



# Election Agent

A guideline produced by TINDAK MALAYSIA



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01


**Aim of the Publication**



# Aim of the Publication

1. **To assist** Election Agents about their roles and responsibilities
2. **To provide short and relevant** key points for all Election Agents
3. **To create awareness** about the importance of an Election Agent.





**02** **What is an Election Agent (EA)?**

# What is an Election Agent?

**An election agent** is a person appointed by a candidate that is contesting in an election under [Section 12 Election Offences Act 1954](#).

The appointed election agent will act on behalf of the candidate as well as overseeing the election campaign machinery on behalf of the candidate.





**03**

**Who can be an Election agent?**





# Who can be an Election Agent?

According to **Section 13 of the Election Offences Act** he or she must be...



A Malaysian citizen



At least 21 years of age



Not convicted of any offences involving dishonesty or violence or convicted of or has been released from prison after service a sentence of imprisonment within 5 years preceding the day of nomination of the election.



Not registered under the **Prevention of Crimes Act 1959 (Act 297)**



Not convicted under **Section 52(3) Societies Act 1966 (Act 335)** or an order made towards the person under **Section 66 (4) Societies Act 1966 (Act 335)**



Not an undischarged bankrupt



# Desired attributes of an Election Agent

To become an election agent, it is advised to have the following attributes



Uncompromising beliefs



Share the same core values as the candidate or political party or movement



Protect the interest of the candidate



Trustworthiness, wisdom and integrity



People and project management skills



Supervise Election and PACA directors



Skills in managing volunteers for your candidate



Being firm and assertive when difficult situation arises



# Desired attributes of an Election Agent

As an example, here are some practical situations faced by an Election Agent:

The presiding officer (Ketua Tempat Mengundi) refused to sign a Borang 14 and insists the election agent to leave the voting station.

As a responsible election agent you must stand your ground and inform any officer or person the relevant law to be carried out, here is an example of a statement useful in asserting your duty -

*“Tuan KTM diwajibkan mengikut peruntukan undang undang. Jika Tuan KTM menghalau saya dari tempat mengundi kerana enggan mengisi borang 14, saya akan membuat satu laporan polis dan akan memastikan tindakan mahkamah diambil terhadap Tuan KTM kerana melanggar Elections (Conduct of Elections) Regulations 1981. Saya akan meminta pihak polis untuk menahan Tuan KTM.*

*Tujuan saya bukan untuk buat kecoh. Saya hanya mahu Tuan KTM ikut peraturan SPR.”*



# Desired attributes of an Election Agent

Please watch our webinar titled “PACA - Relating to Election Stakeholders” on **TINDAK Malaysia** Facebook page where one of our guest speakers shared a footage of a dispute between SPR officer and an Election agent.

FB link (Timestamp: 1:46:30)

<https://www.facebook.com/TindakActionMalaysia/videos/349721580355547>

QR code for those with a physical copy:





04

## The duties of an Election Agent





## Roles, Responsibilities and Rights

As an Election agent you will need to be familiar with the **3Rs**:

- **Roles:** To ensure the appointment of PACABAs and the nomination of a candidate.
- **Responsibilities:** To conduct and oversee the campaign management of the candidate
- **Rights:** To be familiar with the rights granted by law for an Election Agent.



# PACABA recruitment and deployment

**PACABA** stands for Polling agent, Counting agent and Barung agent. These three roles are an important part of the election machinery in an election. They are responsible for safeguarding the sanctity and integrity of an election as well as the interests of the candidate that they represent.

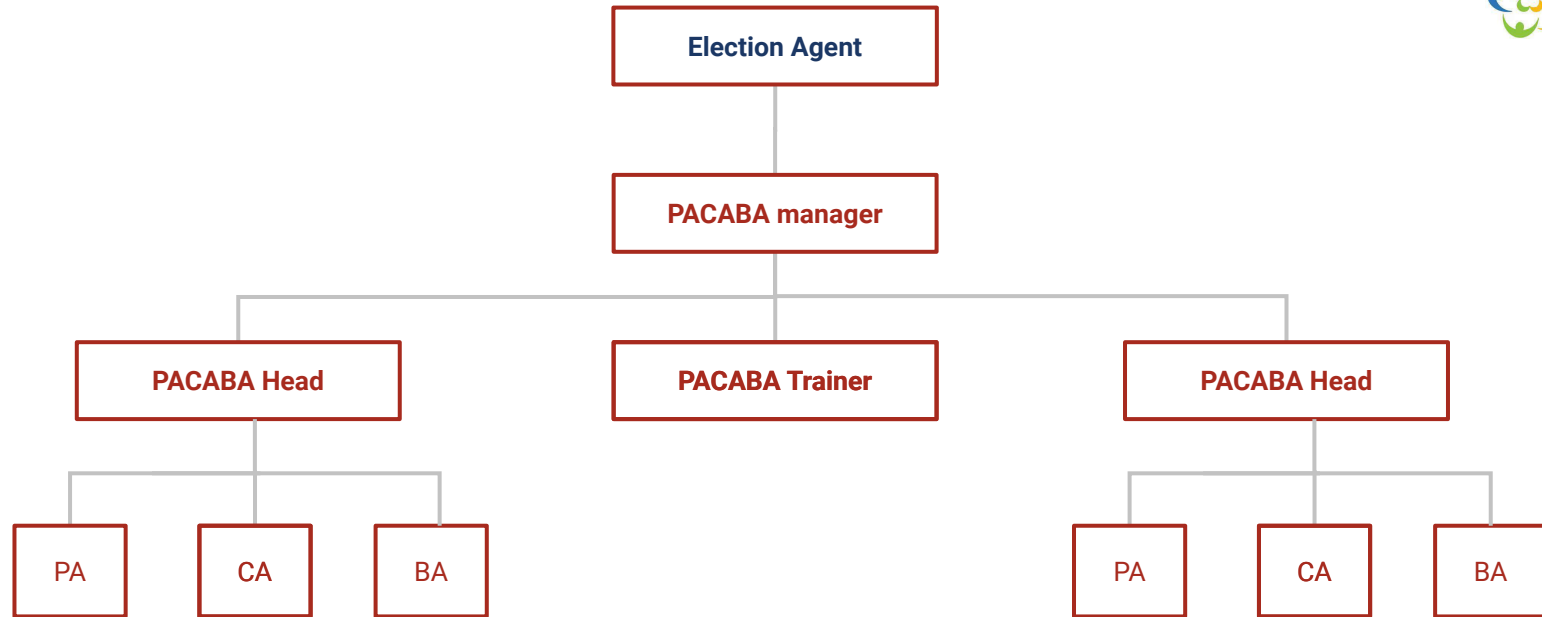
An Election Agent must prioritize and secure the appointments of these persons people for the following roles:

- **PACABA manager:** Oversee PACABA training and/or assign volunteers roles accordingly.
- **PACABA trainer:** Conduct PACABA training and ensuring the training is being carry out effectively.
- **PACABA head:** To lead PACABA in each polling streams and expected to be an all rounder and able to assist during any emergency.

\*\*NOTE: PACABA trainer and manager can be the same person.



# PACABA recruitment and deployment





# PACABA recruitment and deployment

## The appointment of PACABA.

The election agent must ensure the following documents are carried by the PACABA agents

-  **Identification card**
-  **Pas Petugas (SPR issued tag)**
-  **Surat Lantikan (Letter of Appointment) signed by the candidate or the Election Agent**
-  **Borang Sumpah Kerahsiaan (Borang A) (Oath of Secrecy, Form A)**

PACABA must obtain a SPR issued tag, the Letter of appointment, Form A and a passport size photo must submit to the Returning officer.



