

**THE DECREE OF THE NATIONAL ELECTION COMMISSION
NUMBER 38 OF 2004**

ON

**PROCEDURE FOR THE RECAPITULATION OF VOTES OBTAINED AT THE
GENERAL ELECTION OF THE PRESIDENT AND VICE PRESIDENT
BY VILLAGE ELECTION COMMITTEE, SUB-DISTRICT ELECTION COMMITTEE,
REGENCY/MUNICIPALITY ELECTION COMMISSION, PROVINCIAL ELECTION
COMMISSION AND THE NATIONAL ELECTION COMMISSION**

THE NATIONAL ELECTION COMMISSION,

- Considers** : that in order to implement the provisions in Article 65 paragraph (2) of Law Number 23 of 2003 concerning the General Election of President and Vice President, it is considered necessary to stipulate the implementation procedure for the recapitulation of vote acquisition in the general election of president and vice president by village election committee, sub-district election committee, regency/city election committee, provincial election committee and the national election commission with the Decree of the National Election Commission;
- In view of** :
1. La Number 31 of 2002 on Political Parties (State Gazette of the Republic of Indonesia Year 2002 Number 138, 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 of 2003 Number 37, Supplementary State Gazette Number 4277);
 3. Law Number 23 of 2003 on the General Election of the President and Vice President (State Gazette of 2003 Number 93, 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 General Election of the President and Vice President of 2004, 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 Kecamatan Election Committee, Village Election Committee, and Polling Station Committee;

7. Decree of the National Elections Commission Number 37 of 2004 on the procedure for voting and vote counting at polling stations for the 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 CONCERNING THE IMPLEMENTATION PROCEDURE FOR THE RECAPITULATION OF VOTE ACQUISITION IN THE GENERAL ELECTION OF PRESIDENT AND VICE PRESIDENT BY VILLAGE ELECTION COMMITTEE, SUB-DISTRICT ELECTION COMMITTEE, REGENCY/CITY ELECTION COMMITTEE , PROVINCIAL ELECTION COMMITTEE AND THE NATIONAL ELECTION COMMISSION.**

CHAPTER I

GENERAL PROVISION

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, Representative Council, and Provincial People's Representative Council and Regency/City People's Representative Council;
2. Law 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 is referred to as the Election of 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, are 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 election 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 Polling Station Officials, hereinafter are referred to as PPK, PPS, and KPPS, are the election 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. Political Parties are Political Parties that are participants in the General Elections as referred to in Law Number 12 of 2003;
8. Coalition of Political Parties is two or more Political Parties that commit to nominate 1 (one) pair of candidates for President and Vice President;
9. A pair of candidates for President and Vice President, hereinafter referred to as a pair of candidates, are contestants at the general election for President and Vice President proposed or nominated by political parties or coalitions of political parties that have fulfilled the requirements;
10. 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 to be present during the voting and vote counting at the 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 one as a substitute for the main witness;
11. 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;
12. Observers of the General Election are observers as referred to in KPU Decree Number 32 of 2004 concerning the procedure for becoming observers and the procedure for observation and revoking the rights of observers of the General Election of the President and Vice President;
13. Ballot boxes are ballot boxes as referred to in KPU Decree Number 621 of 2003 concerning ballot boxes for voting at the General Election of Members of the People's Representative Council, Regional Representative Council, Provincial People's 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 KPU Decree Number 01 of 2004 as amended by KPU Decree Number 13 of 2004.

