covid-safety measures

## **Part 2. What does the current counting process involve?**

2.1 The counting process is governed overall by the *Law on the Election of the President of the Republic* (Law No. 7/2006 of 28 December 2006; “the Law”) <sup>2</sup>, the relevant provision of which, article 44, is set out at **Attachment 1** (both in the original and definitive Portuguese text, and in an unofficial English translation prepared in 2017 for the International Foundation for Electoral Systems (IFES)). Its broad requirements were further elaborated at the 2017 presidential election by articles 42 to 45 of Government Decree No. 7/2017 of 27 February 2017 (*Approves the Voting Procedures, Counting of Votes and Tabulation of Results*; “the Decree”) <sup>3</sup>. Those provisions, again in the original and definitive Portuguese and in the unofficial English translation prepared for IFES, are set out at **Attachment 2**.

2.2 The process so prescribed has a number of features which tend to add to its complexity and slow it down.

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<sup>2</sup> [http://www.mj.gov.tl/jornal/public/docs/2021/serie\\_1/SERIE\\_I\\_NO\\_29.pdf](http://www.mj.gov.tl/jornal/public/docs/2021/serie_1/SERIE_I_NO_29.pdf).

<sup>3</sup> [http://www.mj.gov.tl/jornal/public/docs/2017/serie\\_1/SERIE\\_I\\_NO\\_8b.pdf](http://www.mj.gov.tl/jornal/public/docs/2017/serie_1/SERIE_I_NO_8b.pdf).

- (i) While its initial stages are conducted by the secretary of each polling station, the actual counting of votes is then required to be done by the president of the polling centre.
- (ii) As the first stage of the counting, the president is required to inspect every ballot to verify that it has been duly stamped and signed by the ballot paper controlling official. Those that have not been so stamped and signed are separated out.
- (iii) Then, if there are multiple polling stations at the polling centre, ballots from different polling stations are mixed.
- (iv) Thereafter every ballot is inspected a second time, with the vote on each announced, and with each then placed in a stack corresponding to the candidate for whom the vote was cast (with separate stacks for blank and for invalid votes).

2.3 It should be noted that while the Decree read literally requires the unfolding of ballots specified in sub-article 45(1) and the announcement of votes specified in sub- article 45(5) to be performed personally and solely by the president of the polling centre, in practice that has often not been done; the unfolding the ballots, for example, has typically been undertaken by a number of staff, and polling station secretaries have tended to assist with most elements of the process.

### **Part 3 - Measures for speeding and simplifying the count at polling centres with a single polling station**

3.1 At polling centres where there is only a single polling station, the counting could be significantly expedited by eliminating the requirement for the double inspection of ballots. Under such an arrangement:

- (i) The ballot box would be opened, and the ballots contained in it would be counted.
- (ii) Each ballot would then be inspected just once, to confirm that it had been stamped and signed, and if it had, to determine the vote on it.

3.2 The record of past elections highlights that the phenomenon of a ballot being found to be unstamped or unsigned is exceptionally rare. At the 2017 presidential election, there were only 32, out of 528,813 votes cast. At the 2018 parliamentary election, there were only 20, out of 635,087 votes cast. It can reasonably be inferred from these figures that even with ballots being handled only once, the risk that an unstamped or unmarked ballot might be overlooked, included in the count, and have an impact on the election result, is microscopic.

3.3 The counting process would be enhanced by the use at all counts of a properly designed and pre-printed version of the tally sheet on which a mark is placed against the candidate for whom a vote has been announced. In the past, it has tended to be left to the counting staff to design the layout of the tally sheet just before the start of the process; and their designs have sometimes been less than ideal, giving rise to confusion if, at the end

Figure 1 - Timor-Leste presidential election, 2017

AVISU

1. António Maher Lopes → IIII = 16

2. Francisco Guterres Lu-olo → ~~IIII~~ = 7

3. Amorim Viegas → ~~IIII~~ = 7

4. José António de Jesus das Neves → ~~IIII~~ = 7

5. José Luis Guterres → ~~IIII~~ = 7

6. Maria Ângela Freitas da Silva → ~~IIII~~ = 9

7. Luis Alves Almeida → ~~IIII~~ = 13

8. António da Conceição → ~~IIII~~ = 540

[illegible]

3.4 The counting could further be optimised by permitting processes which are currently required to be done consecutively to be done concurrently instead. At the moment, the polling station secretary is required by sub-article 42(1) of the Decree to complete several tasks before the ballot boxes are opened, notably:

- (i) counting, cancelling and packaging separately the unused ballot papers, and recording the number so packaged;
- (ii) counting the cancelled ballot papers, marking them as cancelled, packaging them separately and recording the number so packaged;
- (iii) counting the abandoned ballot papers, marking them as abandoned, packaging them separately and recording the number so packaged; and
- (iv) counting the number of voters marked off in the voters list and the additional list of voters that voted in that polling station, and recording those numbers.

3.5 There is no real benefit in this all being done before the ballot boxes are opened, and it would make sense for the polling station secretary to be able to perform those tasks at the same time as other staff are unfolding and counting the ballots, with the likelihood being that the polling station secretary and the counters would conclude their work at about the same time.

3.6 At previous elections in Timor-Leste, the ballot has generally been marked by voters by punching a hole in it with a nail. Quite often the punch holes produced have been difficult to see, which has tended to slow the counting. For several reasons, it would be preferable, at least while Covid remains a problem, for each voter to be provided with a single-use disposable sharpened wooden “nail” with which to mark his or her ballot.

- (i) The utilisation of such a single-use implement will eliminate the risk of the Covid virus being transferred from one voter to another by the touching of a metal nail which all voters share.
- (ii) It will also increase public confidence that such a risk will no longer arise.
- (iii) Wooden “nails” which are thicker than the metal nails used in the past, and which will therefore punch a larger and more obvious hole in the ballot, can readily be obtained.
- (iv) The cost of such wooden “nails” is relatively low. If metal nails were to continue to be used, it would be necessary for each nail to be sanitised after each voter had used it. This would both slow the flow of voters through the polling station, and give rise to costs for cleaning materials, and for additional staff resources to perform the cleaning. Wooden “nails” are therefore likely to be cost-effective.

#### **Part 4 - Measures for speeding and simplifying the count at polling centres with multiple polling stations**

##### Elimination of mixing of ballots from different polling stations

4.1 It should first be noted that the process prescribed by sub-article 45(4) of the Decree for mixing ballots from the different polling stations at a polling centre is both time-consuming and pointless.

- (i) The purported benefit of such mixing is that it can disguise how particular villages or communities have voted. The latter is normally seen as worthwhile in situations where there is a reasonable and genuine fear that adverse consequences may flow to a community which has been seen to vote in a particular way. It was for that reason that such mixing was undertaken at the national level at the 1999 Popular Consultation, and at the district level at the 2001 Constituent Assembly election.
- (ii) No such benefit flows from mixing the ballots from different polling stations within a polling centre, because voters are not required to vote at a particular polling station by virtue of their address; they rather can choose to vote at whichever polling station has the shorter queue at the time. By virtue of that, the votes at each polling station are already geographically mixed.

- (iii) In addition, at the parliamentary election in 2018, 57% of the polling stations across Timor-Leste were located in polling centres with only a single polling station.

4.2 Furthermore, it is a sound general principle of vote counting that once an initial count has been made of the raw number of ballots which are in a ballot box, the subsequent sum total of votes counted to the various candidates, plus the unstamped/unsigned, blank and null votes should be checked and found to be the same as the initial count, a process known as “balancing”. This becomes more complex and time consuming if ballots have been mixed; and if at the end of the process the figures appear not to balance, more ballots may have to be physically re-counted to identify the source of, and correct, the error.

4.3 The requirement for the mixing of ballots from different polling stations should therefore be eliminated. It is, in any case, highly unlikely that such mixing was even done in the past at all polling centres. National and international observers noted at least one case at the 2018 Parliamentary elections in which, to speed up the counting, mixing was not done, with no objection being made by any of the *fiscais* or observers present; and there were probably more.

#### Separate counting in each polling station

4.4 If mixing can be eliminated, the next obvious step to consider is the conduct of the counting separately in each polling station. Under such an arrangement, the process to be followed at each polling station would be essentially the same as in polling centres with just a single polling station, and could incorporate the expedited process described at paragraph 3.1 above. This would have a number of significant advantages.