The original Form A must be kept by the Election Agent and given to the PACA





# PACABA recruitment and deployment



Source: Suruhan Pilihan Raya Malaysia: Akedemi Pilihan Raya, [PERANAN PETUGAS PARTI POLITIK\\_20 Jan](#)

# PACABA recruitment and deployment

**Once the appointment of PACABA is finalized**, the PACABA manager and the Election Agent must prepare the above documents to be submitted to the Returning officer and the Presiding Officer (KTM) in accordance with -

## **Section 14 (1) (a) and (c) of the Election Offences Act 1954, Sections 15(5) and 25 (1) Elections (Conduct of Elections) Regulations**

- Election Agent/Candidate inform the **presiding officer (KTM)** in writing of the polling agents, counting agents and booth observers that are appointed.
- The **returning officer** shall be informed by the Election Agent/ Candidate in writing of the name and address of the polling agents and counting agents that are appointed.



# PACABA recruitment and deployment



## Booth Observers (Pemerhati Barung)

Booth observers also known as Barung Agents are appointed by Election Agents to act as observers at the booths on behalf of the candidate to observe the process of verifying the voters' identity by the Kerani Penyemak Daftar Pemilih (KPDP) in accordance with the electoral roll. **Section 26A(2) Election Offences Act 1954**



**Source:** Suruhan Pilihan Raya Malaysia: Akedemi Pilihan Raya, [PERANAN PETUGAS PARTI POLITIK\\_20.jan](#)

# PACABA recruitment and deployment

## Pre -polling planning for PACABA team.

Never TOO early in establishing your PACABA database where sufficient time is a good advantage when it comes to organizing your volunteers. **Here are some important tips you should take note of:**

- **To estimate how many PACABA** you should recruit based on the updated electoral roll.
- **PACABA recruitment need constant monitoring** and will not finalize until the polling day as some volunteers will drop out or join in.
- **PACA work and administration work should be separated** or evenly distributed to ensure there is no excessive workload on the volunteers.
- **Check the electoral rolls regularly** to plan your PACABA deployment, as certain polling districts may need priority in monitoring the election processes.



# PACABA recruitment and deployment

## Pre -polling planning for PACABA team.

- **Pinpoint suspicious trend in the electoral rolls** and monitor irregular spikes in voter. This is crucial in deciding how you field your PACAs
- **Check the commitments of your PACAs** to ensure that they have minimal chances in not showing up during polling day.



*For example you could have a questionnaire via google form every few weeks for existing PACA volunteers to confirm their commitments leading up to polling day.*

- **Knowing your PACA shortfalls** will allow you to establish your backup teams in case there are no shows or any last minute surge of volunteers for you to redirect them to districts that are lacking in PACAs.

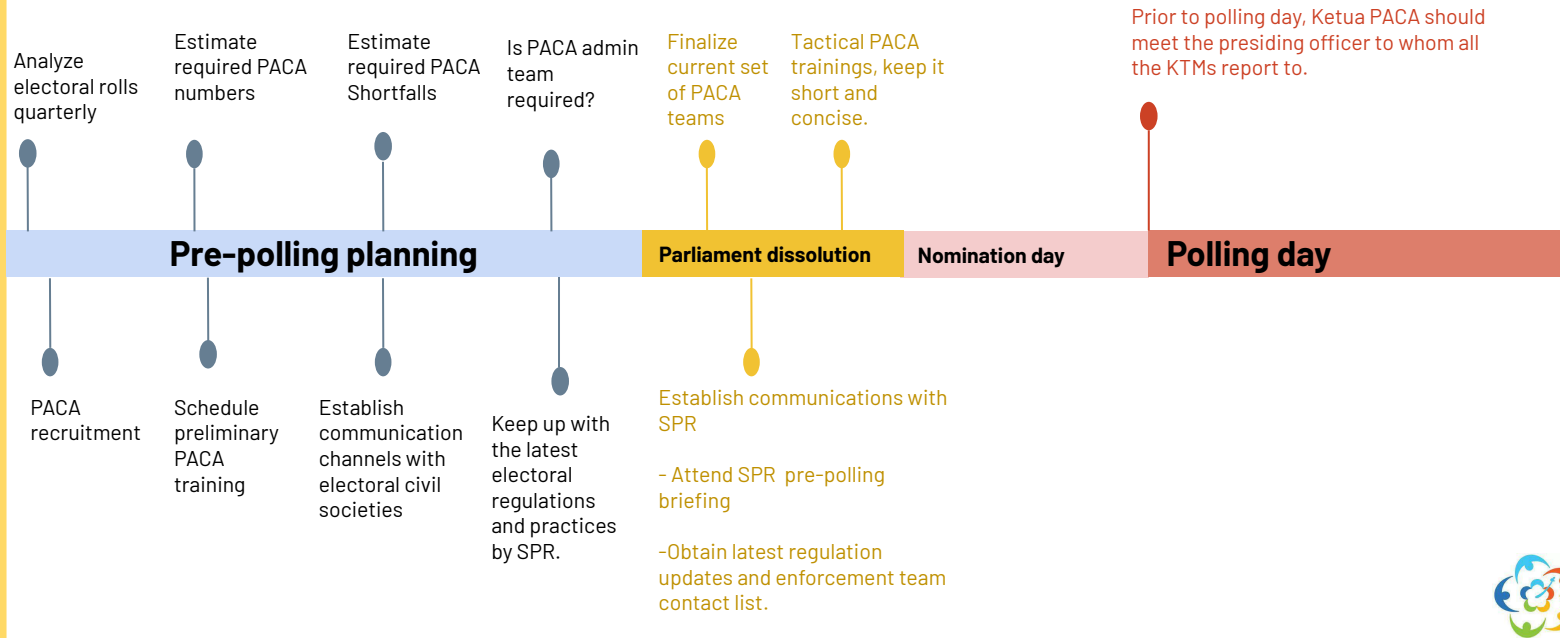


*For example you could chart out your volunteers based on polling day's hourly shift of 2 hours( in total of 4 Shifts for the day). The empty shifts are your shortfall.*



# PACABA recruitment and deployment

## A timeline on planning your PACABA team





# PACABA recruitment and deployment

## PACA Training

- The training must be conducted in a consistent and simplified manner, as the election laws and regulations are not widely known by most PACA volunteers. This is to ensure that PACA volunteers are well versed with the relevant election laws
- Role plays and simulations are crucial to provide hands-on training and to familiarize the PACA volunteers about their roles and responsibilities on polling day.



*To ensure that the PACA training is conducted in an interactive manner, the training can be done via a combination of **online and physical training sessions**. The use of online tools are required to maximize the turn out of volunteers.*



*There are several online tools you can use for free to help improve the training experience such as Discord, Notion, Slack, Google related office tools. (G-Docs, G-Slides, G-Sheets, G-Classroom and etc)*



*Collaborate with civil societies or NGOs to carry out certain trainings.*



# Management of Candidate Election Machinery

As an Election Agent, you are the **representative of the candidate**. While the candidate is focusing on being the face of the election, the Election Agent needs to work behind the scenes to ensure the smooth running of the election machinery.

## Here are the most important tasks you should focus on:



Validate and verify your teams, i.e: PACAs and Admins



Oversee logistics such as items to be purchase, transportation and time schedules.



Signature on all relevant forms. Pay attention to any important forms such as **Form A** and **letter of appointment**



Prepare and submit election finances incurred by candidate to the SPR after the election day is gazetted within 30 days.



Preparation of PACABA lists for Ketua Tempat Mengundi.



Keep paper trails for any petition filings and financial submission.



# Management of Candidate Election Machinery



Ensure the complete paperwork and payments for Candidate nomination



Collect Electoral Rolls from the Returning Officer (RO) and ensure that polling arrangements are acceptable



Verify the final locations of polling and counting stations and to negotiate polling stations closing time with RO.



Liaise with RO on any arising issues and collect **Borang 13 & 14** for the final count



PACABA kits are prepared and distributed to the volunteers.



Appoint and register PACABA & associated persons to arrange for PACABA trainings.