CHAPTER II
VOTE COUNTING AND OFFICIAL REPORT WRITING

Part One

**Vote Counting and Official Report Writing at the Village/City Section Level
by the Village Election Committee (PPS)**

Article 2

- (1) A PPS that has received the official reports and certificates of the result of vote counting at the general election of the President and Vice President from all KPPS in its territory, shall prepare the vote counting meeting at the PPS.
- (2) The following things shall be prepared for the vote counting meeting at the PPS:
 - a. administrative materials and PPS vote counting forms at PPS;
 - b. tables and chairs for the Chairperson of the PPS and members of the PPS;
 - c. tables and chairs for witnesses, general election supervisors, general election observers and members of the public;
 - d. a board to attach the large form for vote counting;
 - e. delivery of invitations to witnesses, general election supervisors, general election observers and members of the public;
 - f. Calculator.
- (3) Witnesses as referred to in paragraph (2) letter c shall submit a letter of authorization from the Campaign Team of the relevant pair of candidates.
- (4) If the Campaign Team at the Regency/City level has not been formed, the letter of authorization can be issued by the Regency/City office of the political party or the coalition of political parties that nominated the candidates.
- (5) The recapitulation of vote counting at the meeting conducted by the PPS and the submission of the result to PPK shall be no later than 3 (three) days, after receipt of the official reports and recapitulation of the results of vote counting from TPS.

Article 3

- (1) Before the recapitulation of the results of vote counting at the PPS, the PPS shall do the following:
 - a. arrange the location for the recapitulation of the results of vote counting including attaching the large form to record the votes obtained by pairs of candidates, and the seats for witnesses shall be arranged in such a way that the process of recapitulation of the results of vote counting can be clearly witnessed by all participants;
 - b. arrange the administrative materials that are provided in such a way that it is easy to use them for the recapitulation of the results of vote counting, i.e.

- the forms for the recapitulation of the results of vote counting, paper envelopes/plastic pouch and general election seals, and other equipment;
- c. place the ballot boxes close to the table of the chairperson of the PPS and prepare the keys.
- (2) After completing the activities as referred to in paragraph (1), the chairperson of the PPS shall open the meeting for recapitulation of the results of vote counting at the PPS, as follows:
- a. opens the ballot boxes delivered by KPPS in its territory, in front of the witnesses present;
 - b. takes out the official reports and the attachments that have been received from KPPS.
- (3) The following is recorded on Form D 1 – PWP based on the records of voting and vote counting at TPS (Form C 1 – PWP):
- a. The number of voters in the copy of the final voters register for TPS in the territory of the PPS;
 - b. The number of voters who voted based on the final voters register for TPS in the territory of the PPS;
 - c. The number of registered voters that did not vote from all TPS in the territory of the PPS;
 - d. the number of voters from other TPS;
 - e. the number of ballot papers received from PPS (including reserves);
 - f. the number of additional ballot papers received from Regency/City KPU;
 - g. the number of ballot papers returned by voters because they were damaged or mistakenly punched, from all TPS in the territory of the PPS;
 - h. unused ballot papers from all TPS in the territory of the PPS;
 - i. the number of used ballot papers from all TPS in the territory of the PPS, consisting of valid votes and invalid votes.

Article 4

- (1) PPS shall recapitulate the results of vote counting for each pair of candidates from all TPS in the territory of the PPS using the attachment to Form D 1 – PWP, based on the certificates of the results of vote counting from all TPS in the territory of the PPS (attachment to Form C 1 – PWP).
- (2) Witnesses, or the public through the witnesses present, may lodge an objection to the process of recapitulation of the results of vote counting as referred to in paragraph (1), if it is found that the process and result of the recapitulation is not in accordance with the law and regulations.
- (3) If objections that are raised by witnesses or the public as referred to in paragraph (2) are accepted, PPS shall make revisions immediately.

- (4) If witnesses cannot accept the explanation of the PPS about proposed objections, the witnesses' objections are recorded on Form D 3-PWP and the process of recapitulation shall continue.