- (i) It would enable the counting to conclude much earlier, as the current requirement to bring the ballots from all the polling stations in a polling centre together and count them at a single venue as a single operation creates a major bottleneck. This is so not least because the processes described at paragraph 3.3 above have to be completed at each polling station before counting of ballots from any polling station can start, meaning that a delay or problem at even one polling station can bring the entire process to a halt.
- (ii) It would also make the counting much more manageable.
  - (a) As a general rule, the difficulty and complexity of counting tends to increase exponentially as the number of ballots being handled increases. Managing a count of approximately 500 ballots is very much easier than managing one of 1500.
  - (b) Longer counts are also more difficult to manage than shorter ones: at the end of a long day, staff become more and more tired as a long count progresses, and have a greater tendency to make mistakes than if the count were shorter. Furthermore, tired people tend to find it more difficult than fresher staff to

identify and resolve mistakes which have been made. The presence of tired *fiscais* and observers may add to an air of tension.

4.5 One of the clear risks of elections held against the background of the Covid pandemic is that staff who had been rostered to work may fall ill or withdraw at the last minute, making it necessary for them to be replaced at short notice. In some cases, substitute staff may have to be deployed even if they have not had the benefit of previous electoral experience and a full training program. Such a situation will be relatively more manageable if the processes such staff are responsible for implementing are as simple and straightforward as possible.

4.6 There are a number of issues, none intrinsically insuperable, to which such separate counting in polling stations could give rise.

- (i) There might be a concern that it would be more difficult (and/or more costly) for candidates to deploy the additional *fiscais* who would be needed to cover counting at several different polling stations within a polling centre, reducing the transparency of the process. Similar concerns could arise in relation to the deployment of CNE representatives and domestic election observers.
  - (a) On this, however, it should be noted that polling centres with multiple polling stations are typically found in the more populous places, where one would anticipate that additional *fiscais*, observers and CNE representatives could be mobilised more easily than in more remote areas.
  - (b) Furthermore, the process of counting at a polling station would be intrinsically less complicated, and therefore simpler for *fiscais*, observers and CNE representatives to monitor, than counting at the polling centre level.
  - (c) In addition, the prospect of the count finishing very much earlier than has been the case at previous elections, and of the risk of Covid transmission thereby being reduced, could be expected to make people more willing to volunteer to serve as *fiscais* or observers.
  - (d) In the case of extremely long counts, *fiscais* and observers may become so exhausted that their attention fades, at which point their presence contributes less to the transparency of the operation. Shorter counts can therefore in practice be more transparent.
- (ii) There would be a need to ensure that polling station secretaries were properly trained to manage a count. That should pose no great difficulties.
  - (a) The counting process would be simpler, more straightforward and much shorter than is currently the case.

- (b) As noted at paragraph 2.3 above, it has already been the practice in the past for polling station secretaries to take part in the counting at the polling centre level.
  - (c) The polling centre president would in any case be available to monitor, guide and assist the polling station secretaries if any difficulties were encountered. On that, it should be noted that at the 2018 parliamentary election, of 211 polling centres nationwide with multiple polling stations, 159 had only two such stations, while 40 (21 of which were in Dili) had three, and only 12 (11 of which were in Dili) had four.
- (iii) Some redesign of forms and procedures would be needed to accommodate this change. Candidates and their campaign structures, and observers, would also need to be briefed on the modified procedure.

## **Part 5 - Outdoor counting options**

5.1 While there are few obstacles to the widespread adoption of outdoor polling, outdoor counting gives rise to rather more challenges. In considering the viability of outdoor counting, a distinction needs to be made between:

- (i) outdoor venues which are completely sheltered from wind and weather, and illuminated (for example a large porch); and
- (ii) venues less sheltered or illuminated, such that it might be necessary to move indoors in the event of rain or inclement weather, or approaching darkness.

5.2 Completely sheltered and well illuminated outdoor venues pose no particular challenge for counting. That is not the case, however, for venues where a shift indoors could be required.

- (i) First, the process of moving a counting operation inside is inherently much more complex than moving a polling operation. Such a move of polling really only involves shifting ballot boxes, voting screens and tables; and there are few if any loose ballot papers to be moved. In a count, on the other hand, ballot papers tend to be loose or in stacks sorted according to the votes marked for each candidate, and the prospect of shifting them all while maintaining the separation of those which have been counted from those which are still to be counted (and even more importantly, maintaining separation of stacks of ballots already counted to the various candidates) is a very much more daunting one. The shifting of counting from outdoors to indoors therefore needs to be avoided at all costs.
- (ii) Second, the amount of daylight available in which to conduct a count outdoors will depend on when the polling concluded, and that could be after 3pm in the event that there are people still queueing to cast their votes at that time.



5.3 For those reasons, outdoor counting at a venue without complete shelter and illumination could only be undertaken if:

- (i) the polling closed on time at 3pm;
- (ii) there was near 100% certainty that the weather would be calm, dry and stable throughout the time needed for counting; and
- (iii) the number of ballots to be counted was sufficiently small to enable the count to be concluded well before natural light faded.

5.4 In cases in which outdoor counting is not possible, safety measures of the type outlined in Part 7 below become the main tools for mitigating the risks of Covid transmission during counting.

## **Part 6 - Counting locations**

6.1 At the parliamentary election of 2007, the vote counting was undertaken not at the polling centres, but at counting centres established in each district. That approach was abandoned in 2012, and has not been taken at any subsequent national election. The 2007 precedent therefore might be thought to raise the question of whether district counting could be a worthwhile option to consider. For several reasons, that could not be recommended.

- (i) As noted above, the complexity of a counting operation increases greatly as its scale increases. District level counting would give rise to major escalation of complexity compared with that encountered at recent elections.
- (ii) The number of staff in STAE who have had experience in managing such district level counts is limited, and some of those who were involved in the process in 2007 are no longer with STAE. In 2007, STAE staff at the district counts were supplemented by UN staff.
- (iii) The experience of district counting in 2007 was in many respects unsatisfactory. The counting in Dili encountered major problems, both in the receipt of materials from polling centres, and in the management of the count. In fact, the initial reconciliation process had to be suspended overnight at one point, following protests from *fiscais* that it was insufficiently transparent for them to be able to be satisfied of its integrity.
- (iv) The widespread public expectation now in place that counting will take place locally, immediately after the close of the polling, means that any process involving the moving of uncounted ballots as part of a (complex) transport operation is likely to start with a trust deficit which would need to be overcome.

- (v) District level counting takes far longer to produce an indication of the election result than counting at polling stations: in 2007, it took nine days for completed provisional figures to be announced by CNE. That was at best an inconvenience at the 2007 parliamentary election; it would be a much more serious problem at a presidential election, where the preparations for a second round of voting, if required, are contingent on knowing the results of the first round so that ballot papers can be printed and distributed, and so that the candidates for the second round have the opportunity to campaign.

## **Part 7 - General Covid-safety measures**

7.1 Because of the Covid risks associated with indoor activities, and because indoor counting could potentially be required at any polling centre, planning for counting needs to be clearly focused on Covid-safety measures.

- (i) When polling centre sites are being chosen, both size and ventilation factors need to be considered.
- (ii) In both the planning and implementation of counting, social distancing (both of count staff and of others officially present) will need to be factored in. This will be easier to achieve if counting is done at individual polling stations, rather than in a single, more crowded room. That having been said, the transparency of the process will still need to be maintained.
- (iii) Access to the count will need to be limited to the staff strictly required to undertake it, and others authorised to be there, such as *fiscais*, CNE representatives, observers, media representatives and so on.
- (iv) The presence of members of the public wanting to witness the counting presents a significant potential Covid transmission threat, and if any do attend, they should be kept well away from the main areas of activity so as to minimise the risk of a build-up of virus, and will also need to maintain social distancing, undertake disinfection, and wear masks. Crowd control will need to be rigorously enforced.
- (v) The counting process will need to incorporate standard Covid-safety disinfection and hygiene measures such as hand sanitising, and the wearing of masks and gloves.

7.2 Procedures are still to be developed for the casting of votes by persons who, on the basis of temperature or other testing, are judged to be possibly infected with Covid. Such procedures will need to specify a counting process which first ensures that the marked ballots themselves will not be a source of infection of the staff handling them, and second that the secrecy of the vote will be protected. (The latter issue could arise, for example, if only a very small number of such votes were dealt with in a particular count, with a risk that they could all be in favour of the same candidate, thereby revealing how every such voter had voted.)