Meeting with RO to come to an agreement and understanding on certain issues for the purpose of all the KTM to have the same understanding. This is to avoid misinterpretation such as PA is only allow to serve a maximum of 2 hours.



# Management of Candidate Election Machinery

## Form 13 of the Schedule 1 of the Elections (Conduct of Elections) Regulations, 1981

Form 13 is a ballot paper statement showing the amount of ballot papers received from the returning officer and the amount of ballot papers issued to the voters. It is to show the number of unused ballot papers and spoiled ballot paper - "Kertas Undi Rosak".

Form 13 will show the the total number of ballot papers to be accounted for in the ballot box after the close of polling.



The original Form 13 shall be retained by the presiding officer (KTM) who must complete and verify the form. The **PACAs who are present can sign the form** according to Regulation 24(1)(c) of Elections (Conduct of Elections) Regulations 1981

In practice, the PACAs are permitted by the presiding officer (KTM) to copy the details of the Form 13 in the PACA's own copy of Form 13. **It is important to ensure that all PACAs have their own copies of Form 13.**



# Management of Candidate Election Machinery

*Peraturan-Peraturan Pilihan Raya  
(Penjalanan Pilihan Raya)* 73  
AKTA PILIHAN RAYA 1958

**PERATURAN-PERATURAN PILIHAN RAYA  
(PENJALANAN PILIHAN RAYA) 1981**

Borang 13  
[Subperaturan 24(1)]

**PENYATA KERTAS UNDI**

Nama Pusat Mengundi..... No. Tempat Mengundi (Sahran).....  
No. Kod Daerah Mengundi.....  
Bahagian Pilihan Raya.....

A - Bilangan kertas undi yang diterima daripada Pegawai Pengurus

| No. Siri Kertas Undi |        | Bil. Kertas Undi | No. Siri Kertas Undi |        | Bil. Kertas Undi |
|----------------------|--------|------------------|----------------------|--------|------------------|
| Dari                 | Hingga |                  | Dari                 | Hingga |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
| Jumlah (a)           |        |                  | Jumlah (b)           |        |                  |

Jumlah keseluruhan kertas undi yang diterima daripada Pegawai Pengurus ((a)+(b)) = \_\_\_\_\_

74 *Undang-Undang Malaysia P.U. (A) 386/1981*

B - Bilangan kertas undi yang dikeluarkan kepada pengundi

| No. Siri Kertas Undi |        | Bil. Kertas Undi | No. Siri Kertas Undi |        | Bil. Kertas Undi |
|----------------------|--------|------------------|----------------------|--------|------------------|
| Dari                 | Hingga |                  | Dari                 | Hingga |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
|                      |        |                  |                      |        |                  |
| Jumlah (c)           |        |                  | Jumlah (d)           |        |                  |

Jumlah keseluruhan kertas undi yang dikeluarkan kepada pengundi (c)+(d) = \_\_\_\_\_

C - Bilangan "kertas undi rosak" (Kertas undi yang dipulangkan kepada ketua tempat mengundi yang telah dibatalkan dan ditanda "ROSAK" oleh ketua tempat mengundi dan tidak dimasukkan ke dalam peti undi) \_\_\_\_\_

D - Bilangan kertas undi yang tidak digunakan (A-B) \_\_\_\_\_

E - Jumlah kertas undi yang patut berada di dalam peti undi (A-C-D) \_\_\_\_\_

*Peraturan-Peraturan Pilihan Raya  
(Penjalanan Pilihan Raya)* 75

Saya memperakui bahawa penyata di atas adalah betul.

.....  
Tandatangan

Bertarikh.....  
Nama Ketua Tempat Mengundi

| Name Calon atau Ejen Pilihan Raya atau Ejen Tempat Mengundi | No. K/P | Parti/Bebas | Tandatangan |
|---|---------|-------------|-------------|
|   |         |             |             |
|   |         |             |             |
|   |         |             |             |
|   |         |             |             |
|   |         |             |             |

Sample of Form 13

# Management of Candidate Election Machinery

## Form 14 of the Schedule 1 of the Elections (Conduct of Elections) Regulations, 1981

A statement of the poll after counting the ballot papers. It shows the total number of ballot papers to be accounted for in the ballot box as stated in Form 13 and the total amount of counted votes. This excludes all the rejected ballot papers.

- After the completion of the counting of the votes, the KTM must prepare copies of Form 14. The Form 14 must be certified by the KTM and signed by each candidate or his election agent or counting agent who is present.
- 1 copy of the Form 14 must be delivered to the returning officer which must be enclosed in a special envelope that is supplied and signed by presiding officer.
- 1 copy of the Form 14 must be delivered to each of the candidate or his election agent or counting agent who is present.
- This is in accordance with Section 25 (12)(b) Elections (Conduct of Elections) Regulations, 1981.





# Management of Candidate Election Machinery



## Designated driver during polling day.

As there can only be ONE Election Agent for each candidate, all Election Agents are advised to have a driver in order to travel more quickly in responding to emergencies that requires your presence.

Please watch our webinars titled “Election Agent - PACABA” on TINDAK Malaysia Facebook page where one of our guest speakers shared his experience in having a driver for his work as an Election Agent.

FB link (Timestamp: 28:49 - 35:00)

[https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=536910934292326](https://www.facebook.com/watch/live/?ref=watch_permalink&v=536910934292326)

QR code for those with a physical copy:

