

**THE DECREE OF THE NATIONAL ELECTION COMMISSION****NUMBER 37 OF 2004****ON****THE PROCEDURES FOR VOTING AND VOTE COUNTING AT POLLING STATIONS IN RELATION TO THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT****THE NATIONAL ELECTION COMMISSION,**

- Considers** : that in order to implement the provisions in Article 65 paragraph (1) of Law Number 23 of 2003 on the General Election of President and Vice President, it is considered necessary to stipulate the procedures for voting and vote counting at polling stations in relation to the election of the president and vice president by a Decree of the National Election Commission;
- In view of** :
1. Law Number 31 of 2002 on Political Parties (State Gazette of the Republic of Indonesia Number 138 of 2002, Supplementary State Gazette of the Republic of Indonesia Number 4251);
  2. Law Number 12 of 2003 on the General Elections for Members of the People's Representative Council, Regional Representatives Council, and Regional People's Representative Council (State Gazette Number 37 of 2003, Supplementary State Gazette Number 4277);
  3. Law Number 23 of 2003 on the General Election of the President and Vice President (State Gazette Number 93 of 2003, Supplementary State Gazette Number 4311);
  4. Presidential Decree No. 54 of 2003 on the Organizational Structure and Work Procedure of the National Election Commission;
  5. Decree of the National Election Commission Number 638 of 2003 on the Schedule and the Stages of the 2004 General Election of the President and Vice President, as amended by Decree of the National Election Commission Number 27 of 2004 and Decree of the National Election Commission Number 33 of 2004;
  6. Decree of the National Election Commission Number 172 of 2003 on the Organization and Work Procedures of PPK, PPS and KPPS;
  7. Decree of the National Election Commission Number 28 of 2004 on the procedure for voter registration in relation to the 2004 election of the President and Vice President;
- Observes** : The Decision of the Plenary Meeting of the National Election Commission on May 19, 2004;

**DECIDED:**

**To Enact : THE DECREE OF THE NATIONAL ELECTION COMMISSION ON PROCEDURES FOR VOTING AND VOTE COUNTING AT POLLING STATIONS IN RELATION TO THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT.**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1**

In this decree, the following terms refer to:

1. Law Number 12 of 2003 is the Law on the General Election of Members of the People's Representative Council and Regional Representative Council, and Regency/City People's Representative Council;
2. Number 23 of 2003 is the Law on the General Election of the President and Vice President;
3. The General Election of the President and Vice President, hereinafter referred to as the Election of the President and Vice President is the means to implement the people's sovereignty, in the Unitary State of the Republic of Indonesia based on Pancasila and the Constitution of 1945, to elect the President and Vice President.;
4. The People's Representative Council, Regional Representative Council, Provincial People's Representative Council, and Regency/City Regional People's Representative Council, hereinafter referred to respectively as the DPR, DPD, Provincial DPRD, and Regency/City DPRD, as referred to in Law Number 12 of 2003;
5. The National Election Commission, Provincial Election Commission and Regency/City Election Commission, hereinafter referred to respectively as KPU, Provincial KPU and Regency/City KPU, are the managers of the general election of the President and Vice President as referred to in Article 1 point 7 of Law Number 23 of 2003;
6. Kecamatan Election Committee, Village Election Committee, and the KPPS , hereinafter referred to as PPK, PPS, and KPPS, are the managers of the general election of the President and Vice President as referred to in Article 1 point 8 of Law Number 23 of 2003;
7. Polling stations, hereinafter referred to as TPS, are places where votes are cast on the day and the date of the election.
8. Voters are citizens of the Republic of Indonesia that have been registered as voters as referred to in Article 13, Article 14, and Article 147 of Law Number 12 of 2003 and Article 20, and Article 21 of Law Number 23 of 2003;
9. Political Parties are Political Parties that are the participants of General Elections as referred to in Law Number 12 of 2003;
10. Coalition of Political Parties is two or more Political Parties that commit to nominate 1 (one) pair of candidates for President and Vice President;

11. A pair of candidates for President and Vice President, hereinafter referred to as a pair of candidates are contestants in the general election for the President and Vice President proposed or nominated by political parties or coalitions of political parties that have fulfilled the requirements;
12. Witnesses for the pairs of candidates, hereinafter referred to as witnesses, are witnesses for the pairs of candidates that have a letter of authorization from the Campaign Implementation Teams as referred to in Article 1 point 12 of Law Number 23 of 2003, who are present during the voting and vote counting at a TPS, PPS, PPK, Regency/City KPU, Provincial KPU and KPU. Witnesses for a pair of candidates consist of a maximum 2 (two) persons; one as the main witness and the other as a substitute for the main witness.
13. Election Supervisors are the Central Election Supervisory Committee, the Provincial Election Supervisory Committee, the District Election Supervisory Committee and the Sub-district Election Supervisory Committee as referred to in Law Number 12 of 2003;
14. Observers of the General Election are observers as referred to in Decree of the National Election Commission Number 32 of 2004 on the procedures for becoming observers and the procedures for observation and revocation observers rights for the General Election of the President and Vice President;
15. Ballot boxes are ballot boxes as referred to in Decree of the National Election Commission Number 621 of 2003 on ballot boxes for voting at the General Election of Members of the People's Representative Council, Regional Representative Council, and Regency/City People's Representative Council that have been used for voting and vote counting in TPS by the KPPS as referred to in Decree of the National Election Commission Number 01 of 2004 as amended by Decree of the National Election Commission Number 13 of 2004;
16. Voters cards are voters cards as referred to in Decree of the National Election Commission Number 618 of 2003 on Voters Cards for the General Election of Members of the People's Representative Council, Regional Representative Council, and Regency/City People's Representative, plus voters that have been registered as voters as referred to in Article 21 of Law Number 23 of 2003;
17. Polling booths are the polling booths that are used for the election of members of the DPR, DPD, Provincial DPRD and Regency/City DPRD;
18. Voting is an activity whereby a voter casts his/her vote in the polling booth at a TPS by punching a ballot paper for the general election of the President and Vice President.