Article 5

- (1) On the completion of the recapitulation of the results of vote counting for each pair of candidates as referred to in Article 4, the PPS shall write an official report together with attachments, containing the recapitulation of the:
 - a. number of voters as referred to in Article 3 paragraph (3) letter a and letter b;
 - b. number of ballot papers as referred to in Article 3 paragraph (3) letter c, letter d, letter e, and letter f;
 - c. total from TPS as referred to in Article 3 paragraph (3) letter g;
 - d. number of valid votes obtained by each pair of candidates as referred to in Article 4 paragraph (1).
- (2) The official report and certificate of the result of vote counting as referred to in paragraph (1) shall be written using Form D – PWP, signed by the Chairperson of the PPS and members of the PPS as well as witnesses representing pairs of candidates for President and vice President that are present, and stamped by the PPS.
- (3) If there are amendments to the official reports, the official reports shall be signed by the Chairperson and at least 2 (two) members of the PPS and witnesses who signed the official report, before the amendments are considered to be made.
- (4) Each sheet of the official report shall be signed and stamped.
- (5) The official report and the certificate of the result of vote counting as referred to in paragraph (2), shall be submitted to:
 - a. 1 (one) copy to the PPS;
 - b. 1 (one) copy to the PPK;
 - c. 1 (one) copy to the witnesses present.
- (6) The copy of certificate of the results of vote counting (attachment 2 to Form D 1-PWP) is displayed on the notice board of the PPS.

Part Two

Vote Counting and Official Report Writing at the Kecamatan/Sub-district Level by the Sub-district Election Committee (PPK)

Article 6

- (1) A PPK, after receiving the official reports and certificates of the result of vote counting at the general election of the President and Vice President from all PPS in its territory, shall prepare the vote counting meeting at the PPK.
- (2) The following things shall be prepared for the meeting on vote counting at the PPK:
 - a. administrative materials and PPK vote counting forms;
 - b. tables and chairs for the Chairperson and members of the PPK;
 - c. tables and chairs for witnesses, general election supervisors, general election observers and the public;
 - d. a board to attach the large form for vote counting;
 - e. delivery of invitations to witnesses, general election supervisors, general election observers and the public;
 - f. Calculator
- (3) Witnesses as referred to in paragraph (2) letter c shall submit a letter of authorization from the Campaign Team of the relevant pair of candidates.
- (4) If the Campaign Team has not been formed at the Regency/City level, the letter of authorization can be issued by the Regency/City office of the political party or the coalition of political parties that nominated the candidates.
- (5) The recapitulation of vote counting at the meeting conducted by the PPK and the submission of the result shall be no later than 3 (three) days after the receipt of the official reports and recapitulation of the results of vote counting from PPS.

Article 7

- (1) Before the recapitulation of vote counting results at PPK, PPK shall do the following:
 - a. arrange the location for the recapitulation of the results of vote counting, including attaching the large form to record the votes obtained by pairs of candidates, and the seats for witnesses shall be arranged in such a way that the process of recapitulation of the results of vote counting results can be clearly witnessed by all participants;
 - b. arrange the administrative materials that are provided in such a way that it is easy to use them for the recapitulation of the results of vote counting, i.e. the forms for the recapitulation of the results of vote counting, paper envelopes/ plastic pouch and the general election seals, and other equipment;

- c. place the ballot boxes close to the table of the chairperson of the PPK and prepare the keys.
- (2) After completing the activities as referred to in paragraph (1), the Chairperson of the PPK shall open the meeting for the recapitulation of the results of vote counting at the PPK, as follows:
- a. opens the ballot boxes delivered by PPS in its territory, in front of the witnesses present;
 - b. takes out the official reports and the attachments that are received from PPK.
- (3) The following is recorded on Form DA 1 – PWP based on the records of voting and vote counting at PPS (Form D 1 – PWP):
- a. the number of voters in the copy of the final voters register for PPS in the territory of the relevant PPK;
 - b. the number of voters that voted based on the final voters register for PPS in the territory of the relevant PPK;
 - c. The number of registered voters that did not vote from all PPS in the territory of the relevant PPK;
 - d. the number of voters from other TPS;
 - e. the number of ballot papers received from PPK (including reserves);
 - f. the number of additional ballot papers received from Regency/City KPU;
 - g. the number of ballot papers returned by voters because they were damaged or mistakenly punched, from all PPS in the territory of the relevant PPK;
 - h. unused ballot papers from all PPS in the territory of the PPK;
 - i. the number of used ballot papers from all PPS in the territory of the PPK, consisting of valid votes and invalid votes.

