

LAWS OF MALAYSIA**Act 5****ELECTION OFFENCES ACT 1954**

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FIRST SCHEDULE

SECOND SCHEDULE

if at that date he has been elected at any election, his seat shall be vacated from the date of such conviction.

Offence of promoting feelings of ill-will or hostility

4A. (1) Any person who, before, during or after an election, directly or indirectly, by himself or by any other person on his behalf, does any act or makes any statement with a view or with a tendency to promote feelings of ill-will, discontent or hostility between persons of the same race or different races or of the same class or different classes of the population of Malaysia in order to induce any elector or voter to vote or refrain from voting at an election or to procure or endeavour to procure the election of any person shall be liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or to both such imprisonment and fine.

(2) Subject to any specific provision to the contrary in any written law relating to an election, any person who is convicted of an offence under this section shall, until the expiration of five years from such conviction, be incapable of being registered or listed as an elector or of voting at an election or of being elected at an election, and if at that date he has been elected at an election, his seat shall be vacated from the date of such conviction.

Maintenance of secrecy at elections

5. (1) Every officer, clerk, interpreter, candidate, agent and any other person (hereinafter in this section referred to as an "authorized person") authorized to attend any proceedings connected with the issue or receipt of postal ballot papers, or at a polling station, or at the counting of the votes, shall, before so attending make an oath of secrecy substantially in Form A in the First Schedule.

(2) Every officer, clerk, interpreter, candidate, agent and authorized person in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, but the total

number of voters who have voted at any station at any time before the poll is closed may, in the discretion of the presiding officer, be divulged to a candidate or his agent or a police officer authorized to attend or on duty at the polling station.

(3) No such officer, clerk, interpreter, candidate, agent, police officer or authorized person and no person whosoever shall attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number of the ballot paper given to any voter at such station.

(4) Every officer, clerk, interpreter, candidate, agent, police officer and authorized person, in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(5) No person, except a presiding officer acting for a purpose authorized by any written law relating to any election or a person authorized by the presiding officer and acting for such purpose as aforesaid, shall communicate or attempt to communicate with any voter after such voter has received a ballot paper and before he has placed the same in a ballot box.

(6) Every person attending any proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain, and aid in maintaining, the secrecy of the voting and shall not without lawful excuse—

- (a) communicate, before the poll is closed, to any person any information obtained at those proceedings as to any official perforation, stamp or mark to be used in connection with any ballot paper;
- (b) communicate to any person at any time any information obtained at those proceedings as to the number of the ballot paper sent to any person;
- (c) attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number on any ballot paper; or

(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(7) Any person who contravenes any of the provisions of this section shall be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine not exceeding three thousand ringgit or to both such imprisonment and fine.

Offences against this Part

6. (1) Every person who abets the commission of or attempts to commit an offence specified in this Part shall be liable, on conviction, to the punishment and disqualifications prescribed for that offence.

(2) Every offence under this Part shall be a seizable offence within the meaning of the Criminal Procedure Code [*Act 593*].

(3) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or marking instrument at an election, the property in such nomination paper, ballot box, ballot paper or marking instrument, as well as the property in the counterfoil of any ballot paper, may be stated to be in the returning officer at that election.

(4) A prosecution for an offence under this Part shall not be instituted without the sanction of the Public Prosecutor.

PART III CORRUPT

PRACTICES

Personation

7. Every person who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation.

- (f) he has, within the period of five years immediately preceding the day of nomination at the election, been convicted of an offence under subsection 52(3) of the Societies Act 1966 [*Act 335*], or the corresponding provision of any other law relating to societies in force, in the case of an election in Sabah and Sarawak, in any part of Malaysia, and in the case of an election in Peninsular Malaysia, in any part of Malaysia or the Republic of Singapore;
- (g) he is a person in respect of whom an order has been made under subsection 66(4) of the Societies Act 1966, or the corresponding provision of any other law relating to societies in force, in the case of an election in Sabah and Sarawak, in any part of Malaysia, and in the case of an election in Peninsular Malaysia, in any part of Malaysia or the Republic of Singapore; or
- (h) he is an undischarged bankrupt.

(1A) In paragraphs (1)(c), (f) and (g), “part of Malaysia” means any place which is, or which at the date of the conviction or order therein mentioned was, a part of Malaysia.

(2) No officer, clerk, interpreter or other person having any duty to perform pursuant to any written law relating to any election shall be appointed as an election agent or act as an agent of a candidate in the conduct or management of any election.

Making of appointments and contracts through election agent

14. (1) The election agent of a candidate shall at an election—
- (a) appoint every polling agent, counting agent, clerk and messenger employed, whether for payment or not, on behalf of the candidate;
 - (b) hire every committee-room hired on behalf of the candidate;
 - (c) inform the presiding officer at each polling station in writing of the name and address of—
 - (i) the polling agent or agents appointed to act at that station; and

- (ii) the counting agent or agents appointed to attend the counting of votes at that station; and
- (d) inform the returning officer of the constituency or electoral ward concerned in writing of the name and address of the counting agent or agents appointed to attend the counting of the votes of postal voters and the official addition of votes.

(1A) Every polling agent or counting agent of a candidate appointed under subsection (1) shall act or be present at the polling station or shall attend the counting of votes at the polling station for at least two hours and his replacement shall only be admitted to that polling station on the expiration of the two-hour period.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election, unless made by the candidate himself or by his election agent:

Provided that inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice committed by his agent.

Payment of expenses through election agent

15. (1) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election otherwise than by or through the election agent of the candidate; and all money provided by any person, other than the candidate, for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise:

Provided that this subsection shall not be deemed to apply to any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.



FEDERAL SUBSIDIARY LEGISLATION

ELECTIONS ACT 1958 [ACT 19]

P.U.(A) 386/81

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

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FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

LIST OF AMENDMENTS

(1) Subject to the general or special directions of the Election Commission, each returning officer shall appoint, and may revoke the appointment of, a presiding officer to preside at each polling station for his constituency.

(2) [Deleted by P.U.(A) 67/2004]

(3) Each presiding officer shall be supplied with a copy of that part of the electoral roll containing the names of electors in such roll assigned to his polling station.

(4) If any presiding officer is by sickness or other cause, prevented from acting at any election, and there is no time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him and every such appointment shall as soon as possible be reported to the returning officer and may be revoked by the returning officer, but without prejudice to the validity of anything already done by such deputy.