## **Article 2**

- (1) To be able to use their right to vote, referred to in Article 1 point 8, voters must be recorded in the Final Voters Register.
- (2) Voters may only use their right to vote at a pre determined polling station.

### **Article 3**

For the purpose of maintaining the Final Voters Register by the PPS and to guarantee the supply of ballot papers and other administrative materials for voting and vote counting at polling stations, the Final Voters Register shall not be changed from the 14 (fourteen) days before polling day, with the exception of deceased voters or voters who no longer meet the requirements to be voters.

### **Article 4**

- (1) A voter who has moved from his/her residence is obliged to ask for a letter advising the change of entitlement from the local PPS, and then report his/her movement to the PPS in the new electoral district no later than the end of the period for registration on the Final Voters Register, otherwise changes as referred to in Article 3 will not be possible..
- (2) A voter, who wants to exercise his/her to vote at another TPS, must request a letter advising the change of entitlement from his/her local PPS and then report his/her movement to the relevant PPS that covers the area of the TPS where he/she wants to vote, no later than 14 (fourteen) days before polling day.

### **Article 5**

- (1) A registered voter as referred to in Article 4, who has moved from his/her residence, should report to the relevant local PPS, bringing their voters card.
- (2) The local PPS issues letters for the transfer of TPS and voters cards to the voters as referred to in paragraph (1), and in the Final Voters Register in the description column, is recorded "moved out".
- (3) Voters, as referred to in paragraph (1), shall be recorded in the Final Voters Register by the PPS in their new residential areas.

### **Article 6**

- (1) A registered voter, who for one unavoidable reason or another, is prevented from exercising his/her right to vote at the assigned TPS, may do so at another TPS by presenting his/her voters card.
- (2) The circumstances described in paragraph (1) refer to a situation where impediments are caused by an unavoidable discharge of public service on polling day, or for other reasons which are beyond the ability of the voter to circumvent, amongst others: being an in-patient at a hospital, in care due to illness, incarceration in a house of correction/prison, natural catastrophe, that prevent the voter from casting his/her vote at the designated polling station.

- (3) Public service as referred to in paragraph (2) includes amongst others: undertaking duties as general election officials, witnesses, supervisory officials, observers, members of KPPS, TPS security officers, public transportation operators, employees dealing with public service and journalists coming from another polling station, who may be given the chance to vote in another polling station for reason of undertaking doing public service, as long as they have their voters card with them.

## **Article 7**

- (1) PPS makes copies of the Final Voters Register for polling stations in its area of operations, based on the Final Voters Register.
- (2) Voters with their names in the Final Voters Register annotated 'moving out' as referred to in Article 5 paragraph (2) and/or deceased as referred to in Article 3 are not listed in the copies of the Final Voters Register for polling stations.
- (3) The copy of the Final Voters Register for polling stations shall be completed no later than 10 (ten) days before polling day.

## **CHAPTER II**

### **VOTING**

#### **First Part**

#### **Preparatory Activities**

#### **Paragraph 1**

#### **Formation of and Taking of Oaths by the KPPS**

## **Article 8**

- (1) No later than 20 (twenty) days before voting day, the KPPS are formed and the PPS, selects and affirms with a decree, a maximum of 7 (seven) members of the KPPS and 2 (two) TPS security officials, proposed by the Chair of a village or other similar position title.
- (2) Members of a KPPS as referred to in paragraph (2), shall meet the following requirements:
- a. Indonesian Citizen
  - b. Aged at least 17 years
  - c. Domiciled within the KPPS's area of authority
  - d. Registered as a voter
  - e. Is not a Political party administrator.

- (3) The Chair of the KPPS is chosen in a democratic manner by and from the KPPS members.
- (4) Membership of KPPS and polling station security officials for the election of members of the DPR, DPD, and DPRD can be reaffirmed as members of the KPPS and polling station security officials for the election of President and Vice President.

### **Article 9**

- (1) Prior to performing his/her duties, the Chair of the KPPS takes an oath before the PPS, followed by an explanation of the duties and powers of the KPPS and the procedures applicable to voting and vote counting at the TPS
- (2) The Chair of the KPPS leads the oath-taking ceremony for the other KPPS members and TPS security officials, on polling day at the polling stations.

### **Paragraph 2**

#### **Equipment**

### **Article 10**

- (1) The PPS hands over to the KPPS the equipment required for voting and vote counting at the TPS, namely:
  - a. 1 (one) ballot box with labeled for the general election of the President and Vice President;
  - b. 4 (four) polling booths;
  - c. Ballot papers for the general election of pairs of candidates in quantities equal to the number of voters registered in the copy of the final voters list for the TPS, plus 2.5%, (two and a half percent) and other administrative materials, namely:
    - 1) Two bottles of indelible ink/special ink for each TPS;
    - 2) 4 (four) sets of punching tools and pads, to perforate the ballot paper, for each TPS;
    - 3) 15 (fifteen) 2004 election seals;
    - 4) Forms for official reports on the voting and vote counting at the TPS (Form C series with the attachments);
    - 5) Other materials consisting of: glue, string, labels, black markers, paper envelopes, plastic pouches and ballpoints.
  - d. A list of pairs of candidates in 1 (one) sheet to be placed near the entrance of the polling station;

- e. One copy of the Final Voters Register for the relevant TPS, made by the PPS;
  - f. 7 (seven) identity cards for KPPS, (two) for TPS security officials and 5 (five) for witnesses;
  - g. Notification letters to vote at the TPS in a quantity that equals the number of voters at the relevant TPS;
  - h. The Decree of the National Election Commission Number 37 of 2004 on the procedures for voting and vote counting at polling stations for the election of the president and vice president;
  - i. A text containing the procedures for voting and vote counting at the TPS including the text for the taking of the oath by members of the KPPS; and
  - j. 1 (one) set of padlock and keys in a transparent plastic pouch.
- (2) The ballot papers, together with the other administrative materials as specified in paragraph (1) (c), are placed in the ballot box;
  - (3) Polling station equipment as referred to in paragraph (1) letter b, letter d, letter e, letter f, letter g, letter h, letter i, and letter j are not placed in the ballot box, but separately packed for each polling station.
  - (4) The Chair of the KPPS assisted by KPPS members and polling station security officials, are responsible for the security of the equipment for voting and vote counting at polling stations as referred to in paragraph (1), paragraph (2), and paragraph (3).
  - (5) Ballot papers and the equipment for voting and vote counting at polling stations must have been received at the KPPS, as follows:
    - a. Ballot papers and administrative materials, as referred to in paragraph (2) shall be received no later than 3 (three) days before polling day; and
    - b. Polling station equipment as referred to in paragraph (3) shall be received no later than 5 (five) days before polling day.
  - (6) In relation to security, ballot papers and the equipment referred to in paragraph (5) letter a, shall be stored before polling day in the office of the neighborhood association or in other places where security can be guaranteed.