Article 8

- (1) A PPK shall recapitulate the results of vote counting for each pair of candidates from all PPS in the territory of the relevant PPK by using the attachment to Form DA 1 – PWP, based on the certificates of results of vote counting from all PPS in the territory of the PPK (attachment to Form DA 1 – PWP).
- (2) Witnesses, or the public through the witnesses present, may lodge an objection against the process of the recapitulation of the results of vote counting, as referred to in paragraph (1), if it is found that the process and result of the recapitulation is not in line with the law and regulations.
- (3) If the objections that are raised by witnesses or the public as referred to in paragraph (2) are accepted, the PPK shall make revisions immediately.
- (4) If witnesses cannot accept the explanation of the PPK concerning the proposed objections, the witnesses' objections are recorded on Form DA 3-PWP and the process of recapitulation shall continue.

Article 9

- (1) On completion of the recapitulation of the results of vote counting for each pair of candidates as referred to in Article 9, PPK shall write an official report together with the attachments containing the recapitulation of :
 - a. number of voters as referred to in Article 8 paragraph (3) letter a and letter b;
 - b. number of ballot papers as referred to in Article 8 paragraph (3) letter c, letter d, letter e, and letter f;
 - c. The totals from PPS as referred to in Article 8 paragraph (3) letter g;
 - d. The recapitulation of the number of valid votes obtained by each pair of candidates as referred to in Article 9 paragraph (1).
- (2) The official report and certificate of the result of vote counting as referred to in paragraph (1) shall be written using Form DA – PWP signed by the Chairperson of the PPK and members of the PPK, as well as witnesses representing pairs of candidates for President and vice President that are present and stamped by the PPK.
- (3) If there are amendments to official reports, the official reports shall be signed by the Chairperson and at least 2 (two) members of the PPK, and the witnesses who signed the official report, before the amendments are considered to be made.
- (4) Each sheet of the official report shall be signed and stamped.
- (5) The official report and the certificate of the result of vote counting as referred to in paragraph (2) shall be submitted:
 - a. 1 (one) copy to the PPK;
 - b. 1 (one) copy to the Regency/City KPU;
 - c. 1 (one) copy to the Provincial KPU;
 - d. 1 (one) copy to the witnesses present.
- (6) The copy of the certificate of the results of vote counting (attachment 2 to Form DA 1-PWP) is displayed on the notice board of the PPK.

Part Three

Vote Counting and Official Report Writing at the Regency/City Level by the Regency/City Election Commission

Article 10

- (1) A Regency/City KPU, after receiving the official reports and certificates of the result of vote counting at the general election of the President and Vice

President from all PPK in its territory, shall prepare the Regency/City KPU vote counting meeting.

- (2) The following things shall be prepared for the meeting on vote counting at a Regency/City KPU:
 - a. administrative materials and Regency/City KPU vote counting forms;
 - b. tables and chairs for the Chairperson and members of the Regency/City KPU;
 - c. tables and chairs for witnesses, general election supervisors, general election observers and members of the public;
 - d. a board to attach the large form for vote counting;
 - e. delivery of invitations to witnesses, general election supervisors, general election observers and members of the public.
- (3) Witnesses as referred to in paragraph (2) letter c shall submit a letter of authorization from the Campaign Team of the relevant pair of candidates.
- (4) If the Campaign Team at Regency/City level has not been formed, the letter of authorization can be issued by the Regency/City office of the political party or the coalition of political parties that nominated the candidates.
- (5) The recapitulation of vote counting in a meeting conducted by the Regency/City KPU and the submission of the result shall be no later than 5 (five) days after the receipt of the official reports and recapitulation of the results of vote counting from PPK.