(5) The returning officer may, if he thinks fit, preside at any polling station, and the provisions of these Regulations relating to a presiding officer shall apply to such returning officer.

Regulation 12A. Appointment of other officers and staff.

(1) Subject to the general or special directions of the Election Commission, each returning officer shall appoint, and may revoke the appointment of, such other officers or staff to assist the presiding officer or officers at each polling station for his constituency.

(2) Such other officers and staff shall be under the general supervision or direction of the presiding officer or officers of the polling station of the constituency.

[Ins.P.U.(A) 31/1990]

Regulation 13. Facilities to be provided at polling centre and station.

(1) A notice as set out in Form 8 in the First Schedule shall be affixed by any presiding officer outside each polling centre in a conspicuous place before the commencement of the poll

[Subs.P.U.(A) 193/2011]

(2) During the taking of the poll the presiding officer shall cause to be exhibited outside his polling station a notice substantially in the form set out in the Second Schedule giving directions for the guidance of voters in voting, which shall be in the national language and may cause to be exhibited such notice in such other language or languages and in such characters as the Election Commission may direct.

[Am. P.U.(A) 67/2004]

(3) It shall be the duty of the returning officer to provide at each polling station reasonable facilities for the electors allotted to such station to enable them to mark their votes screened from observation and to vote in accordance with these Regulations, and he shall determine, or may authorize the presiding officer to determine, in what manner such facilities shall be distributed among the electors entitled to vote at such election.

(4) An election shall not be questioned by reason only of non-compliance with subregulation (3).

Regulation 14. Right of registered elector to vote.

The electoral rolls for the time being in force shall be prima facie evidence for the purpose of determining whether a person is or is not entitled to vote at an election in any constituency.

Regulation 14A. Authoritative texts of electoral rolls.

The electoral rolls which are submitted to the candidates on the day of nomination shall be the authoritative texts of the electoral rolls which will be used by the returning officer and the presiding officer of a polling station on polling day.

[Ins. P.U.(A) 67/2004]

Regulation 15. Admittance to polling station.

(1) No person shall be admitted to vote at any polling station except the polling station to which that part of the electoral roll which contains his name has been assigned:

Provided that where an elector for any constituency is employed as a presiding officer or in any other official capacity at a polling station within that constituency and it is inconvenient for him to vote at the polling station to which that part of the electoral roll which contains his name has been assigned, the returning officer may authorize such elector to vote at any other polling station in the constituency. Such authorization shall be given under the hand of the returning officer and shall state the name of the elector and his number in the electoral roll, and the fact that he is so employed as aforesaid and shall specify the polling station at which he is authorized to vote.

(2) [Deleted - P.U.(A) 193/2011]

(2A) [Deleted - P.U.(A) 193/2011]

(3) The presiding officer shall regulate the number of voters to be admitted at a time whilst the poll is open and shall exclude all other persons except the candidate, his election agent and polling agent, the returning officer, members or officers of the Election Commission, persons officially employed at the polling station, any person nominated in accordance with subregulation 19(10), or other persons authorized in writing by the Election Commission.

[Am. P.U.(A) 67/2004] ; Am. P.U.(A) 43/2012;

(4) Not more than one polling agent of each candidate shall be admitted at a time to any polling station whilst the poll is open.

(5) No polling agent whose name and address have not been notified to the presiding officer as required by subsection 14(1) of the Election Offences Act 1954, shall be admitted to a polling station whilst the poll is open.

[Am. P.U.(A) 67/2004]

(6) (a) It shall be the duty of the presiding officer to keep order at his polling station.

(b) If a person misconducts himself in a polling station or fails to obey the lawful order of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a police officer on duty outside or near that station or by any other person

authorized in writing by the returning officer or the presiding officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

[Am. P.U.(A) 67/2004]

(c) The powers afforded by this regulation shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(d) Failure to obey the lawful orders of the presiding officer shall be an offence punishable by a fine not exceeding one thousand ringgit.

Regulation 16. Marking of polling station limits.

It shall be the duty of each presiding officer, subject to the general directions of the Election Commission, to mark the limits of the polling station at which he is appointed to preside.

Regulation 17. Poll by ballot and ballot papers.

(1) The votes shall be given by ballot and the ballot of each voter shall consist of a paper, which in these Regulations is referred to as a "ballot paper".

(2) Every ballot paper shall consist of a list of candidates in Roman letters described in accordance with Form 4 or 4A, as the case may be, in the First Schedule, and arranged in such order as shall be determined by the returning officer in accordance with paragraph 11(2)(a), together with the symbol assigned to each candidate in accordance with paragraph 11(2)(b).

[Am. P.U.(A) 67/2004]

(3) Every ballot paper shall be in Form 9 in the First Schedule and shall be capable of being folded. Each ballot paper shall have a number printed at the top left hand corner and shall be attached to a counterfoil with the same number printed upon it.

Regulation 18. Ballot boxes.

(1) Every ballot box shall be so constructed that the ballot paper can be put in but cannot be taken out otherwise than by unlocking the box.

(2) The presiding officer at a polling station shall immediately before the commencement of a poll, show each ballot box to be used to such persons as may lawfully be present at such polling station so that they may see that it is empty.

(2A) For the purpose of subregulation (2), if a candidate or his election agent or polling agent is not present then at the polling station, the candidate or his election agent or polling agent shall be deemed not to dispute that each ballot box shown by the presiding officer is empty.

(2B) In the case where the presiding officer is not able to conduct the procedure mentioned in subregulation (2) as no person who may lawfully be present at a polling station is present at the polling station, the presiding officer shall call any police officer on duty outside the polling station to be present at the polling station so that he may see that each ballot box is empty.

[Ins. P.U.(A) 67/2004]

(3) The presiding officer—

(a) shall then lock up the ballot box; and

(b) shall affix on the ballot box a clip and security tape and the security tape shall be signed by the presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape,

in such a manner so as to prevent the ballot box from being opened without breaking the clip and the tape, and the ballot box shall not again be opened until after the close of the poll.

[Subs. P.U.(A) 67/2004]

(4) He shall keep it in his custody until it is despatched or delivered to the returning officer in accordance with these Regulations.

[Subs. P.U.(A) 147/90]

Regulation 19. Manner of voting.

(1) Each voter shall be given one ballot paper and shall be entitled to one vote.