### **Section 3**

#### **Allocation of Duties**

#### **Article 11**

- (1) The Chair of the KPPS explains their duties to the KPPS members and TPS security officials with regard to:
  - a. The conduct of voting and vote counting at the TPS;
  - b. The assignment of duties to members of the KPPS and TPS security officials.

- (2) The allocation of duties to the members of the KPPS and the security officials of the TPS as specified in paragraph (1) letter (b), is determined as follows:
- A. If the KPPS consists of 7 (seven) people:
- 1) The Chair of the KPPS as the first member of the KPPS shall preside over the Polling;
  - 2) The second member and the third member of the KPPS are assigned to assist the Chair of the KPPS at the main table including in the preparation of official reports and their attachments;
  - 3) The fourth member of the KPPS is assigned to welcome the voters entering the polling station and mark/number the order of appearance on their notification letters to vote at the TPS. During the discharge of his/her duties, he/she is stationed by the entrance to check voters for the special mark and collect gender data on voters (male and female);
  - 4) The fifth member of the KPPS is assigned to manage the voters who are waiting for their turn to cast their votes and also the voters who are going to enter the polling booths. In carrying out these tasks, this member stands near the voters' seats;
  - 5) The sixth member of the KPPS is assigned to manage the voters who are about to insert their ballot paper into the ballot box. In carrying out this task, he/she stands near the ballot box; and
  - 6) The seventh member of the KPPS is assigned to manage the voters coming out of the TPS, and in carrying out this task, he/she stands near the TPS exit and must mark the voter with a special mark as evidence that he/she has voted.
- b. If the KPPS consists of 6 (six) people, the sixth member is assigned also to carry out the task of the seventh member of the KPPS ;
- c. If the KPPS consists of 5 (five) people, the fifth member is assigned also to carry out the task of the sixth member and the task of the seventh member of the KPPS ; and
- d. The TPS security officials are assigned to guard the safety and security at the TPS. In carrying out their duties one of them should stand by the TPS entry gate and the other by the exit gate of the TPS;
- (3) The number of KPPS members as defined in Article (2), depends on the condition of the local area or the number of voters in the TPS.
- (4) The number of KPPS members as defined in Article (3) which depends on the number of voters in the local TPS's area, is determined as follows:
- a. If the number of voters in a TPS is more than 250 (two hundred and fifty) and up to 300 (three hundred) voters, the number of KPPS members is up to 7 (seven) people;
  - b. If the number of voters in a TPS is more than 150 (one hundred and fifty) and up to 250 (two hundred and fifty) voters, the KPPS consists of 6 (six) people; and
  - c. If the number of voters in a TPS less than 150 (one hundred and fifty) voters, the KPPS consists of 5 (five) people.

- (5) Technical guidance to and job descriptions for members of the KPPS shall be completed no later than 1 (one) day before polling day.

## **SECTION 4**

### **Announcement and Notification to Vote**

#### **Article 12**

- (1) The Chair of the KPPS must announce to all voters in his/her area of authority the day, the date, the time and the location of voting at the TPS to enable voters to vote at the relevant TPS, no later than 5 (five) days before polling day.
- (2) The announcement of the day, the date, the time and the location of voting at the TPS as referred to in paragraph (1), shall be done the way it is normally done in the village, or whatever it is called.

#### **Article 13**

- (1) The Chair of the KPPS must deliver a written notification to vote at the TPS (Form C 6-PWP) to voters in his/her area of authority no later than 3 (three) days before polling day.
- (2) Voters who receive a written notification to vote at the TPS as referred to in paragraph (1), must sign a receipt of its acceptance.
- (3) If a voter is absent, a written notification to vote at the TPS may be delivered to the head of the family or any other member of his/her family, who signs the receipt.
- (4) Facilities for making it easy for the disabled to vote at a TPS are noted In Form C 6-PWP, as referred to in paragraph (1).

#### **Article 14**

Voters who, as at 3 (three) days before polling day, have not received the notification to vote at the TPS (Form C 6-PWP), are given the chance to request this from the Chair of the KPPS, no later than 24 hours before polling day, by presenting their voters card.

#### **Article 15**

- (1) A voter who, at the end of the period as referred to in Article 14, has not received Form C 6-PWP, may report this to the Chair of the KPPS or take the matter to

the PPS office that covers the area of authority of the TPS concerned, by presenting his/her voters card, no later than 24 hours before polling day.

- (2) The Chair of the KPPS or Chair of the PPS, checks the name of the voter, based on the voters card as referred to in paragraph (1), in the copy of the Final Voters Register for the TPS or the Final Voters Register.
- (3) If the name of the voter concerned actually appears in the Final Voters Register, the Chair of the KPPS issues a written notification to vote at the TPS (Form C 6-PWP).

### **Article 16**

The Chair of the KPPS will deliver the written notification (Form C 6-PWP) to vote to voters, who have no fixed place to stay, to the place where they were assembled for voter registration, or other places as designated by the KPPS.

### **Article 17**

Citizens of the Republic of Indonesia who are not registered as voters shall not exercise their right to vote.

## **SECTION 5**

### **TPS Preparation**

### **Article 18**

- (1) The Chair of the KPPS, with assistance from the members of the KPPS and TPS security officials, shall manage the preparation of the TPS at the designated location
- (2) The preparation of the TPS as referred to in paragraph (1), shall be completed at least 1 (one) day before polling day.