7.3 Finally, it needs to be reiterated that the need for changes to the counting process is primarily driven by the unique challenges of the Covid pandemic. The adoption of the changes proposed in this paper will reduce the risk of Covid being spread to people undertaking or witnessing the counting, and of damage to public confidence in the electoral process which such a spreading would cause.

## **Attachment 1 to Annex 4**

**Extract from the *Law on the Election of the President of the Republic* (Law No. 7/2006 of 28 December 2006)**

### **Artigo 44.º**

#### **Contagem dos votos e apuramento inicial**

1. A contagem dos votos inicia-se imediatamente após o encerramento do centro de votação ou estação de voto e a análise das dúvidas, reclamações e protestos e é no mesmo local efetuada pelos oficiais eleitorais, na presença dos fiscais das candidaturas e, quando existam, dos observadores, nacionais ou internacionais, e dos profissionais dos órgãos de comunicação social.
2. Após a contagem dos votos, ou no decurso dela, podem os fiscais das candidaturas apresentar reclamações, que são analisadas e decididas nos termos dos n.ºs 2 e 3 do artigo anterior.
3. Se, decorrida mais de uma hora do encerramento da votação, não puder iniciar-se a contagem e o apuramento, as urnas seladas e identificadas são imediatamente transportadas pelos oficiais eleitorais para a assembleia de apuramento municipal, podendo os fiscais das candidaturas acompanhá-los no trajeto, caso assim o entendam.
4. Concluídas as operações previstas no n.º 1, analisadas as dúvidas e os protestos apresentados e decididas as reclamações deduzidas, ou verificada a circunstância a que alude o n.º 3, é elaborada ata com o relato de todas as ocorrências pertinentes, que é de imediato remetida à assembleia de apuramento municipal.
5. O presidente do centro de votação afixa na entrada do edifício onde haja funcionado o centro de votação o extrato da ata das operações de contagem e de apuramento com a indicação dos resultados que hajam sido apurados.

#### **Unofficial English translation**

#### **ARTICLE 44**

#### **Counting of the votes and initial tabulation**

1. Counting of the votes shall commence immediately after the closing of the polling centre or polling station and the analysis of doubts, claims and complaints shall be undertaken at the very same place by the electoral officers in the presence of the delegates of the candidates 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 analysed and decided upon pursuant to article 43(2) and (3) above.
3. If, after more than one hour after the end of the voting, the counting and tabulation cannot begin, the sealed and identified ballot boxes shall be immediately transported by the electoral officers, and the agents of the candidacies may accompany them to the municipal tabulation centre.
4. Once the operations referred to in paragraph 1 have been completed, after the doubts and protests have been presented and the claims have been decided, or the circumstance referred to in paragraph 3 above have been verified, minutes shall be drawn up with a report of all relevant occurrences, which are immediately forwarded to the municipal tabulation centre.
5. The president of a polling centre displays at the entrance of the building where the polling centre is located an extract of the minutes of the vote tabulation that includes the results of the tabulation.

## **Attachment 2 to Annex 4**

**Extract from Government Decree No. 7/2017 of 27 February 2017 (*Approves the Voting Procedures, Counting of Votes and Tabulation of Results*)**

### **Artigo 42.º**

#### **Encerramento das operações na estação de voto**

1. Declarada encerrada a votação e resolvidas as dúvidas, os protestos e as reclamações a que haja lugar, o secretário da estação de voto procede:
  - a) À contagem dos boletins de voto não utilizados, registando o respectivo número na acta da estação de voto, inutilizando-os através da aposição, nos mesmos, de carimbo com a expressão “não utilizado” e inserindo-os no envelope destinado aos boletins não utilizados;
  - b) À contagem dos boletins de voto cancelados, registando o respectivo número na acta da estação de voto, inutilizando-os através da aposição, nos mesmos, de carimbo com a expressão “cancelado” e inserindo-os no envelope destinado aos boletins cancelados;
  - c) À contagem dos boletins de voto abandonados, registando o respectivo número na acta da estação de voto, inutilizando-os através da aposição, nos mesmos, de carimbo com a expressão “abandonado” e inserindo-os no envelope destinado aos boletins abandonados;
  - d) À contagem do número de eleitores assinalados na lista de eleitores e na lista adicional de eleitores que votaram naquela estação de voto, inscrevendo esses números na acta da estação de voto.
2. O secretário da estação de voto, auxiliado pelos demais oficiais eleitorais, coloca as urnas, a acta de funcionamento da estação de voto e o material referido no nº 2 do presente artigo no local escolhido pelo presidente do centro de votação para que se proceda à contagem dos votos e ao apuramento inicial dos resultados eleitorais.
3. Para efeitos do previsto no número anterior, o presidente do centro de votação escolhe o lugar mais apropriado e espaçoso dentro do centro de votação de modo a garantir que os fiscais das candidaturas, os observadores eleitorais e os profissionais de comunicação social possam acompanhar os trabalhos de contagem dos votos e de apuramento inicial dos resultados eleitorais.

## **Artigo 43.º**

### **Classificação dos votos**

Para efeitos de contagem de votos e apuramento de resultados, consideram-se:

- a) Válidos, os boletins de voto, retirados do interior da urna eleitoral, devidamente carimbados e assinados pelo oficial controlador dos boletins de voto, que expressem de forma clara e inequívoca o sentido da escolha de cada eleitor sem, no entanto, revelarem a identidade dos respectivos autores;
- b) Brancos, os boletins de voto, retirados do interior da urna eleitoral, devidamente carimbados e assinados pelo oficial controlador dos boletins de voto, que não exibam qualquer tipo de sinal;
- c) Nulos, os boletins de voto, retirados do interior da urna eleitoral, devidamente carimbados e assinados pelo oficial controlador dos boletins de voto, que se encontrem assinalados ou perfurados sem que se consiga, no entanto, compreender o sentido da escolha feita pelo eleitor, que permitam a identificação deste, que indiquem a escolha em candidatura que tenha desistido da eleição ou no qual tenha sido feito qualquer corte, desenho ou rasura ou tenha sido escrita qualquer palavra;
- d) Rejeitados, os boletins de voto retirados do interior da urna eleitoral e que não se encontrem carimbados e assinados pelo oficial controlador dos boletins de voto;
- e) Cancelados, os boletins de voto que hajam sido restituídos pelo eleitor aos oficiais eleitorais, para efeitos de substituição por outro boletim de voto, com fundamento em erro na indicação do sentido da escolha do eleitor ou que hajam sido involuntariamente danificados por este;
- f) Abandonados, os boletins de voto que hajam sido encontrados perdidos na estação de voto.

## **Artigo 44.º**

### **Recepção e abertura das urnas**

1. As urnas são entregues pelo secretário da estação de voto, acompanhado dos demais oficiais eleitorais e recebidas pelo presidente do centro de votação, no local que para o efeito for previamente designado.
2. O presidente do centro de votação, depois de receber as urnas eleitorais, lê em voz alta o número dos selos de segurança e pede aos fiscais das candidaturas que confirmem os referidos números.

3. Concluída a confirmação dos números dos selos de segurança, o presidente do centro de votação, na presença dos oficiais eleitorais, dos fiscais das candidaturas, dos observadores eleitorais, dos profissionais de comunicação social e dos demais cidadãos presentes, procede à abertura da urna eleitoral.

## **Artigo 45.º**

### **Contagem dos votos**

1. Depois de aberta a urna eleitoral, o presidente do centro de votação procede à retirada dos boletins de voto que se encontram no interior da mesma, desdobrando-os e colocando-os sobre a mesa de contagem, com o verso virado para cima e verificando se os mesmos se encontram devidamente carimbados e assinados pelo oficial controlador do boletim de voto.

2. O presidente do centro de votação regista na acta do resultado do centro de votação o número dos boletins de voto encontrados no interior da urna e que se encontrem devidamente assinados e carimbados pelo oficial controlador do boletim de voto.

3. Os boletins de voto encontrados no interior da urna eleitoral sem que dos mesmos conste carimbo ou assinatura aposta pelo oficial controlador dos boletins de voto, são separados dos demais boletins de voto, carimbados como rejeitados, lidos e contados em voz alta pelo presidente do centro de votação e o seu número registado na acta do resultado do centro de votação.