(2) As each voter requests for a ballot paper, the number and name of the voter as stated in the electoral roll shall be called out.

(3) Where no mark in accordance with subregulation (5) has been made against the number and name of the voter in the electoral roll to denote that a ballot paper has been issued to the voter, the presiding officer or any person acting under his authority shall, before a ballot paper to be issued to the voter, require the voter to show his left forefinger in order to insure that no indelible ink has been marked on the voter's left forefinger.

(4) After the presiding officer or any person acting under his authority is satisfied that-

(a) no mark has been made against the number and name of the voter in the electoral roll in accordance with subregulation (5); and

(b) no indelible ink has been marked on the voter's left forefinger,

the presiding officer or any person acting under his authority shall then make a mark on the voter's left forefinger using the indelible ink and thereafter the presiding officer shall issue a ballot paper to the voter.

(5) Before the ballot paper is issued to the voter, a mark, without indicating in any way the particular ballot paper to be issued to him, shall be made in the electoral roll against the number and name of the voter to denote that he has been issued with a ballot paper.

(6) The ballot paper shall be perforated or stamped with the official mark or initialled by the presiding officer on the margin of the ballot paper and the ballot paper shall then be issued to the voter by the presiding officer or a person acting under his authority.

(7) On receiving the ballot paper, the voter shall forthwith proceed to such place in the polling station as may be indicated by the presiding officer or any person acting under his authority and shall there secretly mark such ballot paper in accordance with the directions given for the guidance of voters referred to in subregulation 13(2).

(8) The voter shall then fold the ballot paper so as to conceal his mark and shall put the ballot paper into the ballot box and without undue delay shall then forthwith leave the polling station limits.

(9) The presiding officer or any person acting under his authority may ask any voter whether such voter understands the manner of voting and if he thinks fit, at the request of any voter, may explain to such voter in the hearing of any polling agent present in the polling station the manner of voting; in so doing he shall carefully refrain from any action which might be construed as advice or direction to vote for any particular candidate.

(10) At the request of a voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by these Regulations, any person trusted and nominated by the voter, who shall be a citizen of or over the age of twenty-one years, or if such person is not nominated, the presiding officer, shall mark the ballot paper of such voter in the manner dictated by the voter and shall cause the ballot paper to be placed in the ballot box.

(11) Any person nominated under subregulation (10) shall make a declaration as to his identity and nomination in Form 10 in the First Schedule and every such declaration shall be exempt from stamp duty.

(12) The presiding officer may, at any time while the polling is proceeding, take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for marking of ballot papers.

(13) A reference to the left forefinger of a voter in this regulation and regulation 19A shall be construed-

(a) in the case where the voter's left forefinger is missing or his left forefinger cannot be marked for whatever reason, as a reference to another one of his left fingers;

(b) in the case where all of the voter's left fingers are missing or all his left fingers cannot be marked for whatever reason, as a reference to his right forefinger or another one of his right fingers; and

(c) in the case where all of the voter's left and right fingers are missing, as a reference to the end of his left or right arm.

[Subs.P.U.(A) 43/2012]

Regulation 19A. Non - compliance with the manner of voting.

(1) If the presiding officer or any person acting under his authority finds that-

(a) the voter refuses to show his left forefinger in order to ensure that no indelible ink has been marked on the voter's left forefinger in accordance with subregulation 19(3);

(b) the voter refuses to have his left forefinger to be marked with indelible ink in accordance with subregulation 19(4); or

(c) the voter left forefinger has been marked with indelible ink but no mark has been made against the number and name of the voter in the electoral roll,

the presiding officer or any person acting under his authority shall record the refusal of the voter or the fact that the voter's forefinger has already been marked with indelible ink in the declaration provided in Form 10A in the First Schedule, and refuse to issue a ballot paper to the voter.

(2) If the presiding officer or any person acting under his authority finds that a mark has been made against the number and name of the voter in the electoral roll but the voter's left forefinger has not been marked with indelible ink, the presiding officer or any person acting under his authority shall refuse to issue a ballot paper to the voter; and the presiding officer or any person acting under his authority shall record such fact in Form 10A.

(3) The presiding officer or any person acting under his authority shall sign the declaration in Form 10A in the presence of a witness; and every such declaration shall be exempt from stamp duty.

[Ins. P.U.(A) 43/2012]

Regulation 20. Declarations by voters.

(1) The presiding officer at any polling station may, in his discretion, require any voter, before he is given a ballot paper, to furnish such evidence of his identity as the presiding officer may deem necessary and to make and subscribe to the declaration set out in Form 11 in the First Schedule and every such declaration shall be exempt from stamp duty.

(2) If any person fails to furnish such evidence or refuses to make such declaration, the presiding officer shall refuse to give him a ballot paper.

Regulation 21. Spoilt ballot papers.

A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be used as a ballot paper may return it to the presiding officer and if the presiding officer is satisfied that the condition of the ballot paper is due to inadvertence, he shall issue another ballot paper in place of the ballot paper so returned, and the ballot paper so returned shall in these Regulations be referred to as a "spoilt ballot paper" and the spoilt ballot paper shall immediately be cancelled by the presiding officer.

Regulation 22. [Deleted]

[Deleted by P.U.(A) 67/2004]

Regulation 23. Closing of poll.

No ballot paper shall be issued to a voter after the hour fixed for the closing of the poll but if at that hour there is in the polling station any voter to whom a ballot paper has been issued, such voter shall be allowed to record his vote.

Regulation 23A. Place of counting of votes.

(1) Subject to this regulation and subregulation 25B(4), votes by electors at any polling station shall be counted at the polling station where the electors voted, in accordance with the procedures set out in these Regulations.

[Subs.P.U.(A) 193/2011]

(2) The Election Commission may, if it considers it necessary or expedient in the circumstances of any case, by notice direct that the votes by electors at any or all the polling stations in a constituency be counted by the presiding officer of the polling station at such counting place or places as the Election Commission may specify.

[(2) Am.P.U.(A) 193/2011]

(3) The notice under subregulation (2) shall be as set out in Form 12A in the First Schedule, and the Election Commission shall—

(a) at least three days before the commencement of the poll—

(i) forward a copy of such notice to the State Elections Officer and the returning officer responsible for the polling station or polling stations to which it relates; and

(ii) cause a copy of such notice to be given to each of the candidates or his election agent; and

(b) at any time before the commencement of the poll, cause a copy of such notice to be posted in some conspicuous place outside the polling station or polling stations to which it relates.