### **Article 19**

- (1) In order to conduct the poll at the TPS, the KPPS shall provide:
  - a. Seats for voters, which accommodate at most 25 (twenty-five) people, placed near the entry gate of the TPS;
  - b. A long table and seats for the Chair of the KPPS, the second Member and the third member of the KPPS;

- c. A table and a seat for the fourth member of the KPPS, to be located near the entry to the TPS;
  - d. A seat for the fifth member of the KPPS, placed between the voters' seats and the polling booths;
  - e. A seat for the sixth member of the KPPS, placed near the ballot box;
  - f. A seat for the seventh member of the KPPS, placed near the exit of the polling station;
  - g. A table and seats for the witnesses;
  - h. As many seats as are required for general election observers and supervisors;
  - i. A table and a ballot box located near the exit of the TPS at a distance of about 3 (three) meters from the seat of the Chair of the KPPS facing the voters' seats;
  - j. Polling booths are placed facing the seat of the Chair of the KPPS and witnesses, with the requirement that the distance between booths is at least 1 (one) meter;
  - k. A piece of board on which to place candidates' names, by the entry to the TPS;
  - l. 1 (one) large board for attaching the forms for ballot counting (Form C 2-PWP);
  - m. The name of the TPS is placed outside near the entry to the TPS;
  - n. A table/board on which to place the ballot papers and a punching tool plus the punching pad; and
  - o. Rope, wooden or bamboo stands to make the borders of the TPS area.
- (2) The KPPS, assisted by the security officials, are responsible for the security of the TPS when set up, as specified in Article 18.

## Article 20

- (1) No later than one day before the polling day, witnesses for pairs of candidates shall submit a letter of authorization from the Campaign Team at the Regency/City level to the Chair of the KPPS.
- (2) Where the Campaign Team at Regency/City level, as referred to in paragraph (1), has not been formed in the Regency/City, the letter of authorization can be issued by the Regency/City level of the political party or the coalition of political party that nominated the candidates.
- (3) The Chair of the KPPS shall give a receipt for the submission of the mandate letter to the witnesses for pairs of candidates as proof of the participation in voting and vote counting at the polling station.

## Article 21

- (1) A TPS layout as specified in Article 18 paragraph (1), will, as a guide, be at least 8 meters long and 10 meters wide, of a shape adjusted to local conditions, in which can be accommodated all the TPS materials as specified in Article 19.
- (2) The shape and size of a TPS as specified in paragraph (1) should ensure accessible movement for disabled voters.
- (3) The TPS as specified in paragraph (1) may be built in an open space and/or closed space, with the following conditions:
  - a. If a TPS is built in an open area, the seats for the members of the KPPS, voters and witnesses shall be provided with shelter from the heat of the sun and rain, and the layout must prevent any person from passing behind the voters while they are voting in the polling booth;
  - b. If a TPS is in a closed room, the width of the TPS must be able to accommodate the voting and vote counting at the TPS, and in addition the voters' backs should be to the wall of the room.
- (4) A TPS as specified in paragraph (1) has borders defined by ropes and wooden or bamboo stakes.

## Article 22

- (1) The location of the TPS as referred to in Article 21 may be in school buildings, public meeting venues, other education venues, government and non-government buildings including yards, with the condition that permission must be obtained from the board of the school or other education venue, government or non-government building concerned.
- (2) Places of religious worship, including their grounds, shall not be used as polling stations.

## Second Part

### Implementation Activities

#### SECTION 1

#### Activity Prior to Polling

## Article 23

- (1) Prior to conducting the voting, the Chair of the KPPS, together with members of the KPPS, TPS security officials, and witnesses that are already in the location undertakes the following activities:

- a. Check the TPS and its supporting equipment;
  - b. Display the list of pairs of candidates at the designated location;
  - c. Place 1 (one) ballot box containing ballot papers with their administrative equipment in front of the table of the Chair of the KPPS ; and
  - d. Call the voters to take their seats.
- (2) The activities as referred to in paragraph (1) are implemented no later than 60 (sixty) minutes before polling starts.

## **SECTION 2**

### **Casting Votes**

#### **Article 24**

- (1) At 07:00 local time, the Chair of the KPPS opens the voting.
- (2) If, on the opening of voting as specified in paragraph (1), no voter or witness is present, voting is adjourned until a voter is present.
- (3) If, at the voting as specified in paragraph (2), a voter is present, then voting resumes.
- (4) A witness, who appears after the voting has opened as specified in paragraph (2) or paragraph (3), is considered not to be present.

#### **Article 25**

- (1) After the opening of voting or resumption of voting as specified in Article 24, the Chair of the KPPS does the following:
  - a. S/He leads the oath taking ceremony for the KPPS members and security officials of the TPS;
  - b. S/He opens the ballot boxes, takes out all the contents, places them on the table in an orderly manner, and thereafter identifies and counts the quantity of each type of document and administrative material (recorded in Form C 4 – PWP);
  - c. S/He shows to the voters and witnesses present that the ballot boxes are really empty and then closes the ballot boxes, locks them and places them in the designated location;
  - d. S/He shows to the voters and witnesses present that the envelope containing the ballot papers is still sealed;
  - e. Ballot papers include reserve ballot papers equaling 2,5 % (two and a half percent) of the number of voters recorded in the copy of the Final Voters Register for the polling station; and

- f. The number of voters recorded in the copy of the Final Voters Register for the polling station;
- (2) The activities of the Chair of the KPPS as referred to in paragraph (1) letter b, letter c, and letter d are assisted by the other members of the KPPS.
- (3) Following the actions as stipulated in paragraph (1) and paragraph (2), the Chair of the KPPS explains to voters the following:
  - a. The purpose of voting;
  - b. Examination of the ballot paper by voters in the voting booth;
  - c. Voters, in casting their votes, shall face the Chair of the KPPS's table and the witnesses for pairs of candidates;
  - d. The method of voting using the ballot paper;
  - e. The opportunity to replace a damaged ballot paper one time only, and the opportunity to replace one time only a ballot paper in case of a mistake in voting, which the voter does in front of the Chair of the KPPS;
  - f. Valid and invalid votes on the ballot paper; and
  - g. Marking voters after voting.
- (4) The explanation by the Chair of the KPPS as specified in paragraph (3) is given once only.