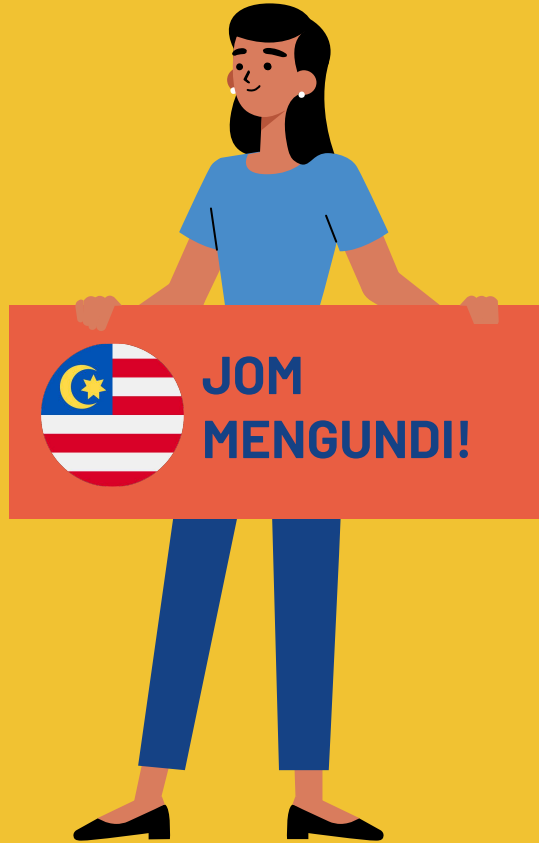






**05**

**EA relationship  
with the various  
stakeholders.**



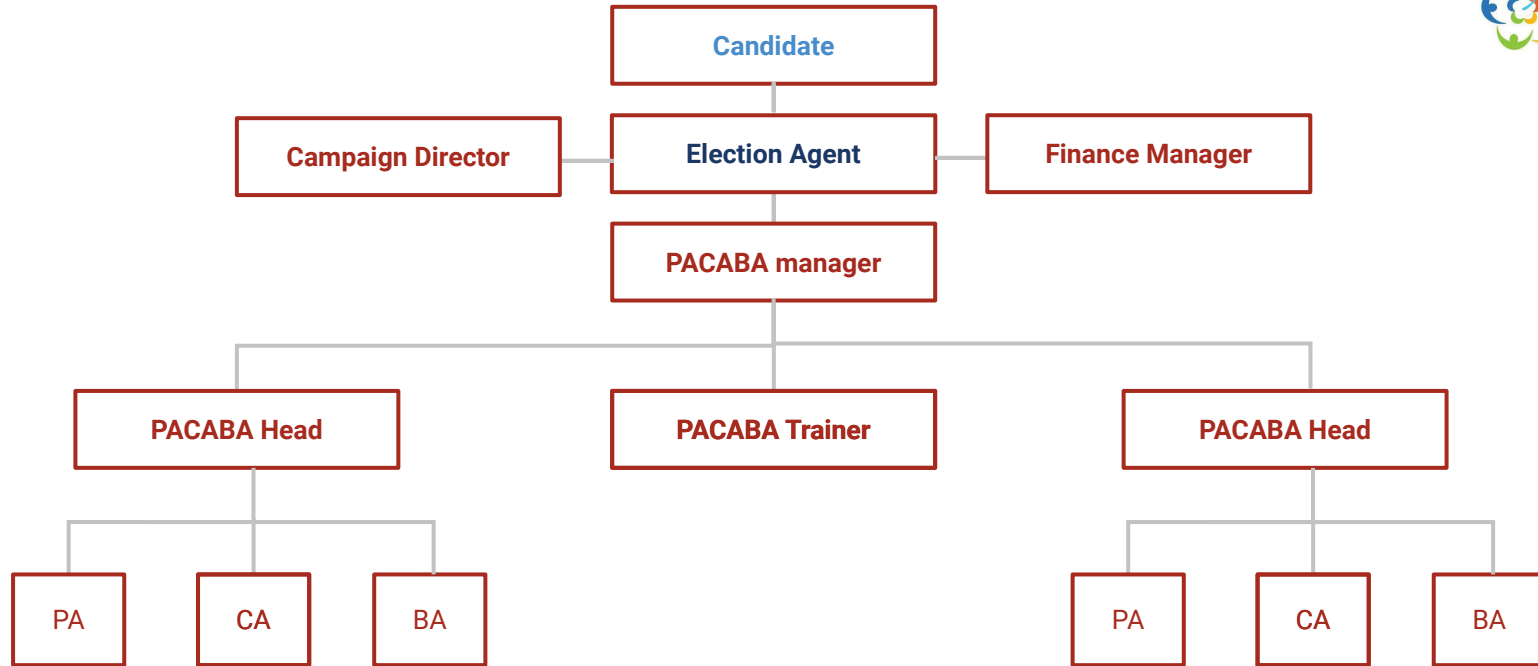


## Candidate Machinery

The candidate's election machinery does not consist of just the Election Agents and the PACABAs, but also include other following roles:

- Campaign Director
- Finance Manager
- Admin clerks

# Candidate Machinery





# Support your team

The candidate's election machinery consists of volunteers who are passionate about the cause of the political party.

Do provide adequate **support** to your candidate's team.

Picture credits to Shafwan Zaidon  
(<https://malaysia.news.yahoo.com/pakatan-hopeful-claims-polling-agent-070838067.html>)

## SPR Machinery

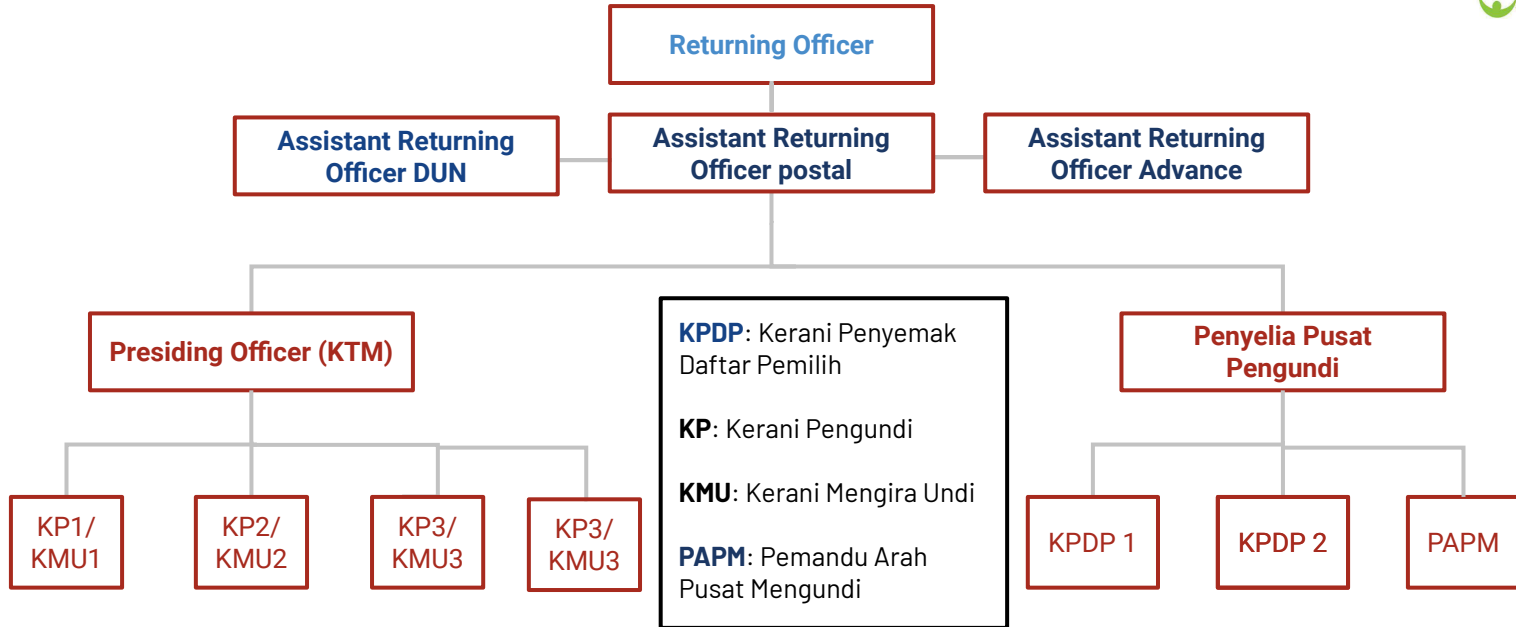


**Suruhanjaya Pilihan Raya Malaysia (SPR)** or Election Commission (EC) is responsible for the conduct of elections in Malaysia.

It is important to know about the EC's key roles in carrying out elections and to keep in mind **to maintain friendly relations with all parties involved** in order to minimize the chances of unnecessary confrontation.



# SPR Machinery



# SPR Machinery

- **Returning Officer (Pegawai Pengurus):** Appointed by the Election Commission under [Section 3\(1\) Election Act 1958](#). This person is in charge of overseeing the conduct of polling, counting process and to decide validity of ballot paper. A returning officer is subject to the control, supervision and direction of the Election Commission under [Section 4\(2A\) Elections Act 1958](#).
- **Presiding Officer (Ketua Tempat Mengundi):** Appointed by the returning officer under [Section 12 of Election Regulations 1981](#) to preside at a polling station
- **Penyelia Pusat Mengundi:** Appointed by the Returning officer for the purposes of supervising and making sure the readiness of a polling centre during the election. This person is responsible to provide briefings to the KPDP and PAMP about their respective tasks.
- **Pemandu Arah Pusat Mengundi:** To guide voters to the SPR barung and the polling centre, responsible for ensuring that the COVID-19 SOPs are complied with, to ensure that non-authorized persons are not permitted to enter the polling centre. This person is also tasked to provide any help to voters or other election officers.



# Other Stakeholders

## Enforcement Team (Pasukan Penguatkuasa)

Part IVA of the Election Offences Act 1954 states the laws on Enforcement team.

- The establishment of enforcement team by the EC as required under Section 27B Election Offences Act 1954.
- The enforcement team under Section 27(C) Election Offence Offences Act 1954 also consists of a political party's representative who is appointed in writing by the candidate of his election agent.
- The main function of the enforcement team is to monitor and control the activities of the candidates to ensure that the election laws and regulations are complied with.