[Ins.P.U.(A) 147/1990, Am. P.U.(A) 176/1994]

Regulation 24. Procedure on close of poll.

(1) As soon as practicable after the close of the poll the presiding officer shall, in the presence of each candidate or his election agent or polling agent who is present—

[Am. P.U.(A) 67/2004]

(a) secure the ballot box at such polling station and affix a security tape to it so as to prevent the introduction of any ballot paper thereafter into the ballot box and the security tape shall then be signed by the presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape;

[Subs. P.U.(A) 67/2004]

(b) determine the number of ballot papers issued to voters at the polling station, and the number of unused and spoilt ballot papers;

(c) prepare the ballot paper statement in Form 13 in the First Schedule, which shall be certified by the presiding officer and signed by each candidate or his election agent or polling agent who is present and who desires to sign the same; and

[Am. P.U.(A) 67/2004]

(d) make up—

- (i) the unused and spoilt ballot papers;
- (ii) the marked copies of the electoral rolls; and
- (iii) the counterfoils of the ballot paper,

into a single packet which shall then be affixed with security tape and the security tape shall be signed by the presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape.

[Subs. P.U.(A) 67/2004]

(2) As soon as practicable after the conclusion of the proceedings under subregulation (1), the presiding officer shall make preparation to count the votes by electors at the polling station at which he presides in the presence of each candidate or his election agent or counting agent who is present, and shall inform the candidates, their election agents or counting agents of the time when he will begin to count the votes:

Provided that where the Election Commission directs, under subregulation 23A(2), that the votes by electors at the polling station be counted at a specified counting place, the presiding officer shall take the ballot box, the packet referred to in paragraph (1)(d) and the statement in Form 13 referred to in paragraph (1) (c) to such counting place.

[Am. P.U.(A) 176/1994, Am. P.U.(A) 67/2004] [(2) Am.P.U.(A) 193/2011]

(3) Where the same person is appointed to preside at more than one polling station within the same polling district and the Election Commission directs that the same ballot box be used at all the polling stations at which he presides, the presiding officer—

(a) may, in the presence of each candidate or his election agent or polling agent who is present—

[Am. P.U.(A) 67/2004]

(i) notwithstanding paragraph (1)(a) reopen the ballot box affixed with security tape in such a manner that ballot papers issued at any subsequent polling stations at which he presides can be inserted but nothing can be removed from it;

[Am. P.U.(A) 67/2004]

(ii) reopen the packets affixed with security tape pursuant to paragraph (1)(d) for use at each subsequent polling stations at which he presides;

[Am. P.U.(A) 67/2004]

(b) shall only perform the proceedings referred to in paragraphs (1)(b) and (c) and proceed to count the votes on the last day of the poll for the constituency and after the completion of the poll at the last polling station at which he presides.

[Subs. P.U.(A) 67/2004]

Regulation 24A. Fresh poll at polling station in the case of unlawful removal, loss, destruction, etc., of any ballot box.

(1) If at any election—

(a) any ballot box used at a polling station—

(i) is unlawfully removed from lawful custody, or is lost; or

(ii) is destroyed, damaged, or tampered with, to such an extent,

so that the result of the poll at that polling station cannot be ascertained; or

(b) any such error, irregularity or defect in procedure as is likely to affect the validity of the poll occurs at a polling station,

the returning officer shall, upon being satisfied thereof, forthwith report the matter to the Secretary to the Election Commission.

(2) Upon receiving a report under subregulation (1) the Election Commission shall, after taking all material circumstances into account, either—

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and—

(i) cause a notice of such declaration and the day and hours so appointed and fixed to be published in the Gazette; and

[Am. P.U.(A) 31/1990]

(ii) send a copy of such notice to the returning officer who shall cause the same to be further published in the constituency in such places and in such manner as he may deem necessary; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election, issue such directions to the returning officer as the Election Commission deems proper for the further conduct and completion of the election.

(3) The provisions of these Regulations shall, as far as practicable, apply to every fresh poll in the same manner as they apply to an original poll.

[Ins. P.U.(A) 161/86]

Regulation 25. Counting of votes by presiding officer.

(1) No counting agent—

(a) whose name and address have not been notified to the presiding officer as required by subsection 14(1) of the Election Offences Act 1954; or

(b) whose name and address have been notified as such but is not permitted by the presiding officer to attend,

may be present at the counting of votes.

[Subs. P.U.(A) 176/1994]

(1A) Not more than one counting agent of each candidate may be admitted at a time to any polling station or place appointed for the official addition of votes.

[Ins. P.U.(A) 67/2004]

(2) No person other than—

(a) the members and officers of the Election Commission;

(b) the returning officer, the presiding officer and such other officers and staff appointed under regulation 12A;

(c) the candidates and their election agents and one counting agent of each candidate; and

[Am. P.U.(A) 176/1994, Am. P.U.(A) 67/2004]

(d) persons authorized in writing by the Election Commission,

[Ins. P.U.(A) 176/1994]

may be present at the counting of votes.

(3) Before the presiding officer proceeds to count the votes, he or the persons authorized by him shall, in the presence of each candidate or his election agent or counting agent who is present—

[Am. P.U.(A) 67/2004]

(a) open the ballot box; and

[Am. P.U.(A) 67/2004]

(b) compare the number of ballot papers in the ballot box with the statement in Form 13 referred to in paragraph 24(1)(c) in order to ascertain that all ballot papers are accounted for.

(4) If, in comparing the number of ballot papers with the statement in Form 13 aforesaid, it appears that the number of ballot papers in the ballot box exceeds the number stated to be therein according to such statement, the procedure described in the Third Schedule shall be adopted.

(5) The presiding officer while conducting the procedure described in the Third Schedule shall take all proper precautions for preventing any person who has not taken the oath of secrecy as prescribed by subsection 5(1) of the Election Offences Act 1954, from seeing the numbers printed in such ballot papers.

(6) The presiding officer or the persons authorized by him shall then proceed to count the ballot papers according to the votes by electors for each candidate and shall endorse the word "rejected" on any ballot paper which he may reject as invalid.