## **Article 26**

- (1) The Chair of the KPPS, in providing descriptions to voters as referred to in Article 25 paragraph (3) letter f, on ballot papers that are considered valid, shall include the following requirements:
  - a. ballot papers are signed by the Chair of the KPPS and
  - b. a punching mark can only be found in 1 (one) rectangular box bearing the pictures of a pair of candidates; or
  - c. a punching mark is found in 1 (one) rectangular box bearing the number, photo, and names of a pair of candidates; or
  - d. more than one punching mark is made but all the punching marks are within the rectangular box that contains the number, photo, and names of one pair of candidates; or
  - e. a punching mark on the line of the rectangular box that contains the number, photo, and names of one pair of candidates; and
  - f. ballot papers that are marked are legitimate ballot papers issued by the KPU;
  - g. the punching tool provided has been used to punch the ballot papers;
  - h. a punching hole is visible on ballot papers that are not damaged; and
  - i. no marks or writing are written on the ballot papers.
- (2) Ballot papers whose punching does not fit the requirements as referred to in paragraph (1), are not considered valid.

### **Article 27**

- (1) After the actions specified in Article 25 paragraph (3) are completed, the KPPS implements the following activities:
  - a. The Chair of the KPPS signs a ballot paper in the designated place for the next voter required to be called;
  - b. S/He calls the voters, in order of arrival, to vote and the voter concerned hands over the written notification to vote to the Chair of the KPPS and shows his/her voters card;
  - c. The second member of the KPPS compares the number and the name of the voter with the number and the name printed on the final voters list for the TPS, and, if they match, a "V" (tick) checkmark is written in front of the number and name of the voter in the final voters list for the TPS; and
  - d. The Chair of the KPPS hands to the voter 1 (one) ballot paper for the general election of the President and Vice President.
- (2) The KPPS, during voting at the TPS, shall give priority service to voters whose names are recorded in the copy of the Final Voters Register for the polling station.

### **Article 28**

- (1) If a voter is going to vote, but comes from another TPS, the Chair of the KPPS gives the voter a ballot paper if:
  - a. there are still ballot papers available at the TPS; and
  - b. If ballot papers at the TPS are not available, these voters can vote at a nearby polling station where ballot papers are still available.
- (2) The second member of the KPPS records the names of voters and the number on the voters card and the designated polling station for voters as referred to in paragraph (1), in Form C 8 – PWP.

## **SECTION 3**

### **Voting**

### **Article 29**

- (1) A voter who has received a ballot paper as referred to in Article 27 paragraph (1) letter d, should proceed to the polling booth to cast his/her vote.
- (2) In casting their votes, voters punch one of the pairs of candidates provided on the ballot paper.

- (3) Before punching the ballot paper as referred to in paragraph (2), the voter should open the ballot paper fully on the pad and then punch on the selected box using the punching tool provided.
- (4) The voter is not allowed to write on or make any notes on the ballot paper, because it will make the vote invalid.
- (5) After punching the ballot paper, the voter folds the ballot paper in the same way s/he receives it so that the signature of the Chair of the KPPS remains visible, and the punching hole is hidden.
- (6) After punching the ballot paper, the voter goes to the ballot box and shows the ballot to the Chair of the KPPS, before putting it into the ballot box.
- (7) Voters as referred to in paragraph (6) shall be marked with a special mark/ink on one of their fingers, before leaving the TPS.

### **Article 30**

- (1) The casting of a vote as specified in Article 29, applies to voters who are blind, physically disabled or suffering from other physical disabilities.
- (2) To cast his/her vote, a voter who is blind, physically disabled or suffering from other physical impairments may seek the assistance of a KPPS official or another person requested by the relevant voter.

### **Article 31**

- (1) On the request of a voter who is blind, physically disabled or suffering from other physical impairments as specified in Article 30 paragraph (2), the Chair of the KPPS assigns the fifth and the sixth members of the KPPS to assist, subject to the following provisions:
  - a. For a voter who is unable to walk, the fifth and the sixth members of the KPPS assist the voter to proceed to the polling booth while the punch mark is made by the voter himself/herself; and
  - b. For a voter who is deprived of the use of both his/her arms and is blind, the fifth member of the KPPS assists in making the punch mark in accordance with the wishes of the voter concerned, witnessed by the sixth member of the KPPS;
- (2) Another person may assist at the request of a voter who is blind, physically disabled, or suffering from any other physical impairment as specified in Article 30 paragraph (2), however the punch mark is made by the voter himself/herself with the assistance of the other person.
- (3) A member of the KPPS or another person assisting a voter who is blind, physically disabled, or suffering from any physical impairment, as specified in paragraph (1) and paragraph (2), is obliged to keep the relevant voter's choice secret by signing a statement using Form C 7 - PWP.

### **Article 32**

- (1) At 13:00 hours local time, the Chair of the KPPS announces that those still allowed to vote are the voters present at the TPS awaiting their turn to vote, and the members of the KPPS, the witnesses and security officials of the TPS who have brought with them a written notification to vote at the TPS concerned.
- (2) After all the members of the KPPS, witnesses and security officials of the TPS have cast their votes, the Chair of the KPPS announces to those present at the TPS that voting is completed and vote counting will proceed at the polling station.

### **Article 33**

The KPPS shall not count ballots before 13:00 hours local time.

## **CHAPTER III VOTE COUNTING**

### **First Part Preparation**

### **Article 34**

Before vote counting at the polling station, the Chair of the KPPS with the assistance of the other members of the KPPS:

- a. Arranges the layout of the vote counting premises at the TPS, including the affixing of the form for the recording of votes Form C-2 PWP, and arranges the seating for witnesses in such a way as to enable those attending to follow the vote counting;
- b. Arranges for the provision of administrative materials in such a way so as to enable vote counting, namely the forms for voting and counting, paper envelopes/plastic pouches, and the election seals and other TPS materials, and
- c. Places the ballot box near the Chair of the KPPS's table and produces the keys.

