

CADANGAN – CADANGAN UNDI POS

BERDASARKAN PERATURAN PILIHAN RAYA (PENGUNDIAN POS) 2003

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Cadangan - Cadangan Undi Pos BERDASARKAN PERATURAN PILIHAN RAYA (PENGUNDIAN POS) 2003

Pendahuluan

Undi Pos merupakan salah satu tiga jenis undi di Malaysia (sewaktu pilihan raya) selain daripada undi awal dan undi biasa. Peningkatan bilangan pengundi yang layak menjadi pengundi pos selepas Pilihan Raya Umum (PRU14) telah menimbulkan persoalan mengenai pembaharuan proses undi pos. Ini adalah Laporan oleh kami, Tindak Malaysia, bagi mengusulkan pindaan pindaan ke atas peraturan pengundian pos yang termaktub dalam Peraturan-Peraturan Pilihan Raya (Pengundian Pos) 2003 (“Peraturan”) di bawah Akta Pilihan Raya 1958 (Akta 19). Tujuan laporan ini adalah untuk menekankan kepentingan dan kecemasan dalam pelaksanaan beberapa prosedur yang perlu dilakukan oleh Suruhanjaya Pilihan Raya Malaysia (SPR). Dilampirkan dalam Lampiran (dalam Bahasa Inggeris) adalah draf yang mengandungi pindaan tersebut dalam teliti. Walaupun tindakan-tindakan berikut adalah terbaik untuk dilaksanakan melalui pindaan Peraturan, ia boleh dilaksanakan dengan segera menggunakan Pemberitahuan dalam Warta Kerajaan P.U (B).

Pengundi Pos Luar Negara

**Untuk seksyen ini, kita lebih merujuk kepada pengundi pos luar negara yang bukan pemilih tidak hadir dan selain daripada pengundi yang layak untuk undi pos dalam Peraturan-Peraturan Pilihan Raya (Pengundian Pos) 2003*

Dalam Pemberitahuan Di Bawah Subperaturan 3(3) (P.U. (B) 481) dan Pemberitahuan Di Bawah Perenggan 3(1)(e) yang telah dinyatakan atas Warta Kerajaan Persekutuan pada 7.10.2022 (tiga hari sebelum pembubaran Parlimen), SPR telah menetapkan beberapa kategori pengundi dilayak untuk mendaftar sebagai Pengundi Pos berikut Subperaturan 3(3) dan Perenggan 3(1)(e). Termasuk dalam kategori-kategori tersebut adalah pengundi yang berwarga negara Malaysia yang bertinggal di luar negara. Ini termasuk pengundi Malaysia yang menetap di kawasan-kawasan berhampiran dengan Malaysia (contohnya, Singapura) di mana sebelum ini, pengundi kawasan tersebut harus mengundi secara biasa (bukan pos).

Walau bagaimanapun, masa Pemberitahuan tersebut telah mengurangkan masa untuk pengundi luar negara Malaysia untuk berdaftar sebagai pengundi pos. Kita mengakui penambahan baik SPR telah membuat untuk pendaftaran (iaitu mengikut pautan talian). Akan tetapi, kesuntukan masa untuk berdaftar (pengundi pos luar negara – 10/10 – 23/10/23) dan jangka masa pendek antara hari penamaan calon dan hari mengundi telah menyebabkan pengundi terlepas peluang untuk melaksanakan hak pengundi. Anggaran Pertubuhan Bangsa Bangsa Bersatu telah menunjukkan seramai 1.86 juta orang Malaysia menetap dan bekerja di luar negara. Untuk Pilihan Raya Umum Ke-15 (PRU15), anggaran 50 000 warganegara Malaysia yang menetap luar negara telah mendaftarkan sebagai pengundi pos.

Kepentingan Undi Pos Luar Negara adalah kemudahan Warganegara Malaysia yang menetap di luar negara untuk menggunakan hak-hak mereka untuk mengundi tanpa keperluan membalik ke Malaysia yang boleh menyebabkan kesusahan. Justeru, ia adalah penting untuk warganegara-warganegara tersebut untuk diberitahu prosedur yang ditetapkan untuk memastikan undian tersebut boleh dijalankan tanpa halangan dan kejahilan.

Cadangan 1 (Tanpa melibatkan pindaan undang-undang)

SPR mampu memberi Pemberitahuan (mengenai pengelasan pengundi Luar Negara untuk Undi Pos) dalam Warta Kerajaan untuk menetapkan prosedur yang dinyatakan secara awal. Ini selaras dengan Perenggan 3(1)(e) “seorang anggota mana-mana kategori orang yang ditetapkan sebagai pengundi pos oleh Suruhanjaya Pilihan Raya dari semasa ke semasa melalui pemberitahuan dalam Warta,” SPR bolehewartakan pengundi Luar Negara dan memulakan proses pendaftaran Luar Negara tiga hingga enam bulan sebelum pembubaran Parlimen atau DUN. Adalah tanggungjawab pengundi luar negara, bukan SPR, untuk memaklumkan bahawa pengundi tersebut telah kembali ke Malaysia and memohon untuk menjadi pengundi biasa.

Cadangan 2 (Tanpa melibatkan pindaan undang-undang)

Untuk membenarkan pengundi luar negara (pengundi pos), jurang masa antara hari penamaan calon dan hari mengundi perlu dipanjangkan sekurang-kurangnya 28 hari. Walaupun sesetengah pengundi Malaysia menetap di negara-negara maju, isu sistem pos luar negara, jarak jauh dari Malaysia dan halangan lain menyebabkan undi pos mungkin sampai kepada tangan pengundi amat lambat. Bergabung dengan Cadangan 1, pengundi Malaysia luar negara boleh mendapat hak untuk mengundi.

Cadangan 3 (Melibatkan pindaan undang - undang)

Kami bercadang pindaan tersebut atas Peraturan untuk mengekalkan kategori kategori yang dijelaskan dalam Pemberitahuan tersebut, dan menetapkan prosedur yang jelas dan adil. Pindaan tersebut akan dipinda sebagai Peraturan 3A. Draf untuk legislasi tersebut dinyatakan dalam Lampiran di bawah.

- a. Sesiapa yang mendaftar sebagai Pengundi Tidak Hadir (PTH) di bawah Peraturan-Peraturan Pilihan Raya (Pendaftaran Pemilih) 2002, dan sebelum pembubaran Parlimen atau DUN, telah menghantar Borang yang berkenaan untuk menerima kertas undi melalui pos akan berhak untuk undi sebagai pengundi pos luar negara apabila beliau menerima kertas undi tersebut.
- b. Pengundi tersebut boleh mendaftar (menggunakan Borang 1A) melalui Pegawai Konsular Malaysia di negara yang pengundi tersebut menetap. Pegawai Konsular Malaysia mesti menghantar Borang tersebut kepada SPR.
- c. SPR diwajibkan untuk mengekalkan daftar pengundi pos luar negara, yang dibuka untuk inspeksi umum atas talian.

- d. Pengundi tersebut akan mengekal sebagai pengundi pos luar negara sehingga pilihan raya umum parlimen tersebut bertamat, atau memohon untuk dipindah sebagai pengundi.

Oleh demikian, provisi untuk berian dan terimaan kertas-kertas undi juga perlu dibayangkan. Kepentingan ini adalah untuk provisi yang dipinda adalah konsisten seluruh Peraturan tersebut. Draf dalam lampiran akan menjelaskan prosedur-prosedur yang terperinci berkaitan dengan masa, tempat, dan cara-cara untuk melaksanakan proses undian; termasuk peranan pegawai konsular, prosedur prosedur keselamatan, gunaan karung yang dikunci dan sebagainya. Bahkan, kalau Peraturan 3A akan ditambahkan, ia akan dibayangkan dalam peraturan-peraturan tersebut

- a. Dalam Peraturan 7, tandaan kertas undi juga perlu ditandakan atas kertas undi pos luar negara.
- b. Dalam Peraturan 13A, prosedur tersebut juga perlu menyesuaikan untuk undi pos luar negara.