[(6) Am.P.U.(A) 193/2011]

(7) The presiding officer shall reject as invalid the following ballot papers only, namely, any ballot paper—

(a) which is not stamped or perforated with the official mark, or initialled by the presiding officer;

(b) on which votes are given for more than one candidate;

(c) on which anything is written or marked by which the voter can be identified;

(d) which is unmarked or marked other than in the place or manner provided; or

(e) which does not clearly indicate the intention of the voter:

Provided that if a presiding officer is satisfied that such ballot paper was issued in a state which would render it invalid under this regulation owing to some act or omission by him or a person acting under his authority, and if the ballot paper is otherwise valid, the presiding officer shall not reject such ballot paper.

(8) Notwithstanding paragraph (7)(d), where the presiding officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter and the candidate for whom he has given his vote, the presiding officer shall not reject the ballot paper on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under these Regulations.

(9) Before rejecting a ballot paper the presiding officer shall show it to each candidate, his election agent or counting agent, if present, and consider his views thereon.

(10) The decision of the presiding officer, whether or not any ballot paper shall be rejected, shall be final.

(11)[Deleted by P.U.(A) 67/2004]

(12) Subject to subregulation (13), the presiding officer shall, immediately after the completion of the counting of the votes—

(a) announce to every candidate or his election agent or counting agent who is present the number of votes given to each candidate;

[Am. P.U.(A) 67/2004]

(b) prepare a sufficient number of copies of the statement of the poll in Form 14 in the First Schedule, which shall be certified by the presiding officer and signed by each candidate or his election agent or counting agent who is present and who desires to sign the statement of the poll, as follows:

[Am. P.U.(A) 67/2004]

(i) one copy, for the returning officer, shall be enclosed in a special envelope supplied for the purpose, affixed with a security tape which shall be signed by the presiding officer; and

[Am. P.U.(A) 67/2004]

(ii) one copy shall be delivered to each of the candidates or his election agent or counting agent as attend;

(c) inform the returning officer, by any means available to him, of the result of the counting of votes at his polling station.

(13) Where the difference between the number of votes by electors for the leading candidate and the number of votes by electors for the next leading candidate is four per centum or less of the total number of votes by electors, then upon the application of either any candidate or of his election agent or counting agent a recount shall be made once only before the presiding officer carry out the proceedings set out in subregulation (12):

[(13) Am.P.U.(A) 193/2011]

Provided that the recount shall not take into account rejected ballot papers and spoilt ballot papers.

(14) The presiding officer may in his discretion order a recount to satisfy himself as to the correct result of the voting.

[Subs. P.U.(A) 164/2006]

Regulation 25A. Safe custody of election documents.

(1) On the completion of the counting of votes, the presiding officer shall, in the presence of each candidate or his election agent or counting agent who is present—

[Am. P.U.(A) 67/2004]

(a) make up the counted ballot papers and the rejected ballot papers into a single packet which shall be affixed with a security tape and the security tape shall be signed by the presiding officer and by each candidate or his election agent or counting agent who desires to sign on the security tape; and

[Subs. P.U.(A) 67/2004]

(b) enclose the statement in Form 13 referred to in paragraph 24(1)(c) in a special envelope and affix security tape to it.

[Am. P.U.(A) 67/2004]

(2) The packets referred in paragraphs (1)(a) and 24(1)(d)—

(a) shall be placed in the ballot box which shall be affixed with a security tape so that nothing can be inserted into or removed from it without breaking the security tape; and

(b) the security tape shall then be signed by the presiding officer and by each candidate or his election agent or counting agent who is present and who desires to sign on the security tape.

[Subs. P.U.(A) 67/2004]

(3) The presiding officer shall despatch or deliver in such manner as may be determined by the Election Commission—

[(3) Am.P.U.(A) 193/2011]

(a) the ballot box;

(b) the special envelope containing the statement in Form 13 referred to in paragraph (1)(b); and

(c) the special envelope containing the statement in Form 14 referred to in paragraph 25(12)(b),

in safe custody to the returning officer.

Regulation 25B. Postponement or adjournment of counting of votes.

(1) Where at any time after the close of the poll, owing to any cause whatsoever, the counting of the votes at the polling station cannot be started or has started but cannot be completed, the presiding officer shall postpone or adjourn such counting, as the case may be, and forthwith inform the returning officer of the constituency and each candidate or his election agent or counting agent of such fact.

[Am. P.U.(A) 67/2004]

(2) Where the ballot box has not been opened, the presiding officer shall forthwith despatch or deliver the ballot box together with the statement in Form 13 referred to in paragraph 24(1)(c) and the packet referred to in paragraph 24(1)(d) in safe custody to the returning officer.

[Am. P.U.(A) 67/2004]

(3) Where the ballot box has been opened, the presiding officer shall, in the presence of each candidate or his election agent or counting agent who is present—

[Am. P.U.(A) 67/2004]

(a) put back all the ballot papers into the ballot box, affixed with security tape which shall be signed by the presiding officer and by each candidate or his election agent or counting agent who desires to sign on the security tape; and

[Am. P.U.(A) 67/2004]

(b) forthwith despatch or deliver the ballot box together with the statement in Form 13 referred to in paragraph 24(1)(c) and the packet referred to in paragraph 24(1)(d) in safe custody to the returning officer.

[Am. P.U.(A) 67/2004]

(4) Where the counting of votes has been postponed or adjourned under this regulation, the returning officer shall, after consultation with the State Elections Officer, appoint a time and place at which the presiding officer will count the votes, and shall inform each candidate or his election agent or counting agent of such place and time.

[Ins.P.U.(A) 147/ 1990, Am. P.U.(A) 67/2004] [Am. P.U.(A) 164/2006]

Regulation 25C. Counting of votes of postal voters.

(1) The returning officer shall, as soon as practicable after the conclusion of the proceedings under regulation 17 of the Elections (Postal Voting) Regulations, make arrangements for counting the votes of postal voters in the presence of each candidate or his election agent or counting agent who is present, and shall inform the candidate or his election agent or counting agent of the time and place at which he will begin to count such votes.

[Am. P.U.(A) 67/2004]

(2) The provisions of regulation 25, other than paragraph 3(b), subregulations (4) and (5), shall apply in relation to the counting of votes of postal voters as if—

[Am. P.U.(A) 67/2004]

(a) references to a presiding officer were references to a returning officer;

(b) references to officers and staff appointed under regulation 12A were references to officers and staff appointed under regulation 25D;

(c) references to ballot papers were references to postal ballot papers; and

(d) references to Form 14 were references to Form 15.