## Police force (Ketua Polis Daerah/Wakil PDRM)

## Local Authorities (Pihak Berkuasa Tempatan)







06

**Nomination Day**



# Nomination day

**Prior to nomination day**, the Election agent must do the following to secure the nomination of their candidate.



**The nomination papers** for the candidate to submit (refer to the next slide)



**Election deposit** of RM 10,000.00 for parliamentary seat or RM 5000.00 for state assembly seat in accordance with **Section 5(1) Election (Conduct of Elections) Regulations 1981**



**Campaign materials deposit** of RM 5000.00 for parliament seat and RM 3000.00 for state assembly seat in accordance with **Section 24B Election Offences Act 1954**



# Nomination day

**The set of documentation for nominating your candidate**, this is usually sold at the state district office prior to election day.

## Schedule 1 of Election (Conduct of Elections) Regulations 1981

- **Form 4 | 4A** : Nomination paper
- **Form 5 | 5A** : Statutory Declaration of a person nominated as a candidate for election as a member of the dewan rakyat.

## Election Offences Act 1954

- **Form A**: Oath of Secrecy

## Form SPR

- **Form SPR 766** (Borang Maklumat Tambahan Calon)
- **Form SPR 715** (Borang Deposit Bahan Kempen Pilihan Raya)
- Contoh Pengisian Borang Penamaan Calon



# Nomination day

- **Surat Kebenaran Menggunakan Simbol Parti:** An official letter from the party the candidate represent must be signed by the party officer responsible for allowing the candidate to use the party symbol in accordance with [Section 11\(2\)\(d\) of the Election Regulations \(Conduct of Elections\) Regulations 1981](#)
- **Resit Deposit Pilihan Raya:** An official receipt obtain by submitting your election deposit to the Returning officer or the state election office.
- **Resit Deposit Bahan Kempen Pilihan Raya (If any)**
- **Identification Card**

## **Qualification for proposer, seconder and witness (Pencadang, Penyokong dan Saksi) of the candidate.**

- The proposer and seconder must be a registered voter from the area of parliamentary/state assembly election.
- The witness must be a Malaysian and age 21 and above.
- Sign on the nomination papers of the candidate



# Nomination day

## Nomination paper (Form 4 | Form 4A)

**KERTAS PENAMAAN**

1 Bahagian Pilihan Raya Parlimen\* .....

---

(1) **BUTIR-BUTIR CALON**

2 Nama Penuh : .....  
(Huruf Besar)

No. K.P.\*\* : .....

3 Nama lain, jika ada †: .....

Pekerjaan, jika ada †: .....

4 Alamat Tempat Tinggal : .....

5 Alamat Surat-Menyurat : .....

---

1. **Bahagian Pilihan Raya Parlimen** : Fill up with the code or name of the area, for example, PEKAN or P.065 PEKAN
2. **Nama**: Following the exact same as your IC, no honorary or academic titles (I.e: Dato, Prof)
3. **Nama Lain**: If the candidate has other names known by the public, it is permissible to use.
4. **Alamat Tempat Tinggal**:
  - **Parliamentary seat**: Same as IC and allow to use his/her current residence anywhere in Malaysia.
  - **State Legislature seat**: The candidate's IC must show the same as the address in the state where the candidate is contesting.
1. **Alamat Surat Menyurat**: Postal address of the candidate within the state in which the candidate is contesting.



# Nomination day

## Nomination paper (Form 4 | Form 4A)

5

### (2) BUTIR-BUTIR PENCADANG DAN PENYOKONG

|           | Nama dalam huruf besar | No. K.P.** |
|-----------|------------------------|------------|
| Pencadang |                        |            |
| Penyokong |                        |            |

Kami, yang bertandatangan di bawah, pemilih bagi Bahagian Pilihan Raya yang tersebut di atas menamakan orang yang butir-butirnya disebut di atas sebagai seorang yang layak dan sesuai untuk berkhidmat sebagai seorang ahli Dewan Rakyat bagi Bahagian Pilihan Raya tersebut dan kami memperakui bahawa sepanjang yang kami percaya dia layak untuk dipilih menjadi seorang ahli mengikut Perlembagaan Persekutuan Malaysia.

.....  
*Tandatangan Pencadang*

.....  
*Tandatangan Penyokong*

6

(3) Nama calon yang akan dicetak pada kertas undi\*\*\*: .....

(4) Saya dengan ini bersetuju dengan penamaan yang tersebut di atas.

.....  
*Tandatangan Calon*

Ditandatangani oleh calon yang dinamakan di atas di hadapan:

.....  
(Nama Saksi)

No. K.P.\*\*

Bertarikh ..... 20.....

.....  
*Tandatangan Saksi*

5. **Butir- Butir pencadang dan penyokong:** Details of the proposer and seconder must be the same as IC

6. **Nama pada kertas Undi:** The name used by the candidate on the ballot paper.



# Nomination day

## Sample of Form 5, Form A, Form SPR 766 (Borang Maklumat Tambahan Calon/Ejen Pilihan Raya)

DUTI SETIM  
DIKECUALIKAN

AKTA PILIHAN RAYA 1958  
PERATURAN-PERATURAN PILIHAN RAYA  
(PENJALANAN PILIHAN RAYA) 1981  
BORANG 5  
[Subperaturan 4(7)]  
**AKUAN BERKANUN ORANG YANG DINAMAKAN  
SEBAGAI CALON PILIHAN RAYA BAGI AHLI  
DEWAN RAKYAT**

Saya, .....,  
dengan sesungguhnya dan sebenarnya mengaku bahawa:

- Saya berkelayakan dengan sewajarnya untuk dipilih sebagai seorang ahli Dewan Rakyat mengikut Perlembagaan Malaysia.
- Saya tidak hilang kelayakan menurut mana-mana peruntukan Perlembagaan tersebut atau mana-mana undang-undang bertulis yang lain untuk dipilih sebagai seorang ahli Dewan Rakyat.

Saya membuat akuan ini dengan kepercayaan bahawa apa-apa yang tersebut di dalamnya adalah benar, serta menurut kuasa Akta Aakuan Berkanun 1960.

Diperbuat dan dengan sebenar-benarnya  
diakui oleh yang tersebut namanya di  
atas..... di  
..... di dalam  
Wilayah Persekutuan/Negeri .....,  
pada ..... hari bulan  
..... 20.....

Di hadapan saya

.....  
*(Tandatangan Hakim Mahkamah Syariah,  
Majlisray, Pesuruhjaya Sampul,  
Pegawai Pilihan Raya Negeri bagi Negeri  
yang dalamnya Bahagian Pilihan Raya yang  
orang itu bertanding bertuk, atau pegawai  
pengurus bagi Bahagian Pilihan Raya itu)*

Tandatangan Calon

AKTA KESALAHAN PILIHAN RAYA 1954  
BORANG A  
[Subsekayen 5(1)]  
BORANG SIMPAH KERAHSIAAN

Saya, ....., No.  
Kad Pengenalan.....beralamat.....  
bersumpah bahawa saya tidak akan melakukan dalam pilihan raya bagi bahagian  
pilihan raya/kawasan pilihan raya.....  
apa-apa perkara yang ditegah oleh seksyen 5<sup>a</sup> Akta Kesalahan Pilihan Raya  
1954 [Akta 5], yang telah dibacakan kepada saya.

Bertarikh ..... 20 .....

.....  
*Tandatangan orang yang  
mengangkat sumpah*

Di hadapan saya

.....  
*Tandatangan*

*Pengerusi atau Anggota Suruhanjaya Pilihan Raya  
Setiausaha Suruhanjaya Pilihan Raya  
Pegawai Pilihan Raya Negeri  
Pegawai Yang Hak*

Seksyen ini membolehkan dibacakan kepada pembuat akuan oleh orang yang bertanggungjawab akuan itu.