4. Os boletins de voto encontrados na urna eleitoral aos quais não seja apostado o carimbo com a expressão “rejeitado”, são misturados com os boletins de voto com as mesmas características e provenientes das demais estações de voto, sendo posteriormente agrupados em lotes de cinquenta.

5. Concluída a operação prevista no número anterior, o presidente do centro de votação procede à leitura, de viva voz, do sentido de voto expresso em cada um dos boletins e exhibe perante os presentes a face dos mesmos, os quais são agrupados em lotes correspondentes a cada candidato.

6. Os boletins de voto classificados como brancos ou nulos são agrupados em lotes separados.

7. Os boletins de voto reclamados são agrupados em lote próprio.

8. Às dúvidas, aos protestos, às reclamações e aos recursos apresentados no âmbito das operações de contagem e apuramento dos resultados, são aplicáveis as regras previstas pelo artigo 40.º com as devidas adaptações.

9. Os originais das reclamações são introduzidos juntamente com os boletins de voto reclamados no envelope de “boletins de voto reclamados”.



10. Os resultados da contagem de votos e do apuramento dos resultados são imediatamente transmitidos, por via electrónica, ao STAE que dos mesmos dá conhecimento à CNE.

### **Unofficial English translation**

#### **Article 42**

##### **Closing of operations at a polling station**

1. After voting is closed and questions, claims or objections are resolved, the secretary of the polling station proceeds with:

- a) Counting the unused ballot papers, entering their number in the polling station minutes and rendering them useless by stamping them with the words “not used”, inserting them afterwards in the envelope for unused ballot papers;
- b) Counting the cancelled ballot papers, entering their number in the polling station minutes and rendering them useless by stamping them with the word “cancelled”, inserting them afterwards in the envelope for cancelled ballot papers;
- c) Counting the abandoned ballot papers, entering their number in the polling station minutes and rendering them useless by stamping them with the word “abandoned”, inserting them afterwards in the envelope for abandoned ballot papers;
- d) Counting the number of voters marked off in the voters list and the additional list of voters that voted in that polling station, entering such numbers in the polling station minutes.

2. The secretary of the polling station, assisted by the other electoral officials, takes the ballot boxes, the polling station operations minutes and the material referred to in paragraph 2 (sic) of this article to the location chosen by the president of the polling center to proceed with the vote counting and the initial tabulation of results.

3. For the purposes described in the preceding paragraph, the president of the polling center chooses the most appropriate and spacious location within the polling center in order to ensure that the candidates’ agents, electoral observers and media professionals can follow the vote counting and the initial tabulation of electoral results.

## **Article 43**

### **Vote classification**

In terms of vote counting and tabulation of results, the votes are considered as:

- a) Valid, ballot papers taken out of the ballot box, duly stamped and signed by the ballot paper controlling official, which clearly and unequivocally express the choice of the voter without, however, revealing the identity of the voter;
- b) Blank, ballot papers taken out of the ballot box, duly stamped and signed by the ballot paper controlling official, which do not display any type of mark;
- c) Null and void, ballot papers taken out of the ballot box, duly stamped and signed by the ballot paper controlling official, which are marked or punched without being able however, to understand the choice made by the voter, or that allow the identification of the voter, or that indicate the choice of a candidate who has withdrawn from the election, or on which any cut, drawing or erasure has been made or any word written;
- d) Rejected, ballot papers taken out from the ballot box that are not stamped and signed by the ballot paper controlling official;
- e) Cancelled, ballot papers returned by the voter to the electoral officials to be replaced by another ballot papers, based on an error in marking the voter's choice or that have been unintentionally damaged by the voter;
- f) Abandoned, ballot papers that have been found lost in the polling station.

## **Article 44**

### **Collection and opening of ballot boxes**

1. The ballot boxes are delivered by the secretary of the polling station, together with the remaining electoral officials, and collected by the president of the polling center at the previously selected location.
2. The president of the polling center, after collecting the ballot boxes, reads aloud the numbers of the security seals and asks the candidates' agents to confirm such numbers.
3. After confirming the numbers on the security seals, the president of the polling center, in the presence of electoral officials, candidates' agents, electoral observers, media professionals and other attending citizens, opens the ballot box.

## **Article 45**

## **Vote counting**

1. After opening the ballot box, the president of the polling center takes out the ballot papers, unfolds them and places them on the counting table, with the back side facing up and verifies if they are duly stamped and signed by the ballot paper controlling official.
2. The president of the polling center enters in the polling center results minutes the number of ballot papers inside the ballot box duly stamped and signed by the ballot paper controlling official.
3. The ballot papers inside the ballot box that are not stamped or signed by the ballot paper controlling official are separated from the remaining ballot papers, stamped as “rejected”, read and counted aloud by the president of the polling center and the number of them is entered in the polling center results minutes.
4. The ballot papers inside the ballot box that are not stamped as “rejected” are mixed with other ballot papers with the same characteristics coming from the other polling stations, being subsequently grouped in batches of fifty each.
5. After concluding the action described in the preceding paragraph, the president of the polling center reads aloud the vote marked on each ballot paper and shows its front side to the people present, then grouping them in batches corresponding to each candidate.
6. The ballot papers classified as blank or null and void are grouped in separate batches.
7. The ballot papers subject to claims are grouped in a separate batch.
8. The questions, objections, claims and appeals submitted during the counting and tabulation of results operations are governed by the provisions of article 40, as far as it applies.
9. The original claims are inserted together with the ballot papers subject to claims inside the envelope marked “claimed ballot papers”.
10. The results of the vote counts and tabulations are immediately transmitted, by electronic means, to STAE, which advises them to CNE.

## Annex 5 - Social distancing, hygiene and sanitation measures

### Introduction

1. As noted in the main text of this Baseline Assessment, the matters addressed in this Annex are intended to provide a starting point for discussions which need to take place between Timor-Leste's EMBs and the public health authorities; at this stage they are therefore not recommendations, except when they have been identified as such. Polling, counting and tabulation are discussed separately below.

### Polling

2. As **strongly recommended** at paragraph 6.34 of the main text, outdoor polling should be used whenever possible, in line with the model set out in **Annex 3**. STAE should also give early consideration to the expansion of polling centre numbers, at least in Dili and the larger municipal centres, as **recommended** at paragraph 6.29; and should undertake planning for polling stations with the aim of ensuring that the number of voters expected to be utilising each polling station will be approximately equal, as **recommended** at paragraph 6.30.

3. All polling staff should be required:

- (i) to have been fully vaccinated against Covid;
- (ii) to have passed a temperature check; and
- (iii) to wear gloves, face masks and plastic face shields at all times when within the polling centre.

4. In addition to the staff who have been employed in the past at polling stations, each polling station should have at least one additional "hygiene assistant" to perform various tasks described below, including ensuring that all voting screens are cleaned after each voter, the ballot box is also cleaned after each vote is deposited, and other surfaces cleaned regularly. Busier polling stations - those expected to take more than 400 votes - should also have a second hygiene assistant to ensure these tasks can be done quickly enough to maintain a reasonable flow of voters.

5. A range of requirements should be specified for persons who will be present in polling centres.

- (i) All *fiscals*, observers and media professionals should be required to be fully vaccinated.
- (ii) All voters, *fiscals*, observers and media professionals, and all police (when present in a polling centre at the request of its president) should be required, and advised

in public information campaigns and any targeted training programs, to wear face masks to the polling centres. Such masks should be made available at the entrance of the polling centre to persons who arrive without one. Anyone who refuses to so wear such a mask should be denied entrance to the polling centre. The relevant government decree should empower the polling staff to enforce these requirements (in the same way as can be done in relation to voters who are clearly drunk or under the influence of drugs).

6. Immediately outside the entrance to the polling centre, all persons entering should have their temperatures tested using an infrared thermometer, and:

(i) those voters who are found to have a high temperature, and those voters with a normal temperature who:

(a) have with them a child found to have a high temperature; or

(b) have accompanied to the polling centre a voter who will require assistance to voter, and who has been found to have a high temperature,

should be directed to a discrete queue, well separated from other voters, and in which social distancing must be strictly maintained, to be dealt with in accordance with paragraph 19 below; and

(ii) persons other than voters (i.e. *fiscals*, observers and media professionals) who are found to have a high temperature should be advised that they will not be permitted to enter.

An additional staffer will need to be employed at each polling centre to do this temperature testing. The relevant government decree should empower the polling staff to enforce requirement (ii).