Cadangan 4 (Tanpa melibatkan pindaan undang-undang)

Sebagai wakil-wakil negara Malaysia di luar negara, kedutaan atau Pejabat Diplomatik harus membantu proses undian tersebut untuk kemudahan pengundi luar negara (dengan kerjasama SPR). Ini termasuk (tetapi tidak terhad kepada):

- a. Kedutaan atau Pejabat Diplomatik untuk bermain peranan untuk menerima dan menyampaikan kertas-kertas undi kepada pengundi.
- b. Kedutaan/Pejabat Diplomatik selepas undian untuk memberi kertas-kertas undi kepada Pegawai Pengurus. Kedutaan/Pejabat Diplomatik boleh menggunakan beg diplomatik ("diplomatic pouches") dan bekerjasama dengan SPR untuk memastikan undi-undi disampaikan kepada Pegawai Pengurus.
- c. Kedutaan/Pejabat Diplomatik perlu tunjukkan sokongan atau memberi ruang kepada organisasi bertauliah untuk Pengundi-pengundi luar negara boleh diberikan pilihan sama ada menghantar undi pos ke Pejabat Pegawai Pengurus atau menggunakan perkhidmatan Pejabat Diplomatik Malaysia di negara mereka menetap. Ejen calon atau ejen parti politik patut diberi ruang untuk memerhati proses di Kedutaan/Pejabat Diplomatik.

Pengelasan Pengundi pengundi lain sebagai Pengundi Pos

Selain daripada Pengundi Luar Negara, pihak kami mencadangkan beberapa kategori baru untuk pengundi pos Dalam Peraturan 3 (b) dan (c), kami bercadang bahawa calon-calon atau wakilnya, ejen-ejen yang bertugas*, atau sesiapa yang bertugas untuk sepenuh masa yang diiktiraf oleh SPR pengundian tersebut akan dilayak untuk undi pos pada hari undi atau hari undi awal.

Ini kerana kategori-kategori pengundi tersebut tidak mempunyai masa pada hari undi

untuk menggunakan hak mereka untuk mengundi. Ini adalah untuk memastikan keseluruhan rakyat mampu mengundi, terutamanya sesiapa yang bertugas pada pengundian tersebut.

Kami juga bercadang untuk pengundi yang bertugas penuh masa pada hari mengundi awal dan hari mengundi, calon pilihan raya, Ejen Pilihan Raya, Ejen Tempat Mengundi, Ejen Mengira Undi dan Wakil Parti Politik, ketua tempat mengundi (luar negara) dan ahli SPR untuk mengadawat jarinya sebelum pukul 8 pagi pada hari undi (atau hari undi awal, jika pengundi tersebut bertugas pada masa itu).

Di samping itu, kami bercadang untuk sesiapa yang dirawat di hospital (awam atau swasta) atau seorang penghuni dalam rumah penjagaan yang didaftar termasuk dalam kategori-kategori di bawah Peraturan 3 untuk berlayak sebagai pengundi pos. Ini adalah tergantung jika doktor mengiktiraf perawat tersebut tidak sesuai untuk berkeluar hospital atau ruman penjagaan tersebut. Ini kerana, pesakit-pesakit atau penghuni tersebut tidak mampu keluar untuk mengundi. Sewaktu Pilihan Raya Negeri Johor (2022), pengundi telah dikenakan kompaun bernilai RM 1000 kerana dia melanggar perintah kuarantin (dia mempunyai penyakit COVID-19) dengan menghadiri sebagai pengundi biasa. Untuk situasi pandemik, pilihan pengundian pos perlu dipertimbangkan.

Cadangan – cadangan boleh diserapkan melalui Pemberitahuan Warta Peraturan 3 untuk memperkembangkan kategori pengundi pos. Untuk jangka masa hadapan (contohnya proses mengadawatkan pengundi), pemindahan undang-undang untuk mengesahkan kategori-kategori secara tetap.

Tindak Malaysia kini juga mencadangkan pindaan kepada kategori Pengundi Tidak Hadir dalam Peraturan-Peraturan Pilihan Raya (Pendaftaran Pengundi) 2002, untuk termasuk pengundi yang menetap di luar semp.

**Untuk ejen-ejen calon, mereka boleh diberikan pilihan untuk menjadi Pengundi Awal. Jika tidak, pihak kami mencadangkan ejen-ejen calon untuk mendaftarkan sebagai pengundi pos dalam jangka masa seminggu selepas tarikh akhir penamaan calon. Adalah tanggung jawab calon untuk menguruskan ejen-ejen dia untuk menjadi pengundi pos.*

Borang 2

Terdapat beberapa isu mengenai perkara Borang 2. Contohnya, alamat saksi dan keperluan saksi sebagai warganegara Malaysia. Kita mengakui SPR telah mengeluarkan video-video mengenai proses melengkapkan pengundian pos.

Cadangan 5 (Tanpa melibatkan pindaan undang-undang)

SPR perlu meneruskan kegiatan pendidikan secara talian seperti mana dilaksanakan sewaktu PRU15.

Cadangan 6 (Melibatkan pindaan undang undang)

Untuk keperluan saksi, pihak kami ingin cadangkan penambahan orang-orang layak untuk menjadi saksi. Ini disebabkan terdapat pengundi Malaysia di menetap di kawasan amat jauh daripada orang Malaysia yang terdekat. Kategori saksi tambahan ialah

- 1) Notari Awam (Bertauliah) luar negara
- 2) Pegawai Perdagangan yang bekerja untuk Kerajaan atau agensi Malaysia (contoh, MATRADE)
- 3) Pegawai atau orang yang disahkan oleh Kedutaan/ Pesuruhjaya Tinggi Malaysia (termasuk kakitangan Kedutaan Malaysia)

Perkara-Perkara lain

Seksyen ini untuk perkara-perkara lain yang tidak dijelaskan dalam seksyen sebelum ini

Cadangan 7 (Tanpa melibatkan pindaan undang-undang)

Untuk mengelakkan kesilapan alamat atau ketinggalan maklumat pada sampul undi pos, pihak kami mencadangkan proses pencetakan maklumat untuk undi pos dibuat dengan teknologi automatik dan bekerjasama dengan syarikat seperti Datapos (M) Sdn Bhd (subsidiari Pos Malaysia) untuk perkhidmatan efisien untuk pem-prosesan sampul undi pos. Mengurangkan jarak antara Ejen Undi Pos (EUP) dan Pemerhati dengan Kerani Pengundian Pos. Ini untuk membenarkan EUP dan Pemerhati untuk memantau/memerhati proses pengeluaran dan pengiraan undi pos secara jelas.

Cadangan 8 (Melibatkan pindaan undang undang)

Pemerhati SPR menjadi kategori orang tetap yang dibenarkan untuk memerhati pengeluaran undi pos, pembukaan peti undi pos dan pengiraan undi pos. Buat sekarang, mengikut budi bicara SPR, Pemerhati telah dibenarkan untuk memerhati proses ini. Sampul yang diterima oleh Pegawai Pengurus selepas pukul 5 petang pada hari mengundi (biasa) harus ditanda sebagai “Ditolak”. Sampul tersebut mesti disimpan dalam kandung dikunci yang disedia khas untuk sampul iringan tersebut dengan kandungannya dikeluarkan. Kandungan tersebut perlu disimpan dalam peket yang dimeteraikan dan ditandatangani oleh pegawai pengurus dan calon atau ejen ejen yang hadir. Tandaan tersebut adalah untuk memastikan sampul yang diterima lewat tidak sah. Alasannya untuk pembezaan adalah untuk memastikan sampul iringan yang ditolak tidak dicampur dengan sampul yang diterima. Keselamatan tentang sampul sampul iringan tersebut mesti dijaga. **Pengundi domestik (iaitu pengundi biasa) yang menetap di negeri lain daripada negeri mengundi tidak akan dikategorikan sebagai pengundi pos. Pengundi domestik telah diberi peluang oleh SPR untuk mengemaskini maklumat pengundian setiap bulan. Jika SPR mahu membenarkan pengundi luar negeri (masih di Malaysia) untuk mengundi di negeri mereka menetap, SPR boleh mengkaji konsep undi awal.