Article 11

- (1) Before the recapitulation of the results of vote counting at a Regency/City KPU, Regency/City KPU shall do the following:
 - a. arrange the location for the recapitulation of the results of vote counting including attaching the large form to record the votes obtained by the pairs of candidates, and the seats for witnesses shall be arranged in such a way that the process of recapitulation of the results of vote counting can be witnessed clearly by all participants;
 - b. arrange the administrative materials that are provided in such a way that it is easy to use them for the recapitulation of the results of vote counting, i.e. the forms for the recapitulation of the results of vote counting, paper envelopes/ plastic pouch and general election seals, and other equipment;
 - c. place the ballot boxes close to the table of the chairperson of the Regency/City KPU and prepare the keys.
- (2) After completing the activities as referred to in paragraph (1), the chairperson of the Regency/City KPU shall open the meeting for recapitulation of the results of vote counting at Regency/City KPU, as follows:
 - a. opens the ballot boxes delivered by PPK in its territory, in front of the witnesses present;

- b. takes out the official reports and the attachments received from PPK.
- (3) The following is Recorded on Form DB 1 – PWP, based on the records of voting and vote counting at PPK (Form DA 1 – PWP):
 - a. The number of voters in the copy of the final voters register for the PPK in the territory of the relevant Regency/City KPU;
 - b. The number of voters that voted based on the final voters register for PPK in the territory of the relevant Regency/City KPU;
 - c. The number of registered voters that did not vote from all PPK in the territory of the relevant Regency/City KPU;
 - d. the number of voters from other TPS;
 - e. the number of ballot papers received by PPK (including reserves);
 - f. the number of additional ballot papers received from all PPK in the area of the Regency/City KPU;
 - g. the number of ballot papers returned by voters because they are damaged or mistakenly punched from all PPK in the territory of the Regency/City KPU;
 - h. unused ballot papers from all PPK in the territory of the Regency/City KPU;
 - i. the number of used ballot papers from all PPK in the area of the Regency/City KPU, consisting of valid votes and invalid votes.

Article 12

- (1) A Regency/City KPU shall recapitulate the results of vote counting for each pair of candidates from all PPK in the territory of the relevant Regency/City KPU (attachment to Form DB 1 – PWP), based on the certificates of the results of vote counting from all PPK in the territory of the Regency/City KPU (attachment to Form DA1 – PWP).
- (2) Witnesses, or the public through the witnesses present, may lodge objections to the process of recapitulation process of the results of vote counting as referred to in paragraph (1), if it is found that the process and result of the recapitulation is not in accordance with the law and regulations.
- (5) If objections that are raised by witnesses or the public as referred to in paragraph (2) are be accepted, Regency/City KPU shall make revisions immediately.
- (6) If witnesses cannot accept the explanation of the Regency/City KPU concerning the proposed objections, the witnesses' objections shall be recorded on Form DB 3-PWP and the process of recapitulation shall continue.

Article 13

- (1) On completion of the recapitulation of the results of vote counting for each pair of candidates as referred to in Article 12, the Regency/City KPU shall write the official report together with attachments, containing the recapitulation of the:

- a. number of voters as referred to in Article 11 paragraph (3) letter a and letter b;
 - b. number of ballot papers as referred to in Article 11 paragraph (3) letter c, letter d, letter e, and letter f;
 - c. total from PPK as referred to in Article 11 paragraph (3) letter g;
 - d. number of valid votes obtained by each pair of candidates as referred to in Article 12 paragraph (1).
- (2) The official report and certificate of the result of vote counting as referred to in paragraph (1) shall be written using Form DB – PWP signed by the Chairperson and members of the Regency/City KPU and the witnesses present and stamped by the Regency/City KPU.
 - (3) If there are amendments to the official reports, the official reports shall be signed by the Chairperson and at least 2 (two) members of the Regency/City KPU and the witnesses who signed the official report before the amendments are considered to have been made.
 - (4) Each sheet of the official report shall be signed and stamped.
 - (5) The official report and the certificate of the result of vote counting as referred to in paragraph (2) shall be submitted:
 - a. 1 (one) copy to the Regency/City KPU;
 - b. 1 (one) copy to the Provincial KPU;
 - c. 1 (one) copy to each of the witnesses present;
 - d. 1 (one) copy to the KPU as a carbon copy.
 - (6) The copy of the certificate of the results of vote counting (attachment 2 to Form DB 1-PWP) is displayed on the notice board of the Regency/City KPU.