7. Once tested, persons who are being allowed into the polling centre should:

(i) be required to disinfect their hands using sanitiser, and thereafter to put on disposable gloves provided by STAE; and

(ii) be told to keep them on at all times until they are leaving the polling centre (except, in the case of voters, when they have to remove them in order to have their fingers checked for indelible ink, and later to have indelible ink applied to a finger).

8. Persons waiting to vote should be required to maintain social distancing within the queue, and to stay outside the polling station until requested by the queue controller to enter. Where guide ropes and position markers have been set out to assist with social distancing, voters should be told to comply with them.

9. Each polling official should have ready access to a plastic garbage bag in which potentially contaminated items such as plastic gloves can be disposed of. These garbage

bags will need to be configured so as to stand with their tops open. An example of such a bag can be seen below.



10. Voters should be told that when they are displaying their voter cards or other identification documents to the identification checking official, they must hold the card or document where the official can see it, but must not touch, or place the card on, any desk or surface, and must maintain social distancing.

11. Voters should not be asked to remove their masks for the purpose of confirming identification unless that is clearly necessary. If mask removal is necessary, it should be done as quickly as possible, and the voter should be told to hold his or her breath while pulling the mask down.

12. Voters should be told that when their hands are being inspected for the presence of indelible ink, they must remove their gloves, hold the gloves rather than placing them on any desk or surface, and put the gloves back on again as soon as inspection of hands is completed.

13. If a voter nevertheless touches the official, or any desk or surface while displaying documents or hands, that official, desk or surface will need to be immediately disinfected. The official should put on a fresh pair of gloves.

14. As **strongly recommended** at paragraph 6.54 of the main text, each voter should be issued with a single-use wooden “nail” as well as a ballot paper. The voter should be instructed to proceed to the ballot box, after voting, with both the ballot paper and the wooden nail. The nail must not be left in the voting screen. Next to the ballot box there should be a garbage bag in which the voter will have to place the used nail. After each voter has voted, the hygiene assistant must:

- (i) check for, and if necessary remove and place in the garbage bag, any nail that has been left in the voting screen by the voter; and
- (ii) disinfect the surface of the voting screen.

If cardboard screens are in use, that will require that they be supplemented with a plastic mat which can be disinfected.

15. The voter should be told to place the ballot paper in the ballot box without touching the box itself. The top and slot area of the ballot box should nevertheless be disinfected by the hygiene assistant after each voter has deposited his or her ballot.

16. Voters should be told that when their finger is to be inked, they must remove their gloves, drop them in a garbage bag located next to the ink application official, and hold out the finger to be inked without touching any desk or surface. The ink should then be applied using the single-use cotton-bud applicator **strongly recommended** at paragraph 6.54 of the main text, without the official touching the voter. The applicator should, after use, be disposed of in the garbage bag in which gloves are being placed.

17. If a voter nevertheless touches the official, or any desk or surface while having his or her finger inked, that official, desk or surface will need to be immediately disinfected. The official should put on a fresh pair of gloves.

18. If a voter has to have a ballot paper replaced, the returned ballot paper should be treated as contaminated, and thereafter must only be handled by a polling official wearing gloves (which should be replaced immediately). The ballot should be cancelled and placed immediately in the envelope reserved for such cancelled ballots, and that envelope and its contents should regarded thereafter as being contaminated.

19. Voters who are queued separately under (6)(i) above will be dealt with as follows.

- (i) If there is more than one polling station at the polling centre, one station will be designated by the polling centre president as the one to handle such voters.
- (ii) There will be a single voting screen, well separated from the others, at which those voters will mark their ballots.
- (iii) There will be a single additional polling staffer from the polling station, wearing full PPE, who will check the voter's document(s) and fingers, advise the staffer managing the voter list to mark off the voter's name, obtain a ballot paper from the ballot paper issuing officer and give it to the voter. The voter will mark his or her ballot at the separate voting screen used only by such voters, and will place his or her ballot in a separate ballot box used only by such voters, which will then be sanitised by the hygiene assistant. The staffer wearing PPE will then apply the ink to the voter's finger, and instruct the voter to leave the polling centre while maintaining social distancing at all times.

- (iv) At the counting, the ballots from the separate ballot box will be counted and then mixed with the contents of another ballot box used at the designated polling station before the votes are inspected, as a protection of the secrecy of the vote.

## Counting

20. During the counting, all ballot papers must be treated as if they are potentially contaminated.

21. All polling staff should be required to wear gloves, face masks and plastic face shields at all times during the counting.

22. The only people who should be allowed into the counting premises should be polling staff, *fiscals*, observers and media professionals. If members of the public wish to see the counting, they will need to stay outside the premises, well back from any windows or door, maintain social distancing, and refrain from any shouting or cheering.

23. All *fiscals*, observers and media professionals should be required, and advised by public information campaigns, to wear face masks when present at the counting. Anyone who refuses to so wear such a mask should be denied entrance to the counting. The relevant government decree should empower the polling staff to enforce these requirements.

24. From the start of the count all persons seeking to present (other than those whose temperatures have previously been tested and found to be normal) should have their temperatures tested using an infrared thermometer; and those who are found to have a high temperature should be advised that they will not be permitted to be present in the counting premises. The relevant government decree should empower the polling staff to enforce this requirement.

25. Once tested, persons who are being allowed into the counting premises should:

- (i) be required to disinfect their hands using sanitiser, and thereafter to put on disposable gloves provided by STAE; and
- (ii) be told to keep them on at all times until they leave.

## Tabulation

26. During the municipal and national tabulations, all documents and materials received from polling centres (and, in the case of the national tabulation, from municipal tabulation centres) must be treated as if they are potentially contaminated.

27. All tabulation staff should be required to be fully vaccinated, and to wear gloves, face masks and plastic face shields at all times.



28. The only people who should be allowed into the tabulation premises should be tabulation staff, *fiscais*, observers, media professionals and persons otherwise authorised to enter by the person managing the tabulation.

29. All such persons allowed to enter the tabulation should be required, and advised by public information campaigns, to wear face masks when present. Anyone who refuses to so wear such a mask should be denied entry. The relevant government decree should empower the tabulation staff to enforce these requirements.

30. From the start of the tabulation all persons seeking to be present should have their temperatures tested using an infrared thermometer; and those who are found to have a high temperature should be advised that they will not be permitted to be present in the tabulation premises. The relevant government decree should empower the polling staff to enforce this requirement.

31. Once tested, persons who are being allowed into the tabulation premises should:

- (i) be required to disinfect their hands using sanitiser, and thereafter to put on disposable gloves provided by STAE; and
- (ii) be told to keep them on at all times until they leave.

#### **Potentially contaminated waste**

32. A process needs to be devised, in consultation with the public health authorities, for the safe retrieval and destruction of all potentially contaminated single-use waste, including gloves, masks, wooden nails and cotton-bud ink applicators.

## Annex 6 - Potential audiences and strategies for training programs

Those needing training and/or sensitising	Potential Content	Potential Methodologies
All permanent STAE and CNE officers.	<ul style="list-style-type: none"> <li>Those covid-safe practices they should employ in their day-to-day work.</li> <li>All aspects of the changes to policy and procedures that will be utilised during upcoming elections.</li> </ul>	<ul style="list-style-type: none"> <li>Training specific to their day-to-day work in the lead up to election day</li> <li>Trial the Training of trainers program for polling and counting staff to help optimise that program and to build awareness of what is required of polling and counting staff in the current environment.</li> </ul>
All polling staff and CNE polling centre/station monitors	<p>All changes required for Covid-safe polling including:</p> <ul style="list-style-type: none"> <li>procedures for outdoor polling;</li> <li>changes to queueing procedures including distancing, temperature checking (if required), procedures for handling those in the queue with high temperatures, placement of signage, etc.;</li> <li>public health strategies including mask wearing and use of PPE, hand sanitising, social distancing, avoiding multiple use of materials by multiple persons, disposal of single use materials, etc.;</li> <li>the order in which all of the above occur during the polling process;</li> </ul>	<ul style="list-style-type: none"> <li>Training of trainers' program with a focus on new Covid-safe related polling station procedures. This could include: <ul style="list-style-type: none"> <li>familiarisation with new Covid-safe elements of manuals;</li> <li>the conduct of a mock election so participants can practise new Covid-safe procedures; and</li> <li>practising the correct use of any PPE that will be utilized during polling day.</li> </ul> </li> <li>Developing comprehensive teaching notes and support materials for the conduct of training for polling staff that includes all of the above.</li> </ul>