### **Article 35**

- (1) After the activities specified in Article 34, have been carried out, the KPPS counts the votes:

- a. The number of voters recorded in the Copy of the Final Voters Register for the polling station;
  - b. The number of voters who have exercised their right to vote based on the Copy of the Final Voters Register for the polling station;
  - c. The number of registered voters who have not exercised their right to vote;
  - d. The number of voters from other TPS who have voted;
  - e. The number of ballot papers received from the PPS (including reserve);
  - f. The number of additional ballot papers received from the Regency/City KPU;
  - g. The number of ballot papers returned by voters because they are spoiled or wrongly punched;
  - h. The number of ballot papers that are not used; and
  - i. The number of ballot papers that are used.
- (2) The number of voters and the number of ballot papers as referred to in paragraph (1) are recorded in Form C 1-PWP.
  - (3) The Chair of the KPPS shall put a cross on the front of ballot papers that are not used, as referred to in paragraph (1) letter h, with a black marker, signed by the Chair of the KPPS.
  - (4) The marking of unused ballot papers with a cross as referred to in paragraph (3), is conducted after voting is over, that is, after 1.00 PM local time.
  - (5) The number of ballot papers as referred to in paragraph (1) letter g, letter h and letter i, shall be in accord with the number of ballot papers as referred to in letter e and letter f, provided by the PPS to the KPPS.

## **Second Part Implementation**

### **Article 36**

The vote count at the TPS is conducted immediately after the preparations as specified in Article 34 and Article 35 are completed.

### **Article 37**

- (1) In order to commence vote counting at the TPS, the Chair of the KPPS divides the tasks amongst the other KPPS members.
- (2) If the KPPS is composed of 7 (seven) members, the allocation of duties is determined as follows:
  - a. The Chair of the KPPS aided by the Second member of the KPPS and the Third member of the KPPS presides over the vote counting at the TPS;

- b. The Third member of the KPPS records the number of voters, ballot papers and Certificate of vote counting result using Form C 1-PWP;
  - c. The Fourth member of the KPPS, assisted by the Fifth member of the KPPS, records the result of examination of each of the ballot papers announced by the Chair of the KPPS, using the large –size forms for vote counting results at the TPS (Form C 2 – PWP);
  - d. The Sixth member of the KPPS, piles ballot papers that have been examined by the Chair of the KPPS on stacks based on the votes gained by each pair of candidates; and
  - e. The Seventh member of the KPPS shall do other activities as directed by the Chair of the KPPS.
- (3) In the event that the KPPS consists of 6 (six) members, the allocation of duties amongst the six members is as specified in paragraph (2) letter a, letter b, letter c, letter d, and letter e.
- (4) In the event that the KPPS consists of 5 (five) members, the allocation of duties amongst the five members is as specified in paragraph (2) letter a, letter b, letter c, and letter d.

### **Article 38**

- (1) In counting votes at the TPS, the Chair of the KPPS, assisted by the members of the KPPS, carries out the following activities:
- a. Declares voting is completed, and vote counting will proceed;
  - b. Unlocks and opens the lid of the ballot boxes, witnessed by all those present;
  - c. Takes the ballot papers out of the ballot boxes one by one and places them on the KPPS table;
  - d. Counts the number of ballot papers, advises the number to those present, and notes down the number announced;
  - e. Unfolds each ballot paper and examines the punch mark on the ballot paper and announces to the audience the vote obtained by each pair of candidates from each ballot;
  - f. Records the result of the examinations, announced as specified in letter e using the Vote Counting Record (Form Form 2 – PWP); and
  - g. Makes a decision in the event that the vote as announced differs from the vote as witnessed by those present or observed by a witness.
- (2) The Chair of the KPPS, in observing and determining whether the punching of a ballot paper is valid or not, shall base his/her actions on the provisions as referred to in Article 26.

### **Article 39**

A voter, upon making him/herself known to the KPPS, may be present at the vote counting at the TPS, and his/her presence is not allowed to interfere with the process of vote counting at the TPS.

### **Article 40**

- (1) Witnesses, supervisors, journalists, observers and members of the public present may watch the process of vote counting.
- (2) A member of the public through the witnesses present, may make a complaint about the conduct of the vote counting by the KPPS if there are any actions which are not in compliance with the law and regulations.
- (3) If there are no witnesses at the TPS, a complaint by a member of the public as a voter, can be made directly to the Chair of the KPPS.
- (4) If complaints presented by the witnesses as referred to in paragraph (2) are accepted, the KPPS make the necessary correction on the spot.
- (5) The complaints of witnesses as referred to in paragraph (4) are recorded using Form C 3-PWP.
- (6) The Chair of the KPPS shall fill in Form C 3-PWP, whether or not there are any complaints by witnesses or incidents.

### **Article 41**

Complaints about the process of recapitulation of the vote count at the TPS as specified in Article 40, which are made through witnesses, does not stop the process of vote counting at the TPS.

### **Article 42**

After completing the activities as referred to in Article 38, the Chair of the KPPS, assisted by the fourth member of the KPPS, conducts the following activities:

- a. Compiles/counts and sorts the ballot papers that have been examined and declared valid for each pair of candidates and places them in an envelope; and
- b. Compiles/counts and sorts the ballot papers that have been examined and declared unofficial or falsified, including ballot papers on which are invalid votes, and inserts them in an envelope.

### Article 43

- (1) Immediately upon the completion of the counting of votes, an official report is drawn up setting forth the complete actions of voting at the TPS, the vote count result certificate which contains details of the vote count results at the TPS, and the record of the vote counts.
- (2) The Official Report on voting and the vote count result certificate and official records of the vote counts are inserted in an envelope, sealed and then signed by the Chair and by at least 2 (two) members of the KPPS, and may be signed by the witnesses of pairs of candidates who are present.
- (3) The official report and attachments as referred to in paragraph (2), shall be inserted into the envelopes provided

### Article 44

- (1) The official report of voting and the vote count result certificate as referred to in Article 43 paragraph (3) shall be placed inside the ballot box, a label is attached to it and sealed.
- (2) The ballot box containing the official report and its attachments shall be delivered to the PPS using the cover letter/receipt (Form C 8-PWP) on that day or no later than 1 (one) day after the implementation of vote counting at the TPS, escorted by TPS security officials.