Kesimpulan

Untuk memastikan pengundian dalam negara kita dilaksanakan dengan prinsip prinsip keadilan dan ketelusan, prosedur prosedur berkaitan dengan proses tersebut perlu dinyatakan dengan jelas. Kami berharap pindaan tersebut akan dilaksanakan dengan segera. Laporan ini telah disediakan oleh Liew Hong Wei (staf Tindak Malaysia) dan disunting oleh Danesh Prakash Chacko (Pengarah Tindak Malaysia). Laporan telah diperbaharui oleh Stephen Koh (Orang Sumber Pilihan Raya Tindak Malaysia) Tindak Malaysia, sebagai badan bukan kerajaan yang menumpukan terhadap proses pilihan raya,

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Muka Surat seterusnya adalah statistik Undi Pos untuk PRU14 dan PRU15 (terdapat beberapa kerusi yang tidak mempunyai maklumat) dan Lampiran yang menunjukkan pindaan teliti.

STATISTIK UNDI POS UNTUK PRU14 DAN PRU15

NEGERI	KOD PARLIMEN	NAMA PARLIMEN	JUMLAH PEMILIH PRU14	JUMLAH PENGUNDI PRU14	PERATUSAN UNDI POS PRU14 (%)	JUMLAH PEMILIH PRU15	JUMLAH PENGUNDI PRU15	PERATUSAN UNDI POS PRU15 (%)
PERLIS	P.001	PADANG BESAR	46096	37432	2.33	60192	46059	2.56
PERLIS	P.002	KANGAR	55938	45703	2.74	74859	56989	2.52
PERLIS	P.003	ARAU	48187	40433	2.64	60876	47605	2.2
KEDAH	P.004	LANGKAWI	42697	35250	2.6	66777	48123	2.18
KEDAH	P.005	JERLUN	54132	44822	2.06	67601	52909	2.17
KEDAH	P.006	KUBANG PASU	73881	61452	3.21	108217	84486	3.94
KEDAH	P.007	PADANG TERAP	46644	39932	2.46	59806	49341	2.64
KEDAH	P.008	POKOK SENA	86892	71910	2.89	114838	88976	3.2
KEDAH	P.009	ALOR SETAR	80272	65096	2.44	105994	77969	2.69
KEDAH	P.010	KUALA KEDAH	97753	80555	2.36	132500	101510	2.45
KEDAH	P.011	PENDANG	74867	63371	2.07	94547	76381	2.56
KEDAH	P.012	JERAI	79976	66920	2.18	105001	83294	2.53
KEDAH	P.013	SIK	50385	42772	2.3	63126	51659	2.28
KEDAH	P.014	MERBOK	87782	72708	2.49	132444	103779	3.29
KEDAH	P.015	SUNGAI PETANI	112577	93847	1.91	168847	131447	2.17
KEDAH	P.016	BALING	107213	92128	1.87	132099	110353	2.36
KEDAH	P.017	PADANG SERAI	84834	71157	1.65	133867	92302	0.91
KEDAH	P.018	KULIM-BANDAR BAHARU	66587	55390	2.14	90141	71440	2.45
KELANTAN	P.019	TUMPAT	110924	88733	2.74	149371	106173	2.73
KELANTAN	P.020	PENGKALAN CHEPA	75384	60862	3.19	106982	78659	3.12
KELANTAN	P.021	KOTA BHARU	88708	68306	2.77	115450	79028	2.76
KELANTAN	P.022	PASIR MAS	71222	55319	2.81	94544	66145	3.13
KELANTAN	P.023	RANTAU PANJANG	66115	49639	2.19	93248	61406	2.74
KELANTAN	P.024	KUBANG KERIAN	82018	64867	2.96	113640	82502	3.03
KELANTAN	P.025	BACHOK	92606	75945	2.94	123183	91192	2.91
KELANTAN	P.026	KETEREH	65238	54404	3.61	85281	64060	3.75
KELANTAN	P.027	TANAH MERAH	73172	59598	2.3	98782	70471	2.71
KELANTAN	P.028	PASIR PUTEH	85411	69745	2.77	113070	82425	2.76
KELANTAN	P.029	MACHANG	68387	56320	2.35	88825	66024	2.67
KELANTAN	P.030	JELI	47470	39627	3.02	59798	43732	4.73
KELANTAN	P.031	KUALA KRAI	70348	56278	2.09	92335	65684	2.23
KELANTAN	P.032	GUA MUSANG	52524	41206	1.78	70254	49306	N/A
TERENGGANU	P.033	BESUT	86627	72323	2.5	111650	86487	2.86
TERENGGANU	P.034	SETIU	86247	73673	2.13	107294	86029	2.13
TERENGGANU	P.035	KUALA NERUS	83663	73211	2.44	105952	88536	2.23
TERENGGANU	P.036	KUALA TERENGGANU	103611	87786	2.14	123305	97605	N/A
TERENGGANU	P.037	MARANG	104898	92046	2.7	131756	110250	N/A
TERENGGANU	P.038	HULU TERENGGANU	73487	63428	2.16	87917	72905	1.92
TERENGGANU	P.039	DUNGUN	90506	76706	1.8	115559	92128	1.74
TERENGGANU	P.040	KEMAMAN	107593	92007	1.3	139423	114533	N/A
PULAU PINANG	P.041	KEPALA BATAS	60523	53127	2.16	83081	70150	2.03
PULAU PINANG	P.042	TASEK GELUGOR	60850	52890	2.39	80868	67790	2.64
PULAU PINANG	P.043	BAGAN	71583	60642	0.76	89447	69516	1.11
PULAU PINANG	P.044	PERMATANG PAUH	81789	70686	2.03	107186	88254	2.33
PULAU PINANG	P.045	BUKIT MERTA JAM	88998	75977	0.98	120819	93695	1.32
PULAU PINANG	P.046	BATU KAWAN	65394	55479	1.06	88812	69759	1.26
PULAU PINANG	P.047	NIBONG TEBAL	73383	63199	2.09	100062	80477	1.97
PULAU PINANG	P.048	BUKIT BENDERA	75069	60429	1.36	92521	63404	2.38
PULAU PINANG	P.049	TANJONG	49586	40130	0.77	52803	38141	1.33
PULAU PINANG	P.050	JELUTONG	76991	64584	1.68	93989	71753	2.24
PULAU PINANG	P.051	BUKIT GELUGOR	91595	76489	1.27	117134	86996	1.98
PULAU PINANG	P.052	BAYAN BARU	90780	75884	1.73	119640	91217	2.52
PULAU PINANG	P.053	BALIK PULAU	59086	50564	1.92	80264	64937	1.99
PERAK	P.054	GERIK	35903	28032	3.87	47565	35360	4.13
PERAK	P.055	LENGGONG	29752	23719	2.79	36950	28190	2.74
PERAK	P.056	LARUT	49453	40470	2.55	65719	52764	2.67
PERAK	P.057	PARIT BUNTAR	51860	43347	2.1	68502	53596	2.25
PERAK	P.058	BAGAN SERAI	59293	48381	2.18	80293	63519	2.29
PERAK	P.059	BUKIT GANTANG	69873	57867	2.51	94253	72738	2.34
PERAK	P.060	TAIPING	90729	71297	3.11	121566	86159	2.89
PERAK	P.061	PADANG RENGAS	30996	25698	2.53	38686	30316	2.8
PERAK	P.062	SUNGAI SIPUT	55002	43662	1.92	72395	52725	2.11
PERAK	P.063	TAMBUN	107763	88920	3.52	160558	126502	3.1
PERAK	P.064	IPOH TIMOR	91486	71726	1.95	118178	80845	2.82