(3) On the completion of the counting of the votes of postal voters, the returning officer shall put the counted ballot papers and the rejected ballot papers into separate packets, affixed with security tapes which shall be signed by the returning officer and by each candidate or his election agent or counting agent who is present and who desires to sign on the security tapes.

[Am. P.U.(A) 67/2004]

(4) The packets containing the counted ballot papers, the rejected ballot papers and the packets referred to in regulations 16 and 17 of the Elections (Postal Voting) Regulations shall be placed in the ballot box, affixed with security tape which shall be signed by the returning officer and by each candidate or his election agent or counting agent who is present and who desires to sign on the security tape.

[Subs. P.U.(A) 67/2004]

Regulation 25D. Proceedings of returning officer after return of ballot boxes, and official addition of votes.

(1) Subject to the general or special directions of the Election Commission, each returning officer shall appoint, and may revoke the appointment of, such officers or staff to assist him in the counting of the votes of postal voters and the official addition of votes.

(2) After the returning officer has completed the counting of the votes of postal voters for his constituency, the returning officer shall make arrangements for the official addition of the votes, and shall inform the candidates or their election agents of the time and place at which he will commence to add up the number of votes given to each candidate.

(3) No person other than—

(a) the members and officers of the Election Commission;

(b) the returning officer and such other officers and staff appointed under subregulation (1); and

(c) the candidates and their election agents,

[Am. P.U.(A) 176/1994]

may be present at the official addition of the votes, unless permitted by the returning officer to attend.

(4) At the place appointed for the official addition of the votes, the returning officer, in the presence of such of the candidates and their election agents as attend, shall—

(a) open the special envelope containing the official statement of the postal voting; and

(b) upon receipt of the special envelope containing the official statement of the poll despatched or delivered to him by each presiding officer, open the said envelope and examine the statement of the poll contained therein,

[Am. P.U.(A) 176/1994]

and subject to subregulation (4A), announce the number of votes recorded for each candidate in the statement of the poll contained in such envelope.

[Am. P.U.(A) 176/1994]

(4A) If, on the examination of the statement of the poll under paragraph 4(b), it appears to the returning officer that such statement is incomplete or there is an error or mistake in such statement, the returning officer, in the presence of such of the persons referred to in subregulation (4) as attend, shall—

(a) open the special envelope containing the ballot papers statement delivered or despatched to him and compare the official statement of the poll with the ballot papers statement contained in such envelope; and

(b) where necessary, amend the official statement of the poll and every such amendment shall be initialled by the returning officer and by such of the candidates or their election agents as attend and desire to initial the same.

[Ins. P.U.(A) 176/1994]

(5) After the returning officer has received the official statements of the poll from the presiding officers of all the polling stations in his constituency, the returning officer shall, in the presence of such of the persons referred to in subregulation (4) as attend, ascertain the total number of votes given to each candidate by officially adding up the number of votes recorded for each candidate in the said statements and in the official statement of the postal voting.

(5A) A candidate or his election agent may, after the completion of the official addition of votes, require the returning officer to have the number of votes recorded in the original

statement of the poll to be added up again but the returning officer may refuse to do so if in his opinion the request is unreasonable.

[Ins. P.U.(A) 176/1994]

(5B) [Deleted by P.U.(A) 164/2006]

(6) Where, on the official addition of the votes, there is an equality of votes between any candidates and the addition of a vote would entitle any of the candidates to be declared elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer, the candidates and their election agents as attend in such manner as the returning officer shall determine.

(7) Forthwith after the official addition of the votes, the returning officer shall declare as having been elected the candidate to whom the greatest number of votes is given.

[Ins.P.U.(A) 147/ 1990]

(8) It shall be the duty of the returning officer to keep order at the place appointed for the official addition of votes.

(9) If a person misconducts himself at the place appointed for the official addition of votes or fails to obey the lawful order of the returning officer, he may immediately by order of the returning officer, be removed from that place by a police officer on duty outside or near that place or by any other person authorized in writing by the returning officer to remove him, and the person so removed shall not, without the permission of the returning officer, again enter the place appointed for the official addition of votes until the completion of the addition of votes.

(10) Failure to obey the lawful orders of the returning officer shall be an offence punishable by a fine not exceeding three thousand ringggit.

[Ins. P.U.(A) 67/2004]

Regulation 25E. Disposal of ballot papers, etc.

(1) Upon the completion of the official addition of votes and after making his declaration under subregulation 25D(7), the returning officer shall—

(a) open all the ballot boxes affixed with security tapes pursuant to subregulation 25A(2);

(b) transfer all packets affixed with security tapes contained in the ballot boxes other than the packets containing—

(i) the unused and spoilt ballot papers;

(ii) the marked copies of the electoral rolls; and

(iii) the counterfoils of the ballot papers,

referred to in paragraph 24(1)(d) into a special box or boxes;

(c) affix security tape or tapes to the special box or boxes and sign on every such tape; and

(d) subject to regulation 26, retain the special box or boxes and its or their contents in safe custody until the expiration of the period specified for the presentation of an election petition under subsection 38(1) of the Election Offences Act 1954 and thereafter shall cause the contents of the special box or boxes to be destroyed unless otherwise directed by the Election Commission.

[Subs. P.U.(A) 67/2004][Am. P.U.(A) 164/2006]

(2) The returning officer shall then forward—

(a) the packet affixed with security tape containing the unused and spoilt ballot papers, the marked copies of the electoral roll and the counterfoils of the ballot papers referred to in paragraph 24(1)(d);

[Subs. P.U.(A) 67/2004]

(b) the statement of the poll in Form 14 referred to in paragraph 25(12)(b); and

(c) the envelope containing the statement in Form 13 referred to in paragraph 25A(1)(b),

to the State Elections Officer who shall, subject to regulation 26, retain the same in safe custody until the expiration of the period specified for the presentation of an election petition under subsection 38(1) of the Election Offences Act 1954 and thereafter shall cause them to be destroyed unless otherwise directed by the Election Commission.

[Subs. P.U.(A) 176/1994] [Am. P.U.(A) 164/2006]

(3) Notwithstanding paragraph (1)(d) and subregulation (2),

no—

(a) the contents of the special box or box; and

(b) packets, statements and envelope,

shall be destroyed if an election petition has been presented against the result of an election involving the special box or boxes and the contents of the special box or boxes or the packet, statement and envelope.