	<ul style="list-style-type: none"> <li>• polling station set up in ways that minimise close personal contact and maximise ventilation;</li> <li>• seating and distancing of <i>fiscais</i> and observers in a way that complies with social distancing policy and procedures; and</li> <li>• any other initiatives that are introduced to the process.</li> </ul>	
All counting and tabulation staff	<p>All changes required for Covid-safe counting and results tabulation including:</p> <ul style="list-style-type: none"> <li>• public health strategies including mask wearing and use of PPE, hand sanitising, social distancing, avoiding multiple use of materials by multiple persons, disposal of single use materials, etc.;</li> <li>• the order in which all of the above occur during the counting and results management processes;</li> <li>• counting station set up in ways that minimise close personal contact and maximise ventilation;</li> <li>• seating and distancing of <i>fiscais</i> and observers in a way that complies with social distancing policy and procedures;</li> <li>• changes to receipt of materials procedures; and</li> </ul>	<ul style="list-style-type: none"> <li>• Training of trainers' program with a focus on new Covid-safe related counting procedures. This could include: <ul style="list-style-type: none"> <li>○ familiarisation with new Covid-safe elements of manuals;</li> <li>○ the conducting of a mock count so participants can practise new Covid-safe procedures; and</li> <li>○ practising the correct use of any PPE that will be utilized during polling day.</li> </ul> </li> <li>• Developing comprehensive teaching notes and support materials for the conduct of training for counting staff that includes all of the above.</li> </ul>

	<ul style="list-style-type: none"> <li>any other initiatives that are introduced to the process.</li> </ul>	
All Security Staff	<p>All changes required for security specific Covid-safe polling and counting including:</p> <ul style="list-style-type: none"> <li>procedures for outdoor polling;</li> <li>changes to queueing procedures including distancing, temperature checking (if required), procedures for handling those in the queue with high temperatures, placement of signage, etc.;</li> <li>public health strategies including mask wearing and use of PPE, hand sanitising, social distancing, avoiding multiple use of materials by multiple persons, disposal of single use materials, etc.;</li> <li>the order in which all of the above occur during the polling and counting processes;</li> <li>polling station set up in ways that minimise close personal contact and maximise ventilation;</li> <li>seating and distancing of <i>fiscals</i> and observers in a way that complies with social distancing policy and procedures; and</li> <li>any other initiatives that are introduced to the process.</li> </ul>	<ul style="list-style-type: none"> <li>Training of trainers' program with a focus on new Covid-safe related polling counting security procedures. This could include: <ul style="list-style-type: none"> <li>familiarisation with new Covid-safe elements of manuals;</li> <li>The conducting of security specific elements of a mock poll and count so participants can practise new Covid-safe procedures; and</li> <li>practising the correct use of any PPE that will be utilized during polling day.</li> </ul> </li> <li>Developing comprehensive teaching notes and support materials for the conduct of training for security staff that includes all of the above.</li> </ul>

<p>All overseas diplomatic staff who may be asked to act as polling officials (which should include all staff in a mission acting as a polling centre)</p>	<p>All changes required for Covid-safe polling including:</p> <ul style="list-style-type: none"> <li>• procedures for outdoor polling;</li> <li>• changes to queueing procedures including distancing, temperature checking, procedures for handling those in the queue with high temperatures, placement of signage, etc.;</li> <li>• public health strategies including mask wearing and use of PPE, hand sanitising, social distancing, avoiding multiple use of materials by multiple persons, disposal of single use materials, etc.;</li> <li>• the order in which all of the above occur during the polling process;</li> <li>• polling station set up that minimises close personal contact and maximises ventilation;</li> <li>• seating and distancing of <i>fiscais</i> and observers in a way that complies with social distancing policy and procedures; and</li> <li>• any other initiatives that are introduced to the process.</li> </ul>	<ul style="list-style-type: none"> <li>• Training of trainers' program with a focus on new Covid-safe related polling station procedures This could include: <ul style="list-style-type: none"> <li>○ familiarisation with new Covid-safe elements of manuals;</li> <li>○ the conduct of a mock election so participants can practise new Covid-safe procedures; and</li> <li>○ practising the correct use of any PPE that will be utilized during polling day.</li> </ul> </li> <li>• This could be supplemented by online training delivered with the support of the Ministry of Foreign Affairs.</li> <li>• Developing comprehensive teaching notes and support materials for the conduct of training for out-of-country polling staff that includes all of the above.</li> </ul>
<p>All those who observe the polling, counting and tabulation processes (<i>fiscais</i>, domestic</p>	<p>All changes required for Covid-safe observing of polling and counting including social distancing between <i>fiscais</i>, observers,</p>	<ul style="list-style-type: none"> <li>• A Training of trainers program for representatives of these groups so they can train their staff.</li> </ul>

and international observers, media representatives, etc.).	media representatives, voters, and polling, counting and tabulation staff.	<ul style="list-style-type: none"> <li>• Distribution of clear and concise information material to these groups.</li> <li>• Development and dissemination of voter education strategies that support and clarify the above approaches.</li> <li>• Focusing on <u>why</u> the approaches are necessary.</li> </ul>
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## Annex 7 - Estimated costs of certain equipment and materials

COVID RELATED MATERIALS FOR POLLING CENTRES - TIMOR LESTE  
ROUGH COST AND QUANTITY ESTIMATES BASED ON MARKET DATA AND CURRENTLY AVAILABLE INFORMATION ON NUMBERS OF VOTERS AND POLLING LOCATIONS 12 SEPTEMBER 2021

Data is presented subject to the conditions described at paragraph 11.4 of this paper

Data is based on estimates as at July 2021 of numbers of registered voters, polling centres and polling stations

Data does not include materials for polling in covid treatment, quarantine or isolation locations, for STAE and CNE office permanent and temporary staff, CNE monitors and for municipal and national tabulation centres

Data does not provide for spare materials/equipment, or for costs of disinfecting reusable equipment or disposing of waste materials after each election

Presidential Election Round 1	
Estimated voters	839,000
No. of polling centres/PC managers <sup>1</sup>	1,200
No. of polling stations	1,500
No. of polling station staff <sup>2</sup>	17,640

Presidential Election Round 2	
Estimated voters	839,000
No. of polling centres/PC	1,200
No. of polling stations	1,500
No. of polling station staff <sup>2</sup>	17,640