PERAK	P.065	IPOH BARAT	84874	66852	1.75	114654	79315	1.91
PERAK	P.066	BATU GAJAH	81399	63804	1.26	111896	75938	1.79
PERAK	P.067	KUALA KANGSAR	36954	30701	2.75	46985	36232	2.99
PERAK	P.068	BERUAS	79794	61617	1.51	108249	73484	2.08
PERAK	P.069	PARIT	35910	29547	3.12	47915	38173	3.34
PERAK	P.070	KAMPAR	69436	53567	2.01	89894	60399	2.67
PERAK	P.071	GOPENG	99167	80532	1.95	143657	105000	2.81
PERAK	P.072	TAPAH	47128	37113	3.17	61946	45537	4.06
PERAK	P.073	PASIR SALAK	54671	44508	2.35	74761	58218	2.2
PERAK	P.074	LUMUT	67157	55042	3.67	92972	72673	4.65
PERAK	P.075	BAGAN DATUK	47309	37796	3.39	58183	42694	2.36
PERAK	P.076	TELUK INTAN	66487	54601	1.86	87222	65137	2.21
PERAK	P.077	TANJONG MALIM	68468	55613	1.8	93873	70928	1.87
PAHANG	P.078	CAMERON HIGHLANDS	32048	25326	1.43	46020	34189	1.54
PAHANG	P.079	LIPIS	35294	28666	3.99	47124	36343	2.53
PAHANG	P.080	RAUB	57723	46971	2.02	75064	57097	1.78
PAHANG	P.081	JERANTUT	63609	51414	2.61	87051	67774	2.33
PAHANG	P.082	INDERA MAHKOTA	77208	64612	2.65	120549	94392	2.11
PAHANG	P.083	KUANTAN	62696	52167	2.33	87597	68515	2.06
PAHANG	P.084	PAYA BESAR	55135	44942	2.02	79744	62769	1.64
PAHANG	P.085	PEKAN	88899	72308	3.33	119443	94618	3.29
PAHANG	P.086	MARAN	41036	33363	2.55	53128	41665	2.38
PAHANG	P.087	KUALA KRAU	47264	39102	2.07	60537	48440	2.07
PAHANG	P.088	TEMERLOH	75081	62204	2.66	106829	83612	2.54
PAHANG	P.089	BENTONG	67359	56173	1.7	87058	67454	1.91
PAHANG	P.090	BERA	58711	48339	1.79	77669	60507	4.97
PAHANG	P.091	ROMPIN	61918	50905	2.08	89131	68233	1.95
SELANGOR	P.092	SABAK BERNAM	40863	34023	2.24	51609	41485	2.79
SELANGOR	P.093	SUNGAI BESAR	48739	41878	2.06	64382	51594	2.53
SELANGOR	P.094	HULU SELANGOR	100990	86798	1.26	154317	124084	1.81
SELANGOR	P.095	TANJONG KARANG	47198	41184	2.08	62194	51872	2.61
SELANGOR	P.096	KUALA SELANGOR	69397	60843	1.28	102951	87685	1.59
SELANGOR	P.097	SELAYANG	116176	99450	1.33	181539	146369	1.56
SELANGOR	P.098	GOMBAK	141112	120548	1.34	206744	167047	1.89
SELANGOR	P.099	AMPANG	91737	77539	0.9	133494	105547	1.52
SELANGOR	P.100	PANDAN	101319	86514	0.93	148730	116476	1.38
SELANGOR	P.101	HULU LANGAT	102363	89577	2.16	166902	138341	2.12
SELANGOR	P.102	BANGI	178790	157933	1.13	303430	246795	1.58
SELANGOR	P.103	PUCHONG	96437	84357	0.84	152861	122437	1.32
SELANGOR	P.104	SUBANG	146422	126883	0.91	230940	179578	1.92
SELANGOR	P.105	PETALING JAYA	140920	116597	1.06	195148	148021	2.19
SELANGOR	P.106	DAMANSARA	164322	137639	0.77	239103	176625	1.96
SELANGOR	P.107	SUNGAI BULOH	90707	78874	1.17	158090	130846	1.87
SELANGOR	P.108	SHAH ALAM	107316	94241	1.28	165744	137082	2.03
SELANGOR	P.109	KAPAR	124983	107829	1.31	189369	159700	1.58
SELANGOR	P.110	KLANG	149348	128536	0.63	208913	165554	1.17
SELANGOR	P.111	KOTA RAJA	149021	129412	0.94	244712	199878	1.7
SELANGOR	P.112	KUALA LANGAT	102406	89437	1.62	148637	125449	1.88
SELANGOR	P.113	SEPANG	104508	92087	1.13	168039	139667	1.73
KUALA LUMPUR	P.114	KEPONG	72696	61812	0.34	94285	72657	0.58
KUALA LUMPUR	P.115	BATU	76328	63600	1.12	113863	87841	1.86
KUALA LUMPUR	P.116	WANGSA MAJU	88482	74509	1.66	120323	93493	2
KUALA LUMPUR	P.117	SEGAMPUT	77956	65265	0.93	119652	86274	2.23
KUALA LUMPUR	P.118	SETIAWANGSA	72136	61884	5.15	95753	75725	4.72
KUALA LUMPUR	P.119	TITIWANGSA	61598	50858	1.5	80747	61450	1.86
KUALA LUMPUR	P.120	BUKIT BINTANG	69526	52765	0.65	79782	53247	0.99
KUALA LUMPUR	P.121	LEMBAH PANTAI	80346	67059	2.7	101828	77469	3.7
KUALA LUMPUR	P.122	SEPUTEH	86256	70583	0.6	124805	88107	1.45
KUALA LUMPUR	P.123	CHERAS	78819	64074	0.5	101184	72207	1.11
KUALA LUMPUR	P.124	BANDAR TUN RAZAK	83650	71180	1.92	119185	93845	2.58
PUTRAJAYA	P.125	PUTRAJAYA	27306	24881	2.54	42881	36969	2.9
NEGERI SEMBILAN	P.126	JELEBU	48522	39733	3.02	59561	46008	2.71
NEGERI SEMBILAN	P.127	JEMPOL	72122	58523	2.13	95813	72808	2.39
NEGERI SEMBILAN	P.128	SEREMBAN	110168	93254	1.75	157244	124729	2.11
NEGERI SEMBILAN	P.129	KUALA PILAH	49801	41156	2.54	63247	49280	3.1
NEGERI SEMBILAN	P.130	RASAH	102838	86655	1.53	155896	120928	1.75
NEGERI SEMBILAN	P.131	REMBAU	88365	75315	2.38	133555	110586	2.58
NEGERI SEMBILAN	P.132	PORT DICKSON	75212	62548	1.65	104450	81436	3.99