Part Four

Vote Counting and Official Report Writing at the Provincial Level

By the Provincial Election Commission

Article 14

- (1) A Provincial KPU after receiving official reports and certificates of the result of vote counting at the general election of the President and Vice President from all Regency/City KPU in its territory, shall prepare for the Provincial KPU vote counting meeting.
- (2) The following things shall be prepared for the meeting on vote counting at the Provincial KPU:
 - a. administrative materials and Provincial KPU vote counting forms;
 - b. tables and chairs for the Chairperson and members of the Provincial KPU;

- c. tables and chairs for witnesses, general election supervisors, general election observers and members of the public;
 - d. a board to attach the large form for vote counting;
 - e. delivery of invitations to witnesses, general election supervisors, general election observers and members of the public.
- (3) Witnesses as referred to in paragraph (2) letter c shall submit a letter of authorization from the Campaign Team of the relevant pair of candidates.
 - (4) If a Campaign Team at the Provincial level has not been formed, the letter of authorization can be issued by the Provincial office of the political party or the coalition of political parties that nominated the candidates.
 - (5) The recapitulation of vote counting at the meeting conducted by Provincial KPU and the submission of the result shall be no later than 6 (six) days after receiving official reports and recapitulation of the results of vote counting from Regency/City KPUs.

Article 15

- (1) Before the recapitulation of vote counting results at the Provincial KPU, the Provincial KPU shall do the following:
 - a. arrange the location for the recapitulation of the results of vote counting including attaching the large form to record the votes obtained by pairs of candidates, and the seats for witnesses shall be arranged in such a way that the process of recapitulation of the results of vote counting can be witnessed clearly by all participants;
 - b. arrange the administrative materials that are provided in such a way that it is easy to use them for the recapitulation of vote counting results, i.e. the forms for the recapitulation of the results of vote counting, paper envelopes/ plastic pouch and general election seals, and other equipment.
- (2) After completing the activities as referred to in paragraph (1), the chairperson of the Provincial KPU shall open the meeting for recapitulation of the results of vote counting at the Provincial KPU, by opening the official reports and attachments received from Regency/City KPU.
- (3) The following are recorded on Form DC 1 – PWP based on the records of voting and vote counting at Regency/City KPU (Form DB 1 – PWP):
 - a. The number of voters in the copy of the final voters register for Regency/City KPUs in the area of the relevant Provincial KPU;
 - b. The number of voters that voted based on the final voters register for Regency/City KPUs in the territory of the Provincial KPU;
 - c. The number of registered voters that did not vote from all Regency/City KPUs in the territory of the Provincial KPU;
 - d. the number of voters from other TPS;

- e. the number of ballot papers received by Regency/City KPU (including reserves) in the territory of the Province;
- f. the number of additional ballot papers received by Regency/City KPU in the territory of the Province;
- g. the number of ballot papers returned by voters because they were damaged or mistakenly punched from all Regency/City KPUs in the territory of the Provincial KPU;
- h. unused ballot papers from all Regency/City KPUs in the territory of the Provincial KPU;
- i. the number of used ballot papers from all Regency/City KPUs in the territory of the Provincial KPU, consisting of valid votes and invalid votes.

Article 16

- (1) The Provincial KPU shall recapitulate the results of vote counting for each pair of candidates from all Regency/City KPU in the area of the relevant Provincial KPU using Form DC 1 – PWP, based on the recapitulation of the result of vote counting from all Regency/City KPU in the territory of the Provincial KPU (attachment to Form DB 1 – PWP).
- (2) Witnesses, or the public through the witnesses present, may lodge an objection against the process of recapitulating vote counting results as referred to in paragraph (1), if it is found that the process and result of the recapitulation is not in accordance with the law and regulations.
- (3) If objections that are raised by witnesses or the public as referred to in paragraph (2) are accepted, Provincial KPU shall make revisions immediately.
- (4) If witnesses cannot accept the explanation of the Provincial KPU concerning the proposed objections, the witnesses' objections shall be recorded on Form DC 3-PWP and the process of recapitulation shall continue.