### Article 45

- (1) One copy of the official report (Form C-PWP), Record of the Result of Ballot counting (Form C 1-PWP), and certificate of vote counting result (Attachment Form C 1-PWP) is given to witnesses for each contesting candidates present.
- (2) The Copy of the Official Report, vote count result certificate and official vote count record given to witnesses as specified in paragraph (2), may be a photocopy or handwritten.
- (3) A handwritten copy as specified in paragraph (2) is made by the Chair and the relevant members of the KPPS.
- (4) Two (2) copies shall be made of the copy of the Vote Count Result Certificate, and the result of the general election of President and Vice President at the TPS (Attachment C 1-PWP), that are used for:
  - a. An announcement, to be placed in a location that can be easily seen by the public; and
  - b. Data processing using information technology sent to PPK by the KPPS.

**CHAPTER IV  
RE-VOTING AND RECOUNTING OF VOTES  
AT THE TPS**

**Article 46**

- (1) Voting at the TPS can be done again, if the results of survey and inspections by supervisors have found one or more pieces of evidence of the following:
  - a. The opening of the ballot box and/or the voting and the vote count at the TPS has not been implemented as described in this Decree;
  - b. KPPS members request voters to sign or write his/her name or address on a used ballot paper;
  - c. More than one voter used his/her right to vote more than once at the same TPS or another TPS;
  - d. KPPS members spoil more than one ballot paper that has been used by a voter to cast his/her vote, that may result in the ballot paper being invalid and/or  
or
  - e. More than one person who has not been listed as a voter (does not have a voter card) is given the opportunity to vote in the designated TPS.
- (2) Vote Counting at the TPS can be done again, if the results of investigations and surveys prove one or more violations, as follows:
  - a. The vote count is done in secret;
  - b. The vote count is done in a place that does not have proper lighting;
  - c. Witnesses, supervisors, observers and the public as participants are not able to clearly watch the vote counting process in the TPS;
  - d. Vote counting in the TPS is conducted at a place or a time other than those specified; and/or
  - e. There are inconsistencies in determining which are valid and invalid votes on ballot papers.

**Article 47**

- (1) In a re-vote at a TPS, the process of re-voting starts from the very first stage of the activity, as described in this Decree.
- (2) In a re-count of votes at a TPS, the process of re-counting starts from the very first stage of the activity, as described in this Decree.

## **Article 48**

- (1) Re-voting and re-counting of votes in a TPS, as specified in Article 46, is decided by the PPK whose area of authority includes the relevant TPS in which the re-voting or the re-counting of votes will take place, with or without the recommendation from Sub-district Election Supervisory Committee.
- (2) Re-voting and re-counting of votes in a TPS as specified in paragraph (1), is done not more than 20 (twenty) days after the day and date the voting is completed.

## **CHAPTER V SANCTIONS**

### **Article 49**

- (1) Anybody who intentionally uses violence or a threat of violence and prevents somebody from exercising his/her right to vote, shall face a criminal penalty of imprisonment for between 2 (two) months and 12 (twelve) months or a fine of between Rp. 1,000,000 (one million rupiahs) and Rp. 10,000,000 (ten million rupiahs).
- (2) Anybody who intentionally gives or promises to give money or other materials to somebody in order not to exercise his/her right to vote, or not to choose a certain pair of candidates, or to exercise his/her right to vote in a certain way so that the vote becomes invalid, shall face a criminal penalty of imprisonment for between 2 (two) months and 12 (twelve) months or a fine of between Rp 1,000,000 (one million rupiahs) and Rp. 10,000,000 (ten million rupiahs).
- (3) Anybody who, during voting day, intentionally identifies himself/herself as another person, shall face a criminal penalty of imprisonment for between 15 (fifteen) days and 60 (sixty) days and/or a fine of between Rp. 100,000 (one hundred thousand rupiahs) and Rp. 1,000,000 (one million rupiahs).
- (4) Anybody who, during voting day, intentionally casts his/her vote more than once in one or more polling stations, shall face a criminal penalty of imprisonment for between 1 (one) month and 4 (four) months or a fine of between Rp. 200,000 (two hundred thousand rupiahs) and Rp. 2,000,000 (two million rupiahs).
- (5) Anybody who intentionally sabotages voting shall face a criminal penalty of imprisonment for between 6 (six) months and 3 (three) years and/or a fine of between Rp, 1,000,000 (one million rupiahs) and Rp. 10,000,000 (ten million rupiahs).
- (6) An employer or superior who does not give his/her workers the opportunity to vote, unless for the reason that the job cannot be left unattended, shall face a criminal penalty of imprisonment for between 2 (two) months and 12 (twelve) months and/or a fine of between Rp. 1,000,000 (one million rupiahs) and Rp. 10,000,000 (ten million rupiahs).

- (7) Anybody who intentionally, during voting, accompanies a voter other than under the provisions as referred to in Article 30 paragraph (2), shall face a criminal penalty of imprisonment for between 2 (two) months and 12 (twelve) months and/or a fine of between Rp. 1,000,000 (one million rupiahs) and Rp. 10,000,000 (ten million rupiahs).
- (8) Anybody who has the duty of assisting voters as stated in Article 31 paragraph (3) and intentionally tells the voters to vote for specific people, shall face a criminal penalty of imprisonment for between 2 (two) months and (twelve) months and/or a fine of between Rp. 1,000,000 (one million rupiahs) and Rp. 10,000,000 (ten million rupiahs).