NEGERI SEMBILAN	P.133	TAMPIN	60765	49515	2.49	81099	61960	3.37
MELAKA	P.134	MASJID TANAH	51441	43093	2.35	69174	55270	N/A
MELAKA	P.135	ALOR GAJAH	70364	59000	1.9	93311	73900	1.97
MELAKA	P.136	TANGGA BATU	83213	70453	3.81	115998	93016	4.03
MELAKA	P.137	HANG TUAH JAYA	89364	77758	2.37	118493	95592	2.34
MELAKA	P.138	KOTA MELAKA	126848	107085	1.56	164140	124816	1.9
MELAKA	P.139	JASIN	73432	62912	2.41	96208	78329	2.22
JOHOR	P.140	SEGAMAT	55350	46170	2.01	69360	51395	N/A
JOHOR	P.141	SEKIJANG	45596	38527	1.91	63981	48854	2.96
JOHOR	P.142	LABIS	40356	33146	1.6	49846	35271	2.59
JOHOR	P.143	PAGOH	51512	43667	1.94	69939	54933	2.45
JOHOR	P.144	LEDANG	77474	66708	2.19	104577	81326	2.62
JOHOR	P.145	BAKRI	73883	62632	1.96	97335	74121	2.52
JOHOR	P.146	MUAR	50843	42868	2.47	68925	53695	2.95
JOHOR	P.147	PARIT SULONG	59609	50778	2.11	79484	63697	2.55
JOHOR	P.148	AYER HITAM	46157	39474	1.62	61041	47172	2.04
JOHOR	P.149	SRI GADING	52119	45193	1.89	78602	62098	2.38
JOHOR	P.150	BATU PAHAT	98543	83574	1.75	133910	100679	2.61
JOHOR	P.151	SIMPANG RENGAM	43998	36695	2.44	59033	44801	2.73
JOHOR	P.152	KLUANG	96915	81841	3.24	132342	97162	3.92
JOHOR	P.153	SEMBRONG	44137	36768	1.91	54982	41449	2.31
JOHOR	P.154	MERSING	48176	38306	2.97	66275	47469	3.32
JOHOR	P.155	TENGGARA	44749	37818	2.42	67294	51997	3.03
JOHOR	P.156	KOTA TINGGI	46677	39418	1.59	61291	47753	1.89
JOHOR	P.157	PENGERANG	40479	33580	2.18	55316	42288	2.89
JOHOR	P.158	TEBRAU	123033	105420	0.88	223301	169414	1.32
JOHOR	P.159	PASIR GUDANG	124172	106576	0.98	198485	150876	1.5
JOHOR	P.160	JOHOR BAHRU	101409	81645	1.75	136368	95521	1.99
JOHOR	P.161	PULAI	106268	88116	1.42	165313	118414	1.71
JOHOR	P.162	ISKANDAR PUTERI	138299	118779	0.99	222437	165527	1.65
JOHOR	P.163	KULAI	99147	85687	0.91	151247	116339	1.58
JOHOR	P.164	PONTIAN	55570	46683	2.28	75212	57647	2.82
JOHOR	P.165	TANJUNG PIAI	53528	45858	1.55	70679	55106	2.07
LABUAN	P.166	LABUAN	28356	21729	2.32	44484	28762	2.16
SABAH	P.167	KUDAT	52251	38205	2.32	75724	46056	2.79
SABAH	P.168	KOTA MARUDU	47007	35231	1.71	80735	50828	2.64
SABAH	P.169	KOTA BELUD	57919	47565	2.26	79885	55272	2.55
SABAH	P.170	TUARAN	54400	44834	1.9	83419	59122	N/A
SABAH	P.171	SEPANGGAR	62415	49012	1.33	108370	71663	1.83
SABAH	P.172	KOTA KINABALU	56220	42973	0.66	74059	44663	1.56
SABAH	P.173	PUTATAN	41312	31865	2.17	63173	42221	N/A
SABAH	P.174	PENAMPANG	53131	43659	1.89	77214	51301	1.85
SABAH	P.175	PAPAR	43586	36540	3.04	59942	44295	3.27
SABAH	P.176	KIMANIS	29618	25519	2.02	40763	31491	2.08
SABAH	P.177	BEAUFORT	33342	28154	2.19	43248	29924	2.25
SABAH	P.178	SIPITANG	31882	25483	1.4	45871	29816	2.86
SABAH	P.179	RANAU	43706	33904	2.32	66517	42811	2.56
SABAH	P.180	KENINGAU	51177	40913	2.06	87588	55542	2.21
SABAH	P.181	TENOM	29182	23027	1.55	42045	29078	N/A
SABAH	P.182	PENSIANGAN	31377	24955	0.81	55672	37584	1.5
SABAH	P.183	BELURAN	28509	21606	1.19	44727	29951	1.66
SABAH	P.184	LIBARAN	47914	37248	2.87	72332	45632	4.91
SABAH	P.185	BATU SAPI	32574	24029	3.45	43916	27608	3.11
SABAH	P.186	SANDAKAN	39777	28668	1.97	55542	31533	N/A
SABAH	P.187	KINABATANGAN	28730	22257	2.1	44773	29882	1.95
SABAH	P.188	SILAM/LAHAD DATU	60942	44294	2.13	100256	59167	2.6
SABAH	P.189	SEMPORNA	48248	34613	2.32	72169	39978	2.87
SABAH	P.190	TAWAU	59919	43861	1.85	87477	51616	2.47
SABAH	P.191	KALABAKAN	52199	38041	4.16	83970	50791	4.86
SARAWAK	P.192	MAS GADING	29617	22822	1.7	47171	31892	2.46
SARAWAK	P.193	SANTUBONG	45628	33868	1.93	79540	52713	2.15
SARAWAK	P.194	PETRA JAYA	57925	43513	2.74	109809	70074	2.85
SARAWAK	P.195	BANDAR KUCHING	81856	61483	0.8	109710	64068	1.41
SARAWAK	P.196	STAMPIN	66240	52550	2.02	121009	74547	2.57
SARAWAK	P.197	KOTA SAMARAHAN	46300	36551	2.1	82229	56238	3.13
SARAWAK	P.198	PUNCAK BORNEO	46180	35142	1.6	79969	52049	2.1
SARAWAK	P.199	SERIAN	37629	27880	1.83	65273	40620	1.96
SARAWAK	P.200	BATANG SADONG	23213	17349	1.39	32640	22924	2.16

SARAWAK	P.201	BATANG LUPAR	29811	20603	1.23	43072	28118	1.61
SARAWAK	P.202	SRI AMAN	33016	23379	3.49	50164	32449	3.1
SARAWAK	P.203	LUBOK ANTU	20801	14785	1.09	28995	19537	N/A
SARAWAK	P.204	BETONG	29145	21165	1.87	41743	27239	2.13
SARAWAK	P.205	SARATOK	30517	23084	1.52	44531	31293	2.53
SARAWAK	P.206	TANJONG MANIS	21899	14425	2.38	32948	19395	3.73
SARAWAK	P.207	IGAN	19592	12996	3	28290	17286	3.09
SARAWAK	P.208	SARIKEI	39561	30895	1.21	55018	37025	2.23
SARAWAK	P.209	JULAU	25380	18569	1.21	34850	22927	2.06
SARAWAK	P.210	KANOWIT	21022	15149	2.05	30988	18410	2.84
SARAWAK	P.211	LANANG	61973	46419	1.99	87356	53972	3.61
SARAWAK	P.212	SIBU	74149	57689	2.81	105875	67409	3.9
SARAWAK	P.213	MUKAH	30608	21205	2.21	46964	28167	2.18
SARAWAK	P.214	SELANGAU	30026	22352	1.11	45743	29280	1.3
SARAWAK	P.215	KAPIT	30658	18485	3	45210	22545	4.17
SARAWAK	P.216	HULU RAJANG	27520	17727	1.39	43438	23807	2.3
SARAWAK	P.217	BINTULU	65049	48036	1.18	113599	71256	1.23
SARAWAK	P.218	SIBUTI	31868	22697	1.37	58522	34371	1.9
SARAWAK	P.219	MIRI	80386	58439	1.36	143229	78996	2.24
SARAWAK	P.220	BARAM	35685	22806	0.94	59535	30218	1.92
SARAWAK	P.221	LIMBANG	26409	17802	2.83	41999	20130	3.57
SARAWAK	P.222	LAWAS	21297	14550	2.04	33655	18495	2.47

ELECTIONS (POSTAL VOTING) REGULATIONS 2003
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PART I

PRELIMINARY

1. Citation, commencement and application

- (1) These regulations may be cited as the Elections (Postal Voting) Regulations 2003.
- (2) These Regulations come into operation on 16 June 2003.
- (3) These Regulations shall be read as one with the Elections (Conduct of Elections) Regulations 1981 [P.U. (A) 386/1981].

2. Interpretation

In these Regulations, unless the context otherwise requires--

"Form 2" means a declaration of the identity of a postal voter ~~and bearing the ballot paper number~~;

"agent" means the election agent or any person appointed to attend in the election agent's place;

"assistant overseas agent" means an assistant overseas agent appointed under paragraph 8 A (3);

"ballot box" has the same meaning assigned to it by Regulation 2 of the Elections (Conduct of Elections) (Amendment) Regulations 2012 or may be a lockable sack used by the Election Commission to hold or to dispatch ballot papers;

"consular officer" means an officer in the Malaysian High Commission or Malaysian embassy who is appointed to be the "overseas presiding officer" by the Election Commission to conduct proceedings in respect of overseas postal votes under these Regulations;

"election observer" means a representative of a local or international organisation, who has been invited by the Election Commission to monitor the conduct of elections;

"issue" includes the original and any subsequent issue;

"overseas agent" means an overseas agent appointed under paragraph 8 A (3);

“overseas postal ballot paper” means any postal ballot paper issued to an overseas postal voter;

“overseas polling centre” means any Malaysian High Commission or embassy appointed by the Election Commission to receive overseas postal ballot papers;

“overseas polling day” means the last day for overseas voting that will be taken on a date or dates and time not more than two days earlier than a polling day;

“overseas postal voter” means any postal voter who is ordinarily resident in a place outside Malaysia;