**Borang Maklumat Tambahan Calon/Ejen Pilihan Raya**

**1. Maklumat Calon**

Nama .....  
No. Kad Pengenalan .....  
Jantina .....  
No. Telefon (Rumah) .....  
No. Telefon Bimbit .....  
No. Telefon (Pejabat) .....  
E-mel (jika ada) .....

GAMBAR CALON  
(GAMBAR UKURAN  
PASPORT)

**2. Maklumat Ejen Pilihan Raya**

Nama .....  
No. Kad Pengenalan .....  
Jantina .....  
Alamat  
(Seperti Pada Kad  
Pengenalan) .....  
Alamat  
(Surat-menyurat) .....

GAMBAR EJEN  
PILIHAN RAYA  
(GAMBAR UKURAN  
PASPORT)

No. Telefon (Rumah) .....  
No. Telefon Bimbit .....  
No. Telefon (Pejabat) .....  
E-mel (jika ada) .....

### Source (starting from the left)

First schedule SubRegulation 4(7) Form 5 of Elections Elections (Conduct of Elections) Regulations 1981

First schedule Subsection 5(1) Form A of Election Offences Act 1954

# Nomination day

**The documentation of nomination is to be submitted before 10:00 in the morning.** After the closing of submission of candidate nomination, the presiding officer shall announce the closure.

The presiding officer shall inform to the rejected candidate and it's justification as well as the accepted candidate. A cop of "diterima" or "ditolak" shall be shown.

**TEKS PENGUMUMAN WAKTU PENUTUPAN  
PENYERAHAN KERTAS PENAMAAN CALON**

Saya .....selaku Pegawai Pengurus Bahagian Pilihan Raya P..... /N ..... dengan ini mengumumkan bahawa tempoh penyerahan kertas penamaan calon telah tamat. Pengumuman keputusan pertandingan akan dilakukan selepas ini.

Sekian untuk makluman, terima kasih.







**07**

**Polling Day**



# Polling day

**On polling day:** The visitation to the polling centres is important to keep tabs on the work being done and ensure compliance to election laws. It is best to visit the polling centres before polling day to know how much time you need to visit each *salurans*, if possible.

Ensure that your PACA agents have their own **Form 13** at the start of the polling day and the end of polling day. **Form 13** is crucial to show how many ballot papers are issued in order to correspond with **Form 14** at the end of the counting of all the votes.

Please refer to slides 27 to 32 for information on **Form 13** and **Form 14**.



# Polling day

## Gazetted notices of Elections.

The gazetted notices are crucial information that is released by the SPR on matters such as time of voting.

For example, in the 2022 Johor State Election, the time period of voting is not being observed closely by political parties which results in non communication to the voters by the candidates.

Therefore it is important for Election agents to monitor any gazetted notices up until the polling day.

### DAP candidate shocked EC closing some polling stations earlier

B Nantha Kumar

Published: Mar 12, 2022 5:01 PM - Updated: 6:19 PM

**JOHOR POLLS** | The decision by the Election Commission (EC) to close earlier several polling centres in the Johor election, with the excuse of a low number of voters in the area is a shocking one, said DAP's M Kanan.

When contacted, Kanan, who is a candidate for the **Bekok** state seat, confirmed that at least three polling centres were closed at 2pm while one was closed at 4pm.

Source: MalaysiaKini  
(<https://www.malaysiakini.com/news/614134>)



# Polling day



Visit [Federal Legislation Portal Malaysia](https://www.federallegislation.gov.my) and look for “Subsidiary Legislation, P.U.(B)”

**FEDERAL LEGISLATION** HOME FEDERAL CONSTITUTION ACT SUBSIDIARY LEGISLATION

**P.U.(B)** Home / P.U.

Showing 1 to 10 of 94 entries

SHOW 10 ENTRIES SEARCH: Notis pilihan raya

| Publication Date | P.U.No.          | Title  | Status of Legislation | Related Legislation | Date of Commencement | Download |
|------------------|------------------|--|-----------------------|---------------------|----------------------|----------|
| 04/03/2022       | P.U.(B) 133/2022 | NOTIS PILIHAN RAYA YANG DIPERTANDINGKAN - DEWAN NEGERI BAGI NEGERI JOHOR<br>AKTA 19 - AKTA PILIHAN RAYA 1958<br><br>NOTICE OF CONTESTED ELECTION - LEGISLATIVE ASSEMBLY FOR THE STATE OF JOHORE<br>ACT 19 - ELECTIONS ACT 1958 | Principal             |                     | -                    |          |
| 10/12/2021       | P.U.(B) 661/2021 | NOTIS PILIHAN RAYA YANG DIPERTANDINGKAN - DEWAN UNDANGAN BAGI NEGERI SARAWAK<br>AKTA 19 - AKTA PILIHAN RAYA 1958   | Principal             |                     | -                    |          |



QR code for the portal.

# Polling day



## Contact information of the Returning Officer

The election team of your candidate should be make known of the basic contact information of the returning officers.

This is to make your team members to respond to emergencies involving the office of the returning officer.

Please visit the site [Pengumuman | Portal Rasmi Suruhanjaya Pilihan Raya Malaysia \(SPR\)](#) for any announcements from SPR.

| SENARAI ALAMAT, NO. TELEFON DAN NO. FAKS PEGAWAI PENGURUS BAGI PILIHAN RAYA UMUM (PRU) DEWAN NEGERI JOHOR KE-15 |   |
|---|---|
| BAHAGIAN PILIHAN RAYA NEGERI  | ALAMAT, NO. TELEFON DAN NO. FAKS  |
| N.01 Buloh Kasap  | <b>Pegawai Pengurus N.01 Buloh Kasap</b><br>Majlis Perbandaran Segamat<br>No. 1, Jalan Abdullah<br>85000 Segamat, Johor<br>No. Telefon : 07-931 4455<br>No. Faks : 07-931 2712              |
| N.02 Jementah   | <b>Pegawai Pengurus N.02 Jementah</b><br>Majlis Perbandaran Segamat<br>No. 1, Jalan Abdullah<br>85000 Segamat, Johor<br>No. Telefon : 07-931 4455<br>No. Faks : 07-931 2712                 |
| N.03 Pemanis  | <b>Pegawai Pengurus N.03 Pemanis</b><br>Pejabat Daerah Segamat<br>KM 5, Jalan Genuang<br>Bandar Segamat Baru<br>85000 Segamat, Johor<br>No. Telefon : 07-943 5670<br>No. Faks : 07-943 5675 |

Sample of the information and the QR code of the site

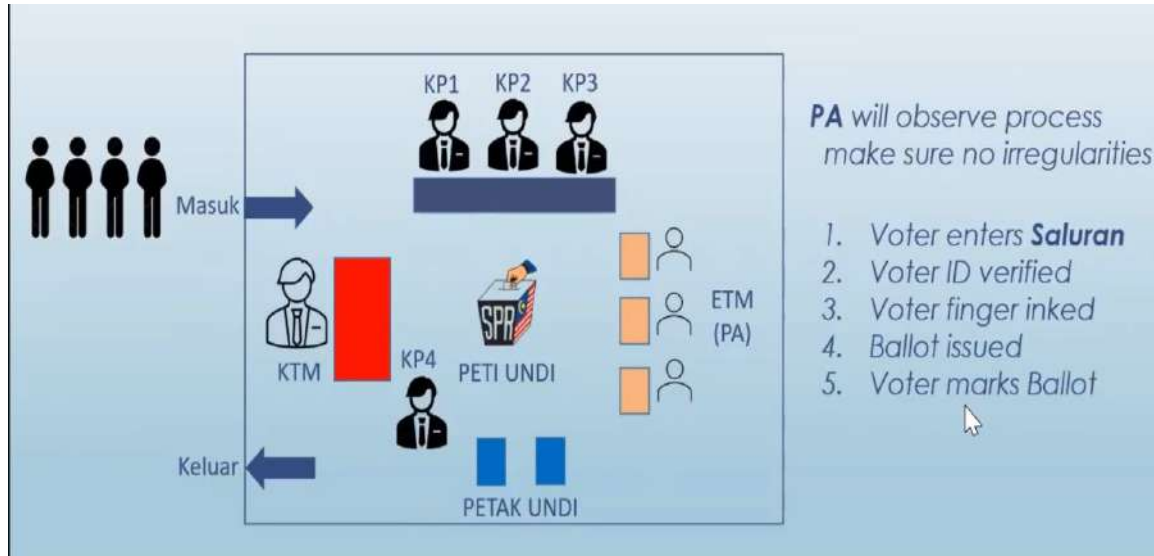


# Polling Day



## Inside the polling station

You can model your physical mock up session according to this illustration



KP: Kerani Pengundian  
( Polling Clerk)