(4) The special box or boxes and the contents of the special box or boxes and the packet, statement and envelope shall be retained in the safe custody of the returning officer or the State Election Officer, as the case may be, until the completion of the trial of the election petition and its appeal.

[Ins. P.U.(A) 164/2006]

Regulation 25F. Declaration of win by political party.

After the completion of the official addition and the making of the declaration under subregulation 25D(7) in respect of all contested elections in the general election to the Dewan Rakyat or a State Legislative Assembly, the Election Commission may declare that a political

party who has nominated candidates to contest in the general election has won the election to the Dewan Rakyat or the State Legislative Assembly, as the case may be, where the political party has acquired a majority which exceeds fifty percent of the total seats that are allocated for the election to the Dewan Rakyat or the State Legislative Assembly.

[Ins. P.U.(A) 67/2004]

Regulation 26. Court order to copy or inspect election documents.

A Judge of the High Court may make an order that any ballot paper or other document relating to an election which has been kept in safe custody as required by regulation 25E be inspected, copied or produced at such time and place and subject to such conditions as he may deem expedient, but no such order shall be made unless the Judge is satisfied that such inspection, copy or production is required for the purpose of instituting or maintaining a prosecution or an election petition in connection with the election and except as aforesaid and as provided in the Third Schedule, no person shall be allowed to inspect, copy or have produced any such ballot paper or document after it had been transferred into a special box or boxes in pursuance of subregulation 25E(1).

Regulation 26A. Supply of copies and inspection of documents relating to an election.

(1) Where an election petition has been presented to the High Court under section 34 of the Election Offences Act 1954—

(a) the petitioner;

(b) the respondent to the petition; or

(c) an advocate authorized in writing by the petitioner or the respondent to act for the petitioner or the respondent, as the case may be, in the proceedings relating to the election petition,

[Am. P.U.(A) 67/2004]

may apply in writing to the Secretary to the Election Commission to be supplied with a copy of a document or of a part of a document, or to inspect a document or a part of a document, relating to the election for the constituency in respect of which the election petition has been presented, except a ballot paper (whether used, unused or spoilt), or a counterfoil of any such paper, or a marked copy of an electoral roll, or ballot paper accounts, or a declaration of identity, or a specimen of ballot paper, or an authority to vote at an alternative polling station, or an administrative record of the number of votes obtained for each candidate by each counting team at a counting place or a polling station, or an hourly record of votes, or any document referred to in paragraphs 24(1)(c) and (d), subregulation 25A(1), subregulation 25C(4) or regulation 25E, regardless whether or not the document which falls within these exceptions has been affixed with security tape or included in a packet affixed with security tape.

[Am. P.U.(A) 67/2004]

(2) The Secretary to the Election Commission may grant an application under subregulation (1), subject to such conditions as he may specify, if he is satisfied that the document in respect of which the application is made relates to the election for the constituency in respect

of which the election petition has been presented and that the document does not fall within any of the exceptions set out in subregulation (1).

(3) Where an application has been granted under subregulation (2), the applicant shall be allowed to inspect the document or part of the document, or be supplied with a copy thereof certified to be a true copy under the hand of an officer of the Election Commission authorized to do so by the Secretary to the Election Commission, upon payment of a fee of two ringgit per folio of one hundred words or part thereof.

(4) The foregoing provisions of this regulation shall be without prejudice to regulation 26.

[Ins. P.U.(A) 161/86]

Regulation 27. Publication of results and statement of poll in the Gazette.

The returning officer shall forthwith after making his declaration under subregulation 25D(7) duly complete the reverse of the writ issued to him under subregulation 3(1). At the same time he shall compile a statement of the poll in Form 16 in the First Schedule and shall forward both the writ and the statement to the Secretary to the Election Commission through the State Elections Officer. The Secretary to the Election Commission shall then cause the name of the member elected, together with such statement of the poll, to be published in the Gazette.

[Ins.P.U.(A) 147/ 1990]

Regulation 27A. Persons required to vote as advance voter.

(1) Any person who has registered as a Parliamentary or State elector under the Elections (Registration of Electors) Regulations 2002 and is-

(a) a person referred to in paragraph (a) in the definition of "absent voter " in regulation 2 of the Elections (Registration of Electors) Regulations 2002;

(b) a person referred to in paragraph (b) in the definition of "absent voter " in regulation 2 of the Elections (Registration of Electors) Regulations 2002;

(c) a member of any police force established by any written law in force in Malaysia, other than a member of the Police Volunteer Reserve Force; or

(d) the spouse of a serving member of the General Operation Force,

shall vote as an advance voter at an election in accordance with the procedure of voting as provided in these Regulations.

(2) A person referred to in paragraphs (1)(a) and (c) who is unable to vote on the advance polling day may apply to vote as a postal voter in accordance with Elections (Postal Voting) Regulations 2003;

(3) A person referred to in paragraphs (1)(a) and (c) whose application to vote as a postal voter as been approved in accordance with Elections (Postal Voting) Regulations 2003 is not entitled to vote in person on the advance polling day.

[Ins.P.U.(A) 113/2012]

THIRD SCHEDULE [Subregulation 25]

[Am. P.U.(A) 147/ 1990 ; Am. P.U.(A) 193/ 2011]

PROCEDURE TO BE FOLLOWED IF THE NUMBER OF BALLOT PAPERS FOUND IN A BALLOT BOX EXCEEDS THE NUMBER STATED TO BE THEREIN ACCORDING TO FORM 13

1. The presiding officer shall in the presence of each candidate or his election agent or counting agent cause the packet affixed with security tape referred to in paragraph 24(1)(d) to be opened and shall, by comparison of the number of unused and spoilt ballot papers with the number of ballot papers originally issued to such polling station, confirm the statement in Form 13. If it appears that an error has been made in the completion of Form 13, and if the presiding officer is satisfied that the number of ballot papers in the ballot box does not exceed the number of ballot papers duly issued at the polling station he shall order the counting of votes to proceed and shall reattach security tape to the packet.

[Am. P.U.(A) 147/ 1990, P.U.(A) 176/1994 , Am. P.U.(A) 67/2004]

2. If after completing the process described in paragraph 1 of this Schedule it appears to the presiding officer that there are more ballot papers in the ballot box than there were ballot papers issued at the polling station, the presiding officer or the persons authorized by him shall, in the presence of each candidate or his election agent or counting agent inspect the perforation, the initial or the official mark of the presiding officer concerned on the ballot papers one by one and shall extract any ballot paper which is not perforated, initialled or does not bear the official mark of the presiding officer concerned or which is perforated, initialled or marked otherwise.