Article 17

- (1) On the completion of the recapitulation of the results of vote counting for each pair of candidates as referred to in Article 16, the Provincial KPU shall write an official report together with attachments, containing the recapitulation of the:
 - a. number of voters as referred to in Article 15 paragraph (3) letter a and letter b;
 - b. number of ballot papers as referred to in Article 15 paragraph (3) letter c, letter d, letter e, and letter f;
 - c. total from Regency/City KPU as referred to in Article 15 paragraph (3) letter g;
 - d. number of valid votes obtained by each pair of candidates as referred to in Article 16 paragraph (1).

- (2) The official report and certificate of the result of vote counting as referred to in paragraph (1) shall be written using Form DC – PWP signed by the Chairperson and members of the Provincial KPU as well as the witnesses present and stamped by the Provincial KPU.
- (3) If there are amendments to be made to official reports, the official reports shall be signed by the chairperson and at least 2 (two) members of the Provincial KPU and the witnesses who signed the official report, before the amendments are considered to have been made.
- (4) Each sheet of the official report shall be signed and stamped.
- (5) The official report and the certificate of the result of vote counting as referred to in paragraph (2) shall be submitted:
 - a. 1 (one) copy to Provincial KPU;
 - b. 1 (one) copy to the KPU;
 - c. 1 (one) copy to each of the witnesses present.
- (6) The copy of the certificate of the results of vote counting (attachment 2 to Form DC 1-PWP) is displayed on the notice board of the Provincial KPU.

Part Five

Vote Counting and Official Report Writing at the Central Level by the National Election Commission

Article 18

- (1) The KPU, after receiving the official reports and certificates of result of vote counting at the general election of President and Vice President from all Provincial KPU shall prepare for the vote counting meeting at the KPU.
- (2) The following things shall be prepared for the meeting on vote counting meeting at the KPU:
 - a. administrative materials and KPU vote counting forms.
 - b. tables and chairs for the Chairperson and members of the KPU.
 - c. tables and chairs for witnesses, general election supervisors, general election observers and members of the public.
 - d. a board to attach the large form for vote counting.
 - e. delivery of invitations to witnesses, general election supervisors, general election observers and members of the public
- (3) Witnesses as referred to in paragraph (2) letter c shall submit a letter of authorization from the Campaign Team of the relevant pair of candidates.
- (4) The vote count shall be recapitulated by the KPU no later than 3 (three) days after receiving the official reports and recapitulation of vote counting results from Provincial KPU.

Article 19

- (1) Before the recapitulation of vote counting results at the KPU, the KPU shall do the following:
 - a. arrange the location for the recapitulation of vote counting results including attaching the large form to record the votes obtained by pairs of candidates, and the seats of witnesses shall be arranged in such a way that the process of recapitulation of vote counting results can be witnessed by all participants clearly ;
 - b. arrange the administrative materials - the forms for the recapitulation of vote counting results - that are provided, in such a way that it is easy to use them for the recapitulation of vote counting results.
- (2) After completing the activities as referred to in paragraph (1), the chairperson of the KPU shall open the meeting for recapitulation of the results of vote counting at the KPU, by opening the official reports and the attachments received from Provincial KPU.
- (3) Recording on Form DD 1 – PWP based on the records of voting and vote counting at Provincial KPU (Form DC 1 – PWP) the following:
 - a. the number of voters in the copy of the final voters register for all Provinces;
 - b. The number of voters that voted based on the final voters register of all Provinces;
 - c. the number of registered voters that did not vote, for all Provinces;
 - d. the number of voters from other TPS;
 - e. the number of ballot papers received by all Provinces (including reserves);
 - f. the number of additional ballot papers received by all Provinces;
 - g. the number of ballot papers returned by voters because they are damaged or mistakenly punched, for all Provinces;
 - h. unused ballot papers, for all Provinces;
 - i. the number of used ballot papers for all Provinces consisting of valid votes and invalid votes.