KTM: Ketua Tempat  
Mengundi (Presiding  
Officer)

ETM: Ejen Tempat  
Mengundi (Polling  
Agent)

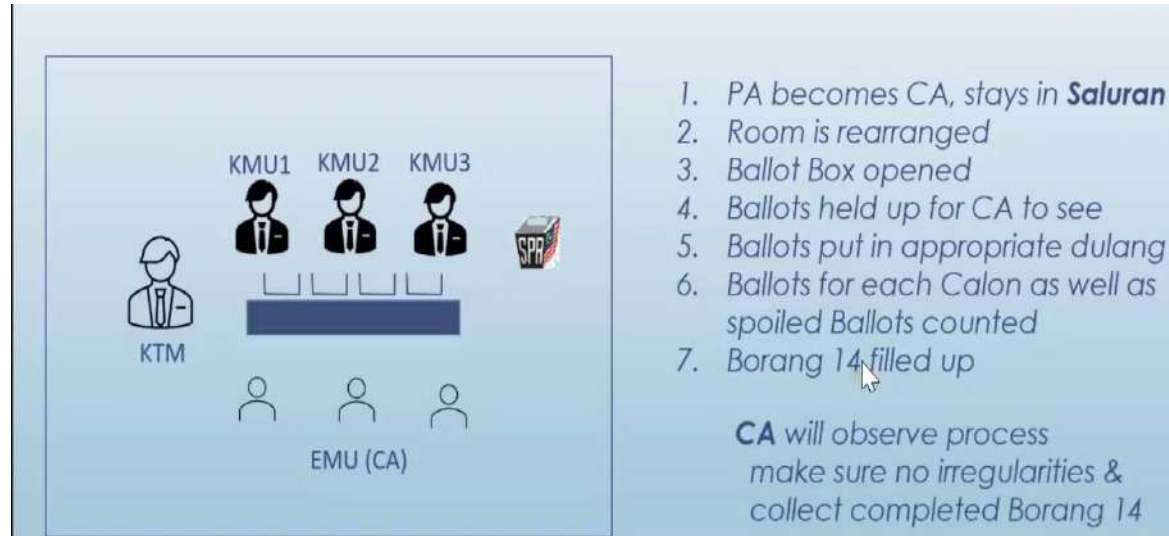
Illustration courtesy of SV Singam

# Polling Day



## Converting the polling station into counting station

You can model your physical mock up session according to this illustration



KMU: Kerani Mengira Undi (Counting clerks)

KTM: Ketua Tempat Mengundi (Presiding Officer)

EMU: Ejen Mengira Undi (Counting Agent)

# After Polling day

## Submission of election expenses.



**Borang B , Borang C and Borang D** are required for the financial disclosure of the candidate's campaign.



The above mentioned forms are required to be submitted within 30 days from the date of the Election Day is gazetted in accordance with [Section 23\(1\) Election Offences Act 1954](#)

### Examples of expenses:

**Rental:** Storage area, training area, canopies, tables and chairs, fans and lighting. Transport, sound system

**Purchases:** Photocopying machine, stationery, video production, T- shirts, Flags, bamboo, billboards, banners

**Allowances:** PACA and flags, vehicle usage, phone usage, meals, refreshment, legal fees.

Failure to submit the above documents within the time limit, until such statements are transmitted, the candidate is not able to



- Sit as a elected member of state legislature/member of parliament or
- Vote in elections or
- Until the date of the allowance of such authorized excuse for failure to transmit in accordance to [Section 23 \(3\)](#). He or she will also be found guilty under [Section 23\(4\) of Election Offences Act 1954](#)

[Section 30](#) Election Offences Act 1954 also provides the grounds of exception to the non-compliance with [Section 23](#).





# After Polling day

AKTA KESALAHAN PILIHAN RAYA 1954

BORANG C

[Subseksyen 23(2)]

PERNYATAAN ATAS SUMPAH OLEH CALON

Saya, ..... No. Kad  
Pengenalan, .....beralamat, .....  
sebagai seorang calon untuk pilihan raya di dalam bahagian pilihan raya/  
kawasan pilihan raya ..... dengan sesungguhnya berikrar (atau  
bersumpah) bahawa penyata yang disertakan ini mengenai belanja pilihan raya  
adalah benar sepanjang yang saya ketahui dan percayai dan bahawa, kecuali  
belanja yang dinyatakan dalamnya itu, tiada apa-apa belanja daripada apa jua  
jenis pun telah, sepanjang yang saya ketahui atau percayai, dilakukan dalam,  
atau bagi maksud, pencalonan saya.

Bertarikh ..... 20 .....

.....  
Calon

Dengan sesungguhnya berikrar (atau bersumpah) di hadapan saya  
.....

*Pengerusi atau Anggota Suruhanjaya Pilihan Raya  
Majistret  
Jaksa Pendamai  
Pesuruhjaya Sumpah  
Pengaruh Pilihan Raya Negeri*

**Borang C: Pernyataan Atas Sumpah Oleh Calon (Sworn statement by the candidate)**

AKTA KESALAHAN PILIHAN RAYA 1954

BORANG D

[Subseksyen 23(2)]

PERNYATAAN BERSUMPAH OLEH EJEN PILIHAN RAYA

Saya, ..... No. Kad  
Pengenalan, .....beralamat, .....  
yang dilantik menjadi ejen pilihan raya bagi .....  
seorang calon bagi pilihan raya di dalam bahagian pilihan raya/kawasan  
pilihan raya ..... dengan sesungguhnya berikrar (atau  
bersumpah) bahawa penyata yang disertakan ini mengenai belanja pilihan raya  
adalah benar, sepanjang yang saya ketahui dan percayai, dan bahawa, kecuali  
belanja yang dinyatakan dalamnya itu, tiada apa-apa belanja daripada apa jua  
jenis pun telah, sepanjang yang saya ketahui atau percayai, dilakukan dalam  
atau bagi maksud pencalonan .....

Bertarikh ..... 20 .....

.....  
Ejen Pilihan Raya

Dengan sesungguhnya berikrar (atau bersumpah) di hadapan saya  
.....

*Pengerusi atau Anggota Suruhanjaya Pilihan Raya  
Majistret  
Jaksa Pendamai  
Pesuruhjaya Sumpah  
Pengaruh Pilihan Raya Negeri*

**Borang D: Pernyataan Bersumpah Oleh Ejen Pilihan Raya (Sworn statement by the Election Agent)**



**08**

# Final Checklist



# Election Agent's checklist.



- Making sure as an Election Agent you are qualified under **Section 13 Election Offences Act 1954**
- Election agent must recognize its **authority** and rights in the election process
- Establish **communications** with the Returning officer and other relevant authorities in the election.
- Appoint your PACABA's team and ensuring **training** for the the PACABA's are adequate.
- Preparation and distribution of **PACABA kit**
- Establish any **shortfall** in your PACA team and check the electoral rolls quarterly.
- Sign** all the relevant forms (Form A, nomination papers, etc)
- Verify** the voting time and locations of polling and counting stations through SPR website.
- Payment** of campaign deposit and receipt for the campaign deposit.
- Submission of election **expenses** after the election.
- Prepare paper trails for any **petition** filing.
- Oversee logistics** such as equipment rentals, transport, etc.
- Ensure the **compliance** of election laws during polling and counting of votes.
- Attend any **meetings** or briefings with SPR, PDRM and relevant authorities



**09**

**Miscellaneous**



# Documentation is key

The interest of your candidate is at the utmost importance. However it is impossible to do so without sufficient proof of documentation to backup your claims.