### **Article 50**

- (1) Anybody who intentionally commits an action that makes the vote of a voter invalid or causes a reduction in the votes obtained by a certain pair of candidates, shall face a criminal penalty of imprisonment for between 2 (two) months and 1 (one) year and/or a fine of between Rp. 1,000,000 (one million rupiahs) and Rp. 10,000,000 (ten million rupiahs).
- (2) Anybody who intentionally damages or causes the disappearance of the sealed vote result, shall face a criminal penalty of imprisonment for between 4 (four) months and 2 (two) years and/or a fine of between Rp. 2,000,000 (two million rupiahs) and Rp. 20,000,000 (twenty million rupiahs).
- (3) Anybody who, due to his/her negligence, causes damage to or the disappearance of the sealed vote result, shall face a criminal penalty of imprisonment for between 15 (fifteen) days and 2 (two) months and/or a fine of between Rp. 100,000 (one hundred thousand rupiahs) and Rp. 1,000,000 (one million rupiahs).
- (4) Anybody who intentionally changes the result of the vote count and/or the official reports and certificate of the result of vote counting, shall face a criminal penalty of imprisonment for between six) months and 3 (three) years and/or a fine of between 100,000,000 (one hundred million rupiahs) and Rp. 1,000,000,000 (one billion rupiahs).

### **Article 51**

- (1) If a criminal act is done intentionally by officials or pairs of candidates, the penalty shall be increased by 1/3 (one third) from the penalty as referred to in Article 49 and Article 50.
- (2) Officials, as referred to in paragraph (1), subject to this sanction are KPU, Provincial KPU, Regency/City KPU, PPK, PPS, the KPPS and General Election Supervisors.
- (3) Pairs of candidates as referred to in paragraph (1) that are subject to this sanction are pairs of candidates and/or their campaign teams.

## **CHAPTER VI OTHER PROVISIONS**

### **Article 52**

- (1) For voters, who are hospitalized or the like, voters who have no fixed place to stay, voters who live in a boat or work offshore and voters who are in prison, and for other places that are deemed necessary, the Regency/ City KPU, shall provide a special TPS at the hospital, prison, correctional facility and certain other locations..
- (2) The TPS as specified in paragraph (1), should form a KPPS of at least 3 (three) members and at the most 5 (five) members, consisting of one Chair of the KPPS and members coming from the PPS where the special TPS is established.
- (3) KPPS members for the special TPS are formed by the PPK whose area of authority covers the special TPS.
- (4) The Chair of the KPPS for the special TPS as specified in paragraph (2) is chosen from and by the KPPS members.
- (5) The division of work among the members of the KPPS for the special TPS as specified in paragraph (4) is decided by the Chair of the KPPS.

### **Article 53**

- (1) In certain areas, disabled registered voters may cast their votes using aids provided by the KPU.
- (2) Further provisions concerning the implementation of voting and vote counting and the formation of polling stations for the disabled as referred to in paragraph (2), shall be coordinated between KPU/ Provincial KPU/Regency/City KPU with disabled organisations.

### **Article 54**

The provisions for voting and vote counting at a special TPS, as specified in Article 46 and Article 47 are in accordance with this decree.

### **Article 55**

- (1) TPS equipment as referred to in Article 10 paragraph (1) letter a, letter b, letter c point 2), letter e, letter f, letter h, and letter i, is stored at the PPS or the office of

the Village Head, to be utilized in the second round of the general election of the President and Vice President.

- (2) Ballot boxes as referred to in paragraph (1) are the ballot boxes that have been used for the election of members of the DPR, DPD, and DPRD, to which is fixed the label for the General Election of the President and Vice President.

### **Article 56**

The provisions for voting and vote counting at polling stations as referred to in this Decree, shall also be effective for the second round of the general election of the President and Vice President.

## **CHAPTER VII CLOSING PROVISIONS**

### **Article 57**

- (1) Samples of Series C forms for voting and vote counting at the TPS can be found in Attachment I to this Decree.
- (2) The layout for voting in a TPS and the layout for vote counting in a TPS are specified in Attachment II, Attachment III, and Attachment IV to this Decree.

### **Article 58**

This decree shall take effect as from the date of its promulgation.

Enacted in: Jakarta

On: May 26, 2004

CHAIRPERSON

Signed

PROF. DR. NAZARUDDIN SJAMSUDDIN

Copy endorsed

The Secretariat General of

The National Elections Commission

Chief of Legal Bureau

Signed and stamped

W. S. Santoso

**Attachment I: DECREE OF THE NATIONAL ELECTION COMMISSION**

Number :

Date :

---

**TYPES OF FORMS FOR VOTING AND  
VOTE COUNTING AT POLLING STATIONS  
(C SERIES FORMS)**

1. Official Report on Voting and vote counting for the General Election of the President and Vice President at polling stations (Form C – PWP ) with attachments:
  - a. Record of the implementation of vote counting for the General Election of the President and Vice President at polling stations (Forml C 1 – PWP);
  - b. Certificate of vote counting result for each pair of candidates for President and Vice President at polling stations (Attachment Form C 1 – PWP);
  - c. Record of the Result of Votes Obtained by each pair of candidates for President and Vice President at polling stations (Form C 2 – PWP) large size;
  - d. Statement of complaint by Witnesses and special incidents related to voting and vote counting in relation to the election of the President and Vice President at polling stations (Form C 3 – PWP);
  - e. Record of the Opening of the Ballot Box, Taking Out the Contents, Identifying the Types of Documents, and the counting of the numbers of each document for the implementation of voting for the General Election of the President and Vice President at polling stations( Form C 4 – PWP);
  - f. The use of additional ballot papers intended as reserves at polling stations (Form C 5 – PWP);
2. Notification of Time and Place for Voting (Form C 6 - PWP)
3. Statement of Aid for Voters (Form C 7 – PWP)
4. Voters Register from other polling stations (Form C 8 – PWP)
5. Cover letter/Receipt (Form C 9 – PWP)

Enacted in: Jakarta

On: May 26, 2004

CHAIRPERSON

Signed

PROF. DR. NAZARUDDIN SJAMSUDDIN

Copy endorsement

The Secretariat General of

The National Elections Commission

Chief of Legal Bureau

Signed and stamped

W.S. Santoso