Article 20

- (1) KPU shall recapitulate the results of vote counting for each pair of candidates from all Provincial KPU (attachment Form DD 1 – PWP), based on the recapitulation of the result of vote counting from all Provincial KPU (attachment Form DC 1 – PWP).
- (2) Witnesses, or the public through the witnesses present, may lodge objections to the process of recapitulating vote counting results as referred to in paragraph (1), if it is found that the process and result of the recapitulation is not in accordance with the law and regulations.

- (3) If objections that are raised by witnesses or the public as referred to in paragraph (2) are accepted, the KPU shall make revisions immediately.
- (4) If witnesses cannot accept the explanation of the KPU concerning the proposed objections, the witnesses' objections are recorded on Form DD 3-PWP and the process of recapitulation shall continue.

Article 21

- (1) On completion of the recapitulation of the results of vote counting for each pair of candidates as referred to in Article 20, KPU shall write an official report together with an attachment containing the recapitulation of the:
 - a. number of voters as referred to in Article 19 paragraph (3) letter a and b;
 - b. the number of ballot papers as referred to in Article 19 paragraph (3) letter c, letter d, letter e, and letter f;
 - c. the total from Provincial KPU as referred to in Article 19 paragraph (3) letter g;
 - d. number of valid votes obtained by each pair of candidates as referred to in Article 20 paragraph (1).
- (2) The official report and certificate of the result of vote counting as referred to in paragraph (1), shall be written using Form DD – PWP, signed by the Chairperson and members of the KPU and the witnesses present and stamped by the KPU.
- (3) The official report and the certificate of the result of vote counting as referred to in paragraph (2) shall be submitted:
 - a. 1 (one) copy to the MPR;
 - b. 1 (one) copy to the President;
 - c. 1 (one) copy to the political parties or coalitions of political parties that nominate the candidates;
 - d. 1 (one) copy to the pairs of candidates.
- (4) The copy of the certificate for the results of vote counting (attachment Form DD 1-PWP) is displayed on the notice board of the KPU.

CHAPTER III SANCTIONS

Article 22

- (1) Anybody who intentionally commits an action that makes the vote of a voter invalid or causes addition or reduction to 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 minimum 4 (four) months or maximum 2 (two) years and/or a fine of minimum Rp. 2.000.000,- (two million rupiahs) or maximum Rp. 20.000.000,- (twenty million rupiahs).
- (3) Anybody who, due to his/her negligence, causes the damage or the disappearance of the sealed vote result, shall face a criminal penalty of imprisonment for between 15 (fifteen) days and 2 (two) months 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 vote counting and/or the official reports and certificate of the result of vote counting, shall face a criminal penalty of imprisonment for between 6 (six) months and 3 (three) years and/or a fine of between Rp. 100,000,000 (one hundred million rupiahs) and Rp. 1,000,000,000 (one billion rupiahs).

Article 23

- (1) If a criminal act is done intentionally by officials or pairs of candidates, the penalty shall be increased by 1/3 (one third) of the penalty as referred to in Article 22.
- (2) Officials as referred to in paragraph (1) that may be sanctioned 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 may be sanctioned are pairs of candidates and/or their campaign teams.

CHAPTER IV OTHER PROVISIONS

Article 24

- (1) The official documents and the attachments and the materials for voting and vote counting at PPS and PPK are stored in the office of the Village Head and/or in the Kecamatan office.
- (2) Official reports shall be stored as referred to in paragraph (1), after the termination of PPS and PPK.
- (3) The provisions in the procedure for the recapitulation of the results of votes obtained at the general election of the President and Vice President by PPS, PPK, Regency/City KPU, Provincial KPU and KPU as referred to in this decree, shall apply to the procedure for the recapitulation of the voting results by PPS, PPK, Regency/City KPU, Provincial KPU and KPU at the second round of the general election of the President and Vice President.

CHAPTER V
CLOSING

Article 25

The samples of forms numbers D-PWP, DA-PWP, DB-PWP, DC-PWP and DD-PWP for vote counting at PPS, PPK, Regency/City KPU, Provincial KPU, and KPU can be found in the Attachment to this decree.

Article 26

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

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