Here are some tips to look out for:

- **All letters with signature or any certification:** Make sure every communication made to officials such as SPR and PDRM are done in a black and white basis.
- **Careful and precise wording:** In your letters, outline the scope of election campaigns, permission for campaigning and etc.
- **Double check with the authorities:** Since there is always a possibility of last minute changes, always confirm with the relevant authorities particularly on SPR procedures and police permission for certain activities.
- **Copies, copies and copies:** Prepare enough documentation in case of emergencies demanding extra copies.



# Campaign Financing



## What are **allowed** to be claim as campaign expenses in an election by candidate?

The candidate or his election agent and persons authorized are allowed under [Section 15A Election Offences Act 1954](#)

- to **hold, convene, organize** any open public meeting, open public rally or open public entertainment or giving open public address or lecture
- **Print or issue** advertisements, circulars or publications
- **Presenting to electors her/his views** or the extend of his backing or disparaging another candidate, this applies to publication in newspaper or expenses incurred due to travelling or similar personal expenses
- **Any payment required to be authorized** by an election agent shall send the election agent a return accompanied by a declaration verifying the return within 14 days.

Every expenses incurred during the election must be vouched by a bill stating the particulars and a by a receipt, except where the expenses is less than RM10 according to [Section 16 Election Offences Act 1954](#)

Remuneration of Election agent is allowed under [Section 17 Election Offences Act 1954](#)

# Campaign Financing



## What is the maximum amount of sums or expenses allowed for a candidate in an election?

Under [Section 19 of Election Offences Act 1954](#):

- RM 200,000.00 in the case of an election to the Dewan Rakyat,
- RM 100,000.00 in the case of an election to a State Legislative Assembly.
- RM 10,000.00 in the case of an election to a local authority other than a local council\*

## What type of expenses or payment to are not allowed?

- **No payment to conveyance (transport) the electors to or from the poll** under [Section 20 of Election Offences Act 1954](#). An exception can be made if voters are unable at an election to reach their polling stations without crossing the sea or a branch or arm thereof or a river. Such means of conveyance (transport) must be made available equally to all such electors or voters.

**Who can the candidate employ to work during an election?** According to [Section 21 of Election Offences Act 1954](#), only the following

- One election agent
- Polling agents based on the number of polling station
- A reasonable number of clerks and messengers

\*Local council elections are no longer held in Malaysia and have no application in Sabah and Sarawak



# Limitation on Election campaign



**Under Section 24A of Election Offences Act 1954, the candidate is not allow to**

- use loud speaker or any musical instruments for the purposes of political propaganda
- wait or loiter within a distance of 50 metres front he limit of any place of nomination

**Under Section 24B of Election Offences Act 1954, the candidate is allow to**

- **hold any meetings or activities similar to that nature in public** provided the candidate holds a permit to do so issued by the police officer in charge of the district to him/her
- **display, furnish or distribute election campaign materials** to the members of the public if he holds a permit to do so issued to him the state elections officer and has paid the deposit of RM5000.00 for the case of election to dewan rakyat and RM3000.00 in the case of state legislative assembly.
- **Not affix or display campaign material** within a distance of 50 metres from the limits of any polling station

# Postal voting



## Postal voting agent

The process of postal voting consists of

### 1. Issuance of postal ballot papers

- The Postal voting agent must attend and observe the process for issuance of postal ballot papers
- Obtain a list postal voters.
- After the issuance of ballot papers, cross the names of postal voters from the Buku Daftar Pemilih Pilihan Raya (DPPR)

### 2. Despatch of postal ballot papers

### 3. Opening of postal voters' ballot box

- Attend and observe the opening of postal voters' ballot papers in envelope B (covering envelopes) under [Section 15 Elections \(Postal voting\) Regulations 2003](#).
- The opening of envelope A under [Section 17 Elections \(Postal voting\) Regulations 2003](#)

### 4. Counting of postal voting ballots.

# Postal voting



- The documents to be sent to postal voters are a **ballot paper, Form 2, an envelope A and an envelope B** in accordance with [Section 8 Elections \(Postal voting\) Regulations 2003](#)
- The returning officer shall prepare for the receipt of envelope B when returned by the postal voters and and **show the open and empty ballot box to the agents present**, after which the ballot box shall be locked and affixed with security tape and signed by the returning officer and the agents present in accordance with [Section 10 Elections \(Postal voting\) Regulations 2003](#)
- Each postal voters' ballot box shall be **opened by the returning officer in the presence of the agents** in accordance with [Section 14 Elections \(Postal voting\) Regulations 2003](#).
- The returning officer will need to provide each candidate or his/her election agents **at least 24 hour notice in writing of the time and place of the opening** of each postal voters' ballot box under [Section 14 \(3\) Elections \(Postal voting\) Regulations 2003](#).
- No postal voter is **entitled to vote in person on polling day** in accordance with [Section 19 Elections \(Postal voting\) Regulations 2003](#).

# Advance voting



**Section 3 of the Elections (Advance Voting) Regulations 2012** states the persons entitled as advance voters are

1. Absent voter other than those no resident at the principal of residence on polling day
2. Election Commission officer, a candidate, his election agent, booth observer, counting agent, political party's representative.
3. A member of the police force
4. A member of the Election Commission
5. A member of any category of persons designated as advance voters by election commission

**Advance polling day** shall be given notice by the returning officer to each candidate or the election agent, no less than 72 hours notice in writing of the time and place in accordance with **Section 7 of the Elections (Advance Voting) Regulations 2012**



**10**

**References**





[Tindak Malaysia Webinar: PACA - Relating to Election Stakeholders](#)

[Tindak Malaysia Webinar: Election Agent and PACABA](#)

[Federal Legislation Portal Malaysia](#)

[Pengumuman | Portal Rasmi Suruhanjaya Pilihan Raya Malaysia \(SPR\)](#)

[MalaysiaKini: DAP candidate shocked EC closing some polling stations earlier](#)

[PERANAN PETUGAS PARTI POLITIK\\_20 jan.pptx](#)

[PANDUAN CALON ISI BORANG KERTAS PENAMAAN CALON\\_R.pdf](#)

[https://www.spr.gov.my/sites/default/files/SHK%206.2021%20CETAK%20DOKUMEN%20PRU\\_15032021.pdf](https://www.spr.gov.my/sites/default/files/SHK%206.2021%20CETAK%20DOKUMEN%20PRU_15032021.pdf)

[Pakatan hopeful claims polling agent kicked out of voting centre in Ayer Molek](#)

# Legislation cited

Akta Pilihan Raya 1958 ([Elections Act 1958](#))

Peraturan-Peraturan Pilihan Raya (Penjalanan Pilihan Raya) 1981 ([Election \(Conduct of Elections\) Regulations 1981](#))

Akta Kesalahan Pilihan Raya 1954 ([Election Offences Act 1954](#))

Elections (Postal Voting) Regulations 2003

Elections (Advance voting) Regulations 2012





# THANK YOU!

Do you have any questions?

**Email** [info@tindakmalaysia.com](mailto:info@tindakmalaysia.com) or **visit**  
<https://www.tindakmalaysia.org/home>

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