“overseas presiding officer” means the consular officer designated under regulation 8 A or any other person appointed by the Election Commission to conduct proceedings in respect of overseas postal votes under these Regulations;

“political party’s representative” means a person appointed by a candidate or election representative agent to act as an enforcement team member or advance polling agent or advance counting agent or advance booth observer;

“place outside Malaysia” includes any country or territory or division thereof outside Malaysia, and includes any combination of two or more countries or territories or divisions thereof outside Malaysia as may be specified in a notice published under paragraph 8 A (1);

“political party” means for the purposes of these Regulations, any society, registered under the Societies Act 1966 [Act 335] or registered by the Election Commission under Article 113A of the Federal Constitution;

"postal ballot paper" means a ballot paper issued to a postal voter;

“postal polling day” means the last day for postal polling that will be taken on a date or dates and time to be the same day as polling day;

"postal voter" means any person entitled to vote under regulations 3;

"absent voter" has the meaning assigned to it in the Elections (Registration of Electors) Regulations 2002 [P.U. (A) 293/2002];

"envelope A" means a covering envelope bearing the words "ballot paper envelope" ~~and "ballot paper number"~~;

"envelope B" means a covering envelope bearing the words "returning officer/consular officer" for the return of envelope A and Form 2.

PART II

POSTAL VOTERS

Regulation 3. Persons entitled to vote as postal voters.

(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 paragraphs (a), (b), (c), (d), (e), (f) and (g) in the definition of “absent voter” in regulation 2 of the Elections (Registration of Electors) 2002;

(b) a person referred to in paragraphs 27A(1)(a) and (c) of the Elections (Conduct of Elections) 1981 [P.U. (A) 386/1981] who is on full-time duty and unable to vote on both the advance polling day and polling day;

(c) a person certified by the Election Commission to be an election officer, candidate, election agent, counting agent, polling agent, political party’s representative and liable for full-time duties on the both ad- vance polling day or and polling day;

(cc) a person who is not an absent voter and certified by the Election Commission to be an overseas presiding officer;

(ccc) a person certified by the Election Commission to be an overseas agent or assistant overseas agent and not an absent voter residing overseas as prescribed in Regulation 2(e) (a), (b), (c), (d), (e), and (f) of the Elections (Registration of Electors) Regulations 2002 and is on duty at an overseas polling centre;

(d) a member of the Election Commission appointed under Article 114 of the Federal Constitution; ~~or~~

(e) a member of any category of persons designated as postal voters by the Election Commission from time to time by notification in the Gazette;

(f) a person who is a long-term inmate in a registered nursing home or is hospitalized in a public or pri- vate hospital and certified by a doctor of the nursing home or hospital to be unfit to go out to vote on polling day.

shall, on receipt of a postal ballot paper, be entitled to vote as a postal voter at an election in accordance with these Regulations.

(2) A person referred to in—

(a) paragraph (1)(b) who is on full-time duty and unable to vote on the advance polling day and polling day and intends to vote by post; and

(b) paragraphs (1)(c), (cc), (ccc), (d), (e) and (f) who intends to vote by post; and

(c) paragraph (1)(g) in Regulation 2 of the Elections (Registration of Electors) 2002

shall apply to do so by using Form 1 in the Schedule not later than two days after nomination day. [(1) &(2) Subs. P.U.(A) 114/2012]

(3) The application shall be made direct to the returning officer of the constituency in which he is registered, or to the corresponding State Elections Officer, as soon as it is known that an election is contested in that constituency.

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

(4) If an application is approved, the returning officer or State Elections Officer shall issue a postal ballot paper to the applicant and if it is not approved, the returning officer shall so inform the applicant and shall state his grounds for not approving the application in the letter prescribed in Form 1.

(5) A person referred to in paragraphs 1(b), (c), (cc), (ccc), (d) and (e) shall if he is serving in an advance polling centre or polling centre arrange to mark his left forefinger with indelible ink in accordance with the procedures in Regulation 19 (8A) and (8B) of the Elections (Conduct of Elections) Regulations 1981 before 8 o'clock in the morning of advance polling day if he is on duty at the advance polling centre and in any case not later than 8 o'clock in the morning of polling day. Or at the office of the Returning Office not earlier than 3 days before polling day upon the presentation of the certification issued under Regulation 8(e).

3A. Persons entitled to vote as overseas postal voters

(1) Any person who has registered as an absent voter under Regulation 2 (a), (b), (c), (d), (e) and (f) of the Elections (Registration of Electors) Regulations 2002, and had prior to the dissolution of the Parliament or State Assemblies, submitted the prescribed Form to opt to receive the ballot paper via post shall, on receipt of an overseas postal ballot paper, be entitled to vote as an overseas postal voter at an election in accordance with these Regulations.

(2) A person referred to in paragraph (1) desiring to vote by post shall apply to do so by using Form 1 A in the Schedule.

(3) The application referred to in paragraph (2) shall be made at any time prior to the dissolution of the Parliament or State Assemblies, ~~nomination day~~ direct to a Malaysian consular officer in the place outside Malaysia in which the applicant resides or to any other consular officer who has been designated by the Election Commission for the purpose of receiving such applications from such place.

(4) If an application made under paragraph (2) is approved, the consular officer shall forward the Form 1 A to the Election Commission, and if it is not approved, the consular officer shall so inform the applicant and shall state his grounds for not approving the application in the letter prescribed in Form 1A .

(5) The Election Commission shall maintain a register of overseas postal voters, which shall be made available for public inspection online subject to the redaction of the overseas postal voters' postal addresses, and the returning officer shall issue an overseas postal ballot paper to each person who is listed in that register as being registered with respect to that constituency.

(6) A person who has been registered as an overseas postal voter pursuant to an application under paragraph (2) shall remain on the register of overseas postal voters until the conclusion of the first parliamentary general election after such application or apply to be removed from such register using Form 1 A, and may after such time apply to amend the postal address listed on the register.

4. Form of postal ballot papers

The ballot papers to be sent to postal voters shall be in the same form as, and indistinguishable from, the ballot papers delivered to other voters.

PART III

ISSUING OF BALLOT PAPERS

5. Persons entitled to be present at issue of postal ballot papers and opening of postal voters' ballot boxes

(1) No person other than--

- (a) the returning officer and his clerks;
- (b) the candidates;
- (c) an election agent or person appointed by a candidate **or election agent** to attend in the election agent's place; ~~and~~
- (d) members or officers of the Election Commission; ~~and~~;
- (e) election observers.

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 **or election agent** 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 **or election agent** 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.

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~~ not less than twenty four hours beforehand of the time and place at which he will make such subsequent issue.

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.

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

(3) The number of postal ballot paper shall be marked in Form 2 and on the envelope A. A sample of the perforation pattern or the official mark of the returning officer or his initial shall be recorded on Form SPR 754A.

(4) Before the issue of postal ballot papers, the starting and ending serial number of the postal ballot papers shall be recorded on Form SPR 754A. This form shall be signed by the returning officer and any candidate, election agent or polling agent as attend and a copy extended to them.

7A. Marking of overseas postal ballot papers

(1) Each overseas 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.

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

(3) A sample of the perforation pattern or the official mark of the returning officer or his initial shall be recorded on Form SPR 754A.

(4) Before the issue of overseas postal ballot papers, the starting and ending serial number of the overseas postal ballot papers shall be recorded on Form SPR 754A. This form shall be signed by the returning officer and any candidate, election agent or polling agent as attend and a copy extended to them.

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; and
- (e) a certification that he is a postal voter.

8A . Overseas postal ballot papers

(1) The Election Commission may by notice published in the *Gazette* direct that all envelopes addressed to overseas postal voters in a place outside Malaysia shall be despatched and collected via a specified consular officer in or in the vicinity of such place and such notice shall specify the deadline for the receipt of overseas postal ballots by such consular officer, being not more than five o'clock in the afternoon of **overseas** polling day.

(2) All overseas postal ballot papers thus despatched shall only be eligible to be counted if returned to the overseas presiding officer stationed at the Malaysian High Commission or embassy appointed by the Election Commission before five o'clock in the afternoon of **overseas** postal polling day in accordance with these Regulations.