Equipment/Material	Presidential Election Round 1				Presidential Election Round 2				Total 2 Round Presidential Election			Reference <sup>3</sup>	Alternatives at <sup>3</sup>
	Number of persons/locations	Units per person/location	Unit cost	Total	Number of persons/locations	Units per person/location	Unit cost	Total	Total Number	Unit cost	Total		
PPE - medical grade <sup>3</sup>	3,900	1	\$ 2.65	\$ 10,335	3,900	1	\$ 2.65	\$ 10,335	7800	\$ 2.65	\$ 20,670	<a href="https://www.alibaba.com/product-detail/AAMI-Level-3-high-quality-military_1600140245695.html?spm=a2700.galleryof-ferlist.normal_offer.d_title.63db7e43W&amp;wPh8">https://www.alibaba.com/product-detail/AAMI-Level-3-high-quality-military_1600140245695.html?spm=a2700.galleryof-ferlist.normal_offer.d_title.63db7e43W&amp;wPh8</a>	<a href="https://www.alibaba.com/showroom/ppe-set.html">https://www.alibaba.com/showroom/ppe-set.html</a>
Single use wooden 'nails' for punching ballots	839,000	1	\$ 0.005	\$ 3,776	839,000	1	\$ 0.005	\$ 3,776	1,678,000	\$ 0.00	\$ 7,551	<a href="https://www.alibaba.com/product-detail/Bamboo-Skewers-Skewersbamboo-2019-Hot-Sell_62357047703.html">https://www.alibaba.com/product-detail/Bamboo-Skewers-Skewersbamboo-2019-Hot-Sell_62357047703.html</a>	<a href="https://www.alibaba.com/trade/search?fsb=y&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=bamboo+skewers&amp;selectedTab=product_en">https://www.alibaba.com/trade/search?fsb=y&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=bamboo+skewers&amp;selectedTab=product_en</a>
Disposable gloves for voters - rated covid appropriate	839,000	2	\$ 0.01	\$ 16,780	839,000	2	\$ 0.01	\$ 16,780	3356000	\$ 0.01	\$ 33,560	<a href="https://www.alibaba.com/product-detail/Glove-Medical-Gloves-Examination-Gloves-Cheap_1600130521251.html?spm=a2700.7724857.normal_offer.d_image.52515edBwCySG&amp;s=p">https://www.alibaba.com/product-detail/Glove-Medical-Gloves-Examination-Gloves-Cheap_1600130521251.html?spm=a2700.7724857.normal_offer.d_image.52515edBwCySG&amp;s=p</a>	<a href="https://www.alibaba.com/trade/search?fsb=y&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=latex+gloves">https://www.alibaba.com/trade/search?fsb=y&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=latex+gloves</a>
Free standing garbage bags 75cmX75cm	1,500	6	\$ 0.97	\$ 8,730	1,500	6	\$ 0.97	\$ 8,730	18000	\$ 0.97	\$ 17,460	<a href="https://www.signet.net.au/multix-stand-up-bags-750mm-x-750mm-36-per-carton-30513.html">https://www.signet.net.au/multix-stand-up-bags-750mm-x-750mm-36-per-carton-30513.html</a>	
Disinfecting wipes 75% alcohol - pack of 60	1,500	8	\$ 0.42	\$ 5,040	1,500	8	\$ 0.42	\$ 5,040	24000	\$ 0.42	\$ 10,080	<a href="https://www.alibaba.com/premium/alcohol_disinfectant_wipes.html?src=sem_ggl&amp;cmpgn=10497765032&amp;adgrp=103401906945&amp;fditm=&amp;tgt=kwd-305082095668&amp;locintrst=&amp;locphyscl=1000286&amp;mtchtyp=p&amp;ntwrk=g&amp;device=c&amp;dvcmdl=&amp;creative=447380134303&amp;plcmnt=&amp;plcmntcat=&amp;p1=&amp;p2=&amp;aceid=&amp;position=&amp;gclid=EAlaQo_bChMI1MLqqNGY8QIVBA4rCh1Z5QLDEAAYASAAEgKaGPD_BwE">https://www.alibaba.com/premium/alcohol_disinfectant_wipes.html?src=sem_ggl&amp;cmpgn=10497765032&amp;adgrp=103401906945&amp;fditm=&amp;tgt=kwd-305082095668&amp;locintrst=&amp;locphyscl=1000286&amp;mtchtyp=p&amp;ntwrk=g&amp;device=c&amp;dvcmdl=&amp;creative=447380134303&amp;plcmnt=&amp;plcmntcat=&amp;p1=&amp;p2=&amp;aceid=&amp;position=&amp;gclid=EAlaQo_bChMI1MLqqNGY8QIVBA4rCh1Z5QLDEAAYASAAEgKaGPD_BwE</a>	
Masks for voters/staff	839,000	1	\$ 0.01	\$ 8,390	839,000	1	\$ 0.01	\$ 8,390	1678000	\$ 0.01	\$ 16,780	<a href="https://www.alibaba.com/product-detail/Face-Mask-Mask-Disposable-3-Ply_1600205519116.html?spm=a2700.7724857.normal_offer.d_image.69ce48de6kaT46&amp;s=p">https://www.alibaba.com/product-detail/Face-Mask-Mask-Disposable-3-Ply_1600205519116.html?spm=a2700.7724857.normal_offer.d_image.69ce48de6kaT46&amp;s=p</a>	<a href="https://www.alibaba.com/showroom/face-mask.html">https://www.alibaba.com/showroom/face-mask.html</a>
Medical quality gloves for staff <sup>5</sup>	21,240	6	\$ 0.10	\$ 12,744	21,240	6	\$ 0.10	\$ 12,744	254880	\$ 0.10	\$ 25,488	<a href="https://www.alibaba.com/product-detail/Nitrile-Gloves-Nitrile-Heavy-Duty-Disposable_1600310512788.html?spm=a2700.7735675.normal_offer.d_image.39633a80TG5b5h&amp;s=p">https://www.alibaba.com/product-detail/Nitrile-Gloves-Nitrile-Heavy-Duty-Disposable_1600310512788.html?spm=a2700.7735675.normal_offer.d_image.39633a80TG5b5h&amp;s=p</a>	<a href="https://www.alibaba.com/product-detail/High-Quality-Disposable-Hand-Gloves-Manufacturers_1600113349817.html?spm=a2700.7724857.normal_offer.d_image.b5d456b8fGwESI">https://www.alibaba.com/product-detail/High-Quality-Disposable-Hand-Gloves-Manufacturers_1600113349817.html?spm=a2700.7724857.normal_offer.d_image.b5d456b8fGwESI</a>
Hand sanitizer - 500 ml <sup>6</sup>	1,500	10	\$ 1.15	\$ 17,250	1,500	10	\$ 1.15	\$ 17,250	30000	\$ 1.15	\$ 34,500	<a href="https://www.alibaba.com/product-detail/75-alcohol-hand-sanitizer-gel-manufacturer_62521905700.html?spm=a2700.pc_countrysearch.main07.106.5d153371um970v">https://www.alibaba.com/product-detail/75-alcohol-hand-sanitizer-gel-manufacturer_62521905700.html?spm=a2700.pc_countrysearch.main07.106.5d153371um970v</a>	<a href="https://www.alibaba.com/countrysearch/CN/75-alcohol.html">https://www.alibaba.com/countrysearch/CN/75-alcohol.html</a>