[Am. P.U.(A) 147/ 1990, Am. P.U.(A) 67/2004]

3. When the presiding officer has extracted the ballot papers in accordance with paragraph 2 of this Schedule, he shall order the counting of votes to proceed.

[Am. P.U.(A) 147/ 1990]

4. The ballot papers extracted by the presiding officer shall be placed in a packet which shall then be affixed with security tape and the security tape shall be signed by the presiding officer and by each candidate or his election agent or counting agent who is present and who desires to sign on the security tape and forwarded as soon as practicable to the Election Commission and the Election Commission may open the packet and may cause such enquiry to be made as it deems fit. The Election Commission shall retain the extracted ballot papers for a period of six months and shall then cause them to be destroyed unless otherwise directed by a Judge of the High Court.

[Am. P.U.(A) 147/ 1990, P.U.(A) 176/1994, Am. P.U.(A) 67/2004]

Dated 3 December 1981

[SPR(S) 72/Jld.11; PN(PU2)178C/Pt.IX]

By direction of the Election Commission

ABDUL RASHID BIN HAJI ABDUL RAHMAN Secretary, Election Commission, Malaysia

[Am. P.U.(A) 80/1982]

[To be laid before the Dewan Rakyat as soon as possible, pursuant to section 17 of the Elections Act 1958]

[Am. P.U.(A) 258/1982]

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FEDERAL SUBSIDIARY LEGISLATION

ELECTIONS ACT 1958 [ACT 19]

P.U.(A) 185/2003

ELECTIONS (POSTAL VOTING) REGULATIONS 2003

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PART IV- OPENING OF POSTAL VOTERS' BALLOT BOX.

Regulation 14. [Opening of postal voters' ballot box.](#)

Regulation 15. [Opening of covering envelopes.](#)

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may be present at the proceedings on the issue of postal ballot papers or the opening of postal voters' ballot boxes.

(2) If a candidate appoints a person under paragraph (1)(c), he shall give notice of the appointment to the returning officer, stating the name and address of the person so appointed at any time during the issue of the postal ballot papers or the opening of the postal voters' ballot boxes, as the case may be.

(3) If the person referred to in subregulation (2) dies or becomes incapable of acting, the candidate may appoint another person in his place and shall forthwith give to the returning officer notice in writing of the name and address of the person so appointed.

(4) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorized to do, or may assist his agent in doing any such act or thing.

(5) Where in these Regulations any act or thing is required or authorized to be done in the presence of the candidates or their agents, the non-attendance of any such person or persons at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

See P.U.(B) 32/2013 – Notification under subregulation 3(3).

Regulation 6. Notice of issue of postal ballot papers.

(1) The returning officer shall give each candidate or his election agent not less than twenty-four hours' notice in writing of the time and place at which he will issue postal ballot papers.

(2) Where any subsequent issue of postal ballot papers is to be made, the returning officer shall notify each candidate or his election agent as soon as practicable of the time and place at which he will make such subsequent issue.

Regulation 7. Marking of postal ballot papers.

(1) Each postal ballot paper issued shall be perforated or stamped with the official mark or initialled by the returning officer and the name and number of the elector shall be called out.

[Am. P.U.(A) 165/2006] [Am. P.U.(A) 10/2013]

(2) A list shall be made of the persons to whom postal ballot papers have been sent but without showing the particular ballot paper issued.

(3) The number of postal ballot paper shall be marked in Form 2 and on the envelope A.

Regulation 8. Documents to be sent to postal voters.

The returning officer shall send to every postal voter the following documents:

- (a) a ballot paper;
- (b) Form 2;
- (c) an envelope A; and
- (d) an envelope B.

(9) Where the number on the Form 2, duly signed and authenticated, does not agree with the number on an envelope or that envelope A has no number on it, the returning officer shall open the envelope and shall—

(a) where the number on the Form 2 agrees with the number on the ballot paper, place the Form 2 in the receptacle for Form 2 and the ballot paper in the ballot box referred to in paragraph (8)(a); and

(b) where the number on the Form 2 does not agree with the number on the ballot paper or there is no ballot paper, mark on the Form 2 "vote rejected", attach to it the ballot paper, if any, and place it in the receptacle for votes rejected.

(10) Except for the purposes of ascertaining under subregulation (3) whether an envelope A contains a Form 2 or under subregulation (9) whether the number on the Form 2 agrees with the number on the ballot paper, the returning officer shall not open envelope A before it is due to be opened under regulation 17.

Regulation 16. Sealing up of rejected votes and Form 2.

On the conclusion of the proceedings under regulation 15, the returning officer shall put the contents of the receptacle for votes rejected and the contents of the receptacle for Form 2 into two separate packets and shall affix security tape on the packets.

Regulation 17. Opening of envelope A.

(1) After security tape has been affixed on the packets referred to in regulation 16, the returning officer shall open separately each envelope A placed in the receptacle for envelopes A.

(2) Where an envelope A does not contain a ballot paper, the returning officer shall mark on the envelope "empty".

(3) Where the number on an envelope A agrees with the number on the ballot paper contained in the envelope, the returning officer shall place the ballot paper in the ballot box referred to in paragraph 15(8)(a) and shall put aside the envelope for immediate destruction.

(4) Where the number on an envelope A does not agree with the number on the ballot paper contained in the envelope, the returning officer shall mark on the ballot paper "rejected" and attach the envelope A to it.

(5) The returning officer shall put into separate packets the envelopes marked "empty" and the ballot papers marked "rejected" and shall affix security tape on the packets.

PART V – GENERAL

Regulation 18. Procedure on the discovery of more than one ballot paper.

At any stage when envelopes are opened in accordance with subregulation 15(1), (3) or (9) or subregulation 17(1), it is discovered that there is more than one ballot paper in an envelope, the returning officer shall, after checking the number on the ballot paper with the number on the Form 2 or an envelope A, as the case may be, place the correct ballot paper in the ballot box referred to in subregulation 15(8) and retain the other ballot paper or papers together with all other documents and shall then make a statement of facts as discovered, witnessed by the candidates or agents present.

Regulation 19. Postal voter not to vote in person.

A postal voter shall not be entitled to vote in person on polling day.