(3) Each political party and each candidate not belonging to a political party shall be entitled to nominate an overseas agent and assistant overseas agents in the location of such consular officer, and the names and contact details of such agents shall be notified to the Election Commission within five days of the publication of the notice under paragraph (1).

(4) Where the Election Commission has issued a notice under paragraph (1) , regulations 9 A , 10 A , 13 A and 14 A shall apply in place of regulations 9, 10, 13 and 14 in respect of overseas postal ballot papers sent

to such place outside Malaysia, and regulations 15, 16, 17 and 18 shall apply with the substitution of “overseas presiding officer” for “returning officer”.

9. Despatch of postal ballot papers

All envelopes addressed to postal voters shall be counted and forthwith despatched according to the arrangements previously approved by the Election Commission.

9 A . Despatch of overseas postal ballot papers

(1) The returning officer shall, at the proceedings on the original issue of postal ballot papers, place all envelopes addressed to overseas postal voters which are to be sent via a specified consular officer in a packet sealed and affixed with security tape, signed by the returning officer and signed by each candidate or his election agent or polling agent as attend and who desires to sign the same, whereupon the packet shall be sent to that consular officer by the Election Commission through diplomatic courier.

(2) Upon receipt of the sealed packets from the Election Commission, the consular officer shall give the overseas agents and election observers in his location no less than 24 hours' notice of the time and place of the opening of the sealed packets.

(3) The consular officer shall, in the presence of the overseas agents and election observers, record the serial numbers of the security tape, open each sealed packet and note the number of envelopes addressed to overseas postal voters in respect of each constituency and despatch such envelopes to the overseas postal voters via the local postal system or any independent courier approved by the Election Commission for that purpose.

10. Provision of postal voters' ballot box

(1) The returning officer shall, at the proceedings on the original issue of postal ballot papers, provide a ballot box or ballot boxes for the receipt of envelope B when returned by the postal voters.

(2) Every such ballot box shall be shown open and empty to the agents and election observers present and shall then be locked by the returning officer and affixed with security tape and signed by the returning officer and the agents present who desire to sign on the security tape.

(3) Every such ballot box shall be numbered and marked "postal voters' ballot box" and with the name of the constituency for which the election is held.

(4) The returning officer shall make arrangements for the safe custody of every such ballot box and provide facilities, including cctv for the agents and election observers to assist in securing the ballot box.

10 A. Provision of overseas postal voters' ballot box or sack

All references to postal voters' ballot box can also be taken to mean a lockable sack used for the purpose of transporting or holding ballot papers securely.

(1) The consular officer shall, at the proceedings on the despatch of the envelopes addressed to overseas postal voters, provide a ballot box or ballot boxes for the receipt of envelope B when returned by the overseas postal voters.

(2) There shall be no fewer than one ballot box for each state for which overseas postal ballot papers for elections to the state Legislative Assembly are to be received, and no fewer than one ballot box for the Federal Territories and each state for which overseas postal ballot papers for elections to the House of Representatives are to be received.

(3) Every such ballot box shall be shown open and empty to the agents and election observers present and shall then be locked by the consular officer and affixed with security tape and signed by the consular officer and the agents present who desire to sign on the security tape.

(4) Every such ballot box shall be numbered and marked “overseas postal voters' ballot box” and with the name of the state or territories and the legislative body for which the election is held.

(5) The consular officer shall make arrangements for the safe custody of every such ballot box ~~through the engagement of independent security agencies~~ in a sealed room and provide facilities, including cctv for the agents and election observers to assist in securing the ballot box if they so desire.

11. Sealing up of lists of postal voters and counterfoils of ballot papers

(1) The returning officer shall, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the agents and election observers, make up into separate packets--

- (a) the list of postal voters; and
- (b) the counterfoils of those ballot papers which have been issued, and shall affix security tape on such packets.

(2) The packet which has been affixed with security tape containing the list of postal voters may be opened by the returning officer in the presence of the agents and election observers, for the purposes of a subsequent issue, and on completion of the subsequent issue, the list and the counterfoil of the ballot papers which have been issued shall be again made up into separate packets and affixed with security tape in accordance with subregulation (1).

12. Exercise of postal vote

A postal voter who wishes to exercise his postal vote shall exercise it by completing and despatching the ballot paper and Form 2 in accordance with the instructions laid down in such Form to the voter.

12A. Exercise of overseas postal vote

The Election Commission shall provide an adequate campaign period to ensure that all overseas postal voters are able to receive their ballots and to return it to the overseas presiding officer before five o'clock in the afternoon of overseas postal polling day.

13. Receipt of covering envelope

The returning officer shall, immediately on receipt of envelope B before five o'clock in the afternoon of polling day, place it unopened in a postal voters' ballot box which has been locked and affixed with security tape in accordance with regulation 10. Any envelope received by the returning officer after five o'clock in the afternoon of polling day shall be rejected and mark “Rejected” with the envelope unopened. This shall be kept in a locked sack specially provided for the purpose and the contents removed at the end of counting to be kept securely in a sealed packet that will signed by the returning officer and the candidate, election agent, polling agent or counting agent present.

13A . Receipt of overseas covering envelopes

The consular officer shall, immediately on receipt of envelope B before five o'clock in the afternoon of overseas polling day, place it unopened in the appropriate overseas postal voters' box which has been locked and affixed with security tape in accordance with regulation 10A . Any envelope received by the overseas presiding officer after five o'clock in the afternoon of overseas polling day shall be rejected and mark "Rejected" with the envelope unopened. This shall be kept in a locked sack specially provided for the purpose and the contents removed at the end of counting to be kept securely in a sealed packet that will signed by the consular officer and the candidate, election agent, overseas agent or assistant overseas agent present.

OPENING OF POSTAL VOTERS' BALLOT BOX

14. Opening of postal voters' ballot box

- (1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents and election observers.
- (2) So long as the returning officer ensures that there is at least one postal voters' ballot box for the receipt of envelope B up to five o'clock in the afternoon of postal polling day, he may open the other postal voters' ballot boxes before then.
- (3) The returning officer shall give each candidate or his election agent at least twenty-four hours' notice in writing of the time and place of the opening of each postal voters' ballot box and the envelopes contained in the ballot box.

15. Opening of covering envelopes

- (1) When a postal voters' ballot box has been opened, the returning officer shall count and note the number of envelope B, record the number in Form SPR 754B and shall then open each envelope B separately.
- (2) An envelope B shall be marked "rejected"
 - (a) if it does not contain both Form 2 and an envelope A; or
 - (b) if it does not contain both Form 2 and a ballot paper.
- (3) If an envelope B contains only an envelope A, the returning officer shall open envelope A to ascertain that Form 2 is inside that envelope and if it is found not to contain Form 2, then the envelope B shall be marked "rejected".
- (4) An envelope B marked "rejected" together with its contents, if any, shall be placed in a separate receptacle.
- (5) On opening an envelope B, other than an envelope referred to in subregulation (3), the returning officer shall first satisfy himself that the Form 2 has been duly signed and authenticated and, if he is not so satisfied, he shall mark on the Form 2 "declaration rejected", attach to the Form 2 envelope A or, if there

is no such envelope, the ballot paper shall be marked "rejected", and place it in the receptacle for votes rejected.

(6) Before placing the Form 2 in the receptacle for votes rejected, the returning officer shall show the Form 2 to the agents and, if any objection is made by any agent to his decision, he shall add the words "rejection objected to" on the Form 2.

(7) Where ~~the number on the~~ Form 2, has been duly signed and authenticated, ~~agrees with the number on envelope A,~~ the returning officer shall place the Form 2 in a separate receptacle and the envelope A in another receptacle.

(8) Where there is no envelope A or an envelope A has been opened under subregulation (3), the returning officer shall--

- (a) where ~~the number on the~~ Form 2, has been duly signed and authenticated, ~~agrees with the number on the ballot paper,~~ place the declaration in the receptacle for declarations of identity and the ballot paper in a ballot box previously shown open and empty to the agents present and locked by the returning officer and affixed with security tape and signed by the returning officer and the agents desiring to sign on the security tape;
- (b) where ~~the number on the~~ Form 2 has not been duly signed and authenticated, ~~does not agree with the number on the ballot paper,~~ mark on the Form 2 "vote rejected", attach to it the ballot paper which shall be marked "rejected" and place it in the receptacle for votes rejected.