Equipment/Material	Presidential Election Round 1				Presidential Election Round 2				Total 2 Round Presidential Election			Reference <sup>3</sup>	Alternatives at <sup>3</sup>
	Number of persons/locations	Units per person/location	Unit cost	Total	Number of persons/locations	Units per person/location	Unit cost	Total	Total Number	Unit cost	Total		
Infrared thermometers	1,200	2	\$ 3.20	\$ 7,680	1,200		\$ 3.20	\$ -	2400	\$ 3.20	\$ 7,680	<a href="https://www.alibaba.com/product-detail/Thermometer-Infrared-Non-Contact-Thermometer-Wholesale_62581706794.html?spm=a2700.7724857.normal_offer.d_image.41fa5741XlbhCR&amp;s=p">https://www.alibaba.com/product-detail/Thermometer-Infrared-Non-Contact-Thermometer-Wholesale_62581706794.html?spm=a2700.7724857.normal_offer.d_image.41fa5741XlbhCR&amp;s=p</a>	<a href="https://www.alibaba.com/showroom/infrared-thermometer.html">https://www.alibaba.com/showroom/infrared-thermometer.html</a>
Spare non rechargeable batteries for infrared thermometers <sup>7</sup>	1,500	4	\$ 0.14	\$ 840	1,500	4	\$ 0.14	\$ 840	12000	\$ 0.14	\$ 1,680	<a href="https://www.alibaba.com/product-detail/Japan-brand-0-Hg-1-SV_60821342396.html?spm=a2700.7724857.normal_offer.d_image.51d510ecYqxtID">https://www.alibaba.com/product-detail/Japan-brand-0-Hg-1-SV_60821342396.html?spm=a2700.7724857.normal_offer.d_image.51d510ecYqxtID</a>	<a href="https://www.alibaba.com/showroom/aaa-battery.html">https://www.alibaba.com/showroom/aaa-battery.html</a>
Medical quality face shield <sup>8</sup>	21,240	1	\$ 0.14	\$ 2,974	21,240	1	\$ 0.14	\$ 2,974	42480	\$ 0.14	\$ 5,947	<a href="https://www.alibaba.com/product-detail/2021-transparent-shield-Plastic-protective-equipment_1600087306092.html?spm=a2700.7724857.normal_offer.d_image.1ef6a53acdajBF">https://www.alibaba.com/product-detail/2021-transparent-shield-Plastic-protective-equipment_1600087306092.html?spm=a2700.7724857.normal_offer.d_image.1ef6a53acdajBF</a>	<a href="https://www.alibaba.com/showroom/visor-face-shield.html">https://www.alibaba.com/showroom/visor-face-shield.html</a>
Gaffer tape 25mm x 30m	1,500	2	\$ 0.65	\$ 1,950	1,500	2	\$ 0.65	\$ 1,950	6000	\$ 0.65	\$ 3,900	<a href="https://www.alibaba.com/product-detail/Gaffer-Edging-OEM-Brand-Strong-Stage_60787808416.html?spm=a2700.details.0.0.371035d8AvUxV">https://www.alibaba.com/product-detail/Gaffer-Edging-OEM-Brand-Strong-Stage_60787808416.html?spm=a2700.details.0.0.371035d8AvUxV</a>	<a href="https://www.alibaba.com/trade/search?fsby&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=gaffer+tape&amp;isPremium=y&amp;secondFlag=true">https://www.alibaba.com/trade/search?fsby&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=gaffer+tape&amp;isPremium=y&amp;secondFlag=true</a>
Acrylic sneeze guards <sup>9</sup>	11700	1	\$ 4.00	\$ 46,800	11,700		\$ 4.00	\$ -	11700	\$ 4.00	\$ 46,800	<a href="https://www.alibaba.com/product-detail/Factory-Price-custom-Acrylic-Sneeze-Guard_1600122604618.html?spm=a2700.7724857.normal_offer.d_image.69e51afeMcGW4I">https://www.alibaba.com/product-detail/Factory-Price-custom-Acrylic-Sneeze-Guard_1600122604618.html?spm=a2700.7724857.normal_offer.d_image.69e51afeMcGW4I</a>	<a href="https://www.alibaba.com/showroom/acrylic-sneeze-guard_1.html">https://www.alibaba.com/showroom/acrylic-sneeze-guard_1.html</a>
Drawstring 20l/30l waste bags	1,500	5	\$ 0.03	\$ 225	1,500	5	\$ 0.03	\$ 225	15000	\$ 0.03	\$ 450	<a href="https://www.alibaba.com/product-detail/Bin-Liner-Bin-Liner-HDPE-LDPE_1600177610730.html?spm=a2700.7724857.topad_classic.d_title.70c659aenirqeF">https://www.alibaba.com/product-detail/Bin-Liner-Bin-Liner-HDPE-LDPE_1600177610730.html?spm=a2700.7724857.topad_classic.d_title.70c659aenirqeF</a>	<a href="https://www.alibaba.com/showroom/bin-liner_1.html">https://www.alibaba.com/showroom/bin-liner_1.html</a>
Cotton buds for applying ink <sup>10</sup>	839,000	1	\$ 0.003	\$ 3,252	839,000	1	\$ 0.003	\$ 3,252	1678000	\$ 0.00	\$ 6,504	<a href="https://www.alibaba.com/product-detail/Lameila-200pcs-cotton-bud-Disposable-Double_62057815399.html?spm=a2700.galleryofferlist.normal_offer.d_title.508e3350NNKKL">https://www.alibaba.com/product-detail/Lameila-200pcs-cotton-bud-Disposable-Double_62057815399.html?spm=a2700.galleryofferlist.normal_offer.d_title.508e3350NNKKL</a>	<a href="https://www.alibaba.com/trade/search?fsby&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=cotton+swabs&amp;selectedTab=product_en">https://www.alibaba.com/trade/search?fsby&amp;IndexArea=product_en&amp;CatId=&amp;SearchText=cotton+swabs&amp;selectedTab=product_en</a>
Disinfectable plastic mats for lining voting compartment tray <sup>11</sup>	1,500	5	\$ 0.250	\$ 1,875	1,500		\$ 0.25	\$ -	7500	\$ 0.25	\$ 1,875	<a href="https://www.alibaba.com/product-detail/Washable-Dining-Or-Kitchen-Table-Mat_62041065741.html">https://www.alibaba.com/product-detail/Washable-Dining-Or-Kitchen-Table-Mat_62041065741.html</a>	<a href="https://www.alibaba.com/showroom/clear-table-mat.html">https://www.alibaba.com/showroom/clear-table-mat.html</a>
Tactile ballot guides from disinfectable/washable material <sup>12</sup>	1,500	1	\$ 4.00	\$ 6,000	1,500		\$ 4.00	\$ -	1,500	\$ 4.00	\$ 6,000		
Additional ballot box for high temperature voters	1,200	1	\$ 6.50	\$ 7,800	1,200		\$ 6.50	\$ -	1,200	\$ 6.50	\$ 7,800	<a href="https://www.alibaba.com/product-detail/Transparent-Ballot-For-Election-Ballot-Box_1600121041992.html?spm=a2700.7724857.normal_offer.d_image.58ac400fobucEc&amp;s=p">https://www.alibaba.com/product-detail/Transparent-Ballot-For-Election-Ballot-Box_1600121041992.html?spm=a2700.7724857.normal_offer.d_image.58ac400fobucEc&amp;s=p</a>	<a href="https://www.alibaba.com/showroom/transparent-ballot-boxes-for-elections.html">https://www.alibaba.com/showroom/transparent-ballot-boxes-for-elections.html</a>
Tape/rope to define voter movement areas, queues 350m x 135mm x 30 micron	1,500	2	\$ 2.00	\$ 6,000	1,500	2	\$ 2.00	\$ 6,000	6000	\$ 2.00	\$ 12,000	<a href="https://www.alibaba.com/product-detail/Caution-Factory-Supply-PE-Barricade_1600323853802.html?spm=a2700.7735675.normal_offer.d_image.5afa492cqVavjw&amp;s=p">https://www.alibaba.com/product-detail/Caution-Factory-Supply-PE-Barricade_1600323853802.html?spm=a2700.7735675.normal_offer.d_image.5afa492cqVavjw&amp;s=p</a>	<a href="https://www.alibaba.com/premium/caution-tape_roll.html">https://www.alibaba.com/premium/caution-tape_roll.html</a>



Equipment/Material	Presidential Election Round 1				Presidential Election Round 2				Total 2 Round Presidential Election			Reference <sup>3</sup>	Alternatives at <sup>3</sup>
	Number of persons/ locations	Units per person/ location	Unit cost	Total	Number of persons/ locations	Units per person/ location	Unit cost	Total	Total Number	Unit cost	Total		
Disinfectant spray 500ml	1,500	3	\$ 2.20	\$ 9,900	1,500	3	\$ 2.2	\$ 9,900	9000	\$ 2.20	\$ 19,800	<a href="https://www.alibaba.com/product-detail/2021-Hot-Sale-Products-Surface-Sanitizer_1600184429692.html?spm=a2700.7724857.normal_offer.d_image.4249310ed7fZG4">https://www.alibaba.com/product-detail/2021-Hot-Sale-Products-Surface-Sanitizer_1600184429692.html?spm=a2700.7724857.normal_offer.d_image.4249310ed7fZG4</a>	<a href="https://www.alibaba.com/showroom/disinfection-spray-products.html">https://www.alibaba.com/showroom/disinfection-spray-products.html</a>
<b>TOTAL</b>				<b>\$ 178,340</b>				<b>\$ 108,185</b>			<b>\$ 286,525</b>		

- 1 For the purpose of this estimate, one temperature checking staff and one dedicated staff for high temperature voters have been allocated to each polling centre, as suggested in Annex 5 of this Baseline Assessment
- 2 Includes one hygiene assistant for polling stations estimated to service 400 voters or less, and two hygiene assistants for polling stations estimated to service more than 400 voters, as suggested in Annex 5 of this Baseline Assessment
- 3 References accessed as at 12 September 2021
- 4 Estimates for PPE are NOT for all staff, but for one person per polling station servicing voters with high temperatures, one hygiene assistant per polling station and one temperature checker per polling centre, as suggested at Annex 5. There appears to be PPE available at as low as \$1.00/unit but it is not clear if it is medical grade or just dust protecting.
- 5 Three sets of gloves per staff member to allow replacement during day in line with suggestion at Annex 5 of this Baseline Assessment
- 6 To be used by each voter on entrance to the polling centre and additional use by voters and staff as needed. Quantity based on 5ml used by each voter on entrance + 2 bottles per polling station.
- 7 AAA size to fit infrared thermometer model at previous line. 2 sets of 2 batteries spare for each thermometer
- 8 Face shields are treated as disposable items, but they may be seen as reusable.
- 9 Cost is for the cheapest, free standing, small aperture, no sides model. Numbers estimated for each PS secretary, identity checking and ballot issue officials (6 per polling station) + PC manager.
- Medical advice is currently ambivalent on their effectiveness indoors and may not be needed for outdoor polling
- 10 In horizontally packed boxes of 200 for easy handling
- 11 Includes for additional voting compartments for high temperature voters
- 12 Unable to find in market. Guesstimate based on larger, but less complex, acrylic sneeze guard price