~~(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.

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 and sign on it together with the agents.

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 a ballot paper is found in~~ 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, which shall be signed by him and the agents.

PART V

GENERAL

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 mark the ballot papers "vote rejected" and place it in the receptacle for votes rejected. ~~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 paper or together with all other documents and shall then make a statement of facts as discovered, witnessed by the candidates or agents present.~~

18A. Procedure to be followed in the securing of election documents

All election documents referred to in the preceding regulations shall be secured according to the tabulation shown in the Second Schedule and instructions therein.

19. Postal voter not to vote in person

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

19A. Forms

(1) The Returning Officer shall make enough duplicates of all forms used in the whole process on postal voting and shall sign each and every form and be countersigned by each and every candidate or his election agent or postal agent present. A copy of each duly completed and signed form must be furnished to each and every candidate, his election agent, counting agent or agent.

(2) Failure of the Returning Officer to comply with subregulation 1 shall be deemed to be in breach of [section 4(g)] of the Election Offences Act 1954 and where there is any written complaint served on any returning officer and where the offence is established or proven, the appointment of the returning officer shall be terminated immediately by the Election Commission and a fine of RM5,000.00 shall be paid by the returning officer to the complainant.

20. Revocation

The Elections (Postal Voting) Regulations 1959 [L.N. 71 of 1959] and the Elections (Postal Voting) (Sabah and Sarawak) Regulations 1968 [L.N. (F) 184/68] are revoked

**P.U.(A) 185/2003
ELECTIONS (POSTAL VOTING)
REGULATIONS 2003**

FIRST SCHEDULE: Form 1, Form 1A and Form 2

FORM 1

**APPLICATION FOR POSTAL BALLOT PAPER
[Subregulation 3(2)]**

To:

The Returning Officer,

Constituency of

I,

(Full name in capital letters)

N.R.I.C. No.:of

.....
(Postal address)

am applying for a postal ballot paper to be sent to me at the above address as I am entitled to vote by post for the following reason:

*(a) I am a person referred to in paragraph 3(1)(b) of these Regulations as per certificate hereunder.

*(b) I am a person certified by the Election Commission to be an election officer, candidate, election agent, or candidate agent, and liable for duties on the advance polling day or polling day as per certificate hereunder.

*(c) I am a member of the Election Commission appointed under Article 114 of the Federal Constitution as per certificate hereunder.

*(cc) I am a person certified by the Election Commission to be an overseas presiding officer

*(ccc) I am a person certified by the Election Commission to be an overseas agent or assistant overseas agent and not an absent voter residing overseas.

*(d) I am a member of the category of persons designated as postal voters by the Election Commission as per certificate hereunder.

*(e) I am a person who is a long-term inmate in a registered nursing home or is hospitalized in a public or private hospital and certified by a doctor of the nursing home or hospital to be unfit to go out to vote on polling day.

*(f) I am a person referred to as “absent voter” in paragraphs (g) in the definition of in Regulation 2 of the Elections (Registration of Electors) 2002;

I am at present registered as an elector in.....in the State of

Dated

.....
Signature of Applicant

.....
* Delete whichever is inapplicable.

CERTIFICATE

I hereby certify that the above-named is a person referred to in paragraph *(a)/(b)/(c)/cc/cc/(d) who on the *
overseas polling day/advance polling day / and polling day will be liable for duties as
..... in , or the case of a person
(Designation)

referred to in paragraph (e), I, as the person's doctor certify that the person is unfit to go out to vote on poll-
ing day.

Dated

.....
* Chairman of Election Commission/Returning Officer/
Head of Department/Employer/Doctor

(Signature and official stamp)

FOR OFFICE USE ONLY

Code No.:

N.R.I.C. No.:

Serial No. in Electoral Roll:

* Application approved

* Application rejected and applicant informed

Ground:

Dated

.....
Returning Officer

* Delete whichever is inapplicable.

Affix
stamp
here

To:

.....
(Full Name)

.....
(Postal Address)
.....

.....
(Fold along dotted line)

Sir/Madam

I regret to inform you that your application dated..... for a postal ballot paper is not approved on..... the..... ground that

.....
Returning Officer

Dated.....

FORM 1A
STATUTORY DECLARATION IN RESPECT OF
APPLICATION FOR OVERSEAS POSTAL BALLOT PAPER
[Subregulation 3(5)]

To:

.....
The Consular Officer at

I,
(Full name in block letters)

N.R.I.C. No.:..... of
.....
(Full permanent address as recorded in N.R.I.C.)

do solemnly and sincerely declare that I am a Malaysian citizen ordinarily resident at.....
.....
(Full postal address)

and am at present registered as an elector in
in the *State/Federal Territory of

*I hereby apply to be registered as an overseas postal voter at the above address and undertake that if I am issued a postal ballot paper, I will not vote in person in Malaysia on polling day.

*I hereby apply to be removed from the register of overseas postal voters.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1960.

Subscribed and solemnly declared by the _____)
abovenamed Applicant at _____)
_____)

_____)
in _____) *Signature of Applicant*
this.....day of.....20.....)

Before me,

*Signature and seal of Malaysian diplomatic
and consular officer outside Malaysia, State
Elections Officer within Malaysia, or notary
public, commissioner for oaths or other
person authorised to administer oaths in that
country.*

**Delete whichever is inapplicable* ~~inapplicable~~

FOR OFFICE USE ONLY

Code No.:
N.R.I.C. No.:
Serial No. in Electoral Roll

*Application approved.

*Application rejected and applicant informed.

Ground:

Dated

Consular Officer/Registrar of Electors

*Delete whichever is inapplicable

To:

(Full Name)

(Full Postal Address)

(Fold along dotted line)

Sir/Madam,

I regret to inform you that your application for a postal ballot paper datedis
not approved on the ground that.....

Your obedient servant,

Consular Officer

Dated.....

FORM 2

[Regulations 8 and 12]

DECLARATION OF IDENTITY

(Please read the Instructions To The Voter before filling up this form)

~~Ballot Paper No.~~.....

I hereby declare that I have received the ballot ~~paper numbered as above~~ and the envelope in which it was enclosed (both of which I now produce).

Voter's name (in capital letters):

Voter's signature/thumb print :

N.R.I.C.NO.:

The abovenamed, who is personally known to me, has produced the ballot paper and the envelope referred to above and has signed the above declaration in my presence.

Dated.

Note:
For non-Malaysian citizens, foreign notaries,
Malaysian trade officials and authorized
individuals and officers by Malaysian Embassies,
they are to fill their full name, address, official
stamp and their signature

Witness's Signature:.....

Full name.....

(In capital letters).....

Address:.....

.....

.....

N.R.J.C.NO.:.....

INSTRUCTIONS TO THE VOTER

[Regulations 8 and 12]

1. Before marking the accompanying ballot paper, you must produce to a ~~person~~ Malaysian citizen above the age of 18 to whom you are known who will witness your Form 2 the following:

(In the situation where there is no Malaysians around for witness, please refer to the Note on other authorized individuals)

(a) the ballot paper without showing the number on the ballot paper;

(b) Form 2; and

(c) the envelope in which you received the Form 2 and the ballot paper.

2. You must sign the Form 2 in the presence of the witness.

3. You can vote once only and for only ONE candidate.

4. You vote by marking the ballot paper on the right-hand side with a cross opposite the name of the candidate for whom you vote, thus "X". As voting is a secret, this should be done in absolute secrecy.

5. Immediately after voting, you must place the marked ballot paper in the enclosed small envelope marked "A" and close it up. You must then place the envelope marked "A", together with the Form 2, in the larger envelope marked "B" addressed to the returning officer or consular officer and despatch it to the returning officer or consular officer without delay. For postal voters within Malaysia, the ballot paper, in order to be counted, must be received by the returning officer not later than five o'clock in the afternoon of postal polling

2 Perforation can mean perforation/stamp with an official mark or signature by the presiding officer.

- ASK** for a new ballot paper immediately
if any condition is not met
CLEAN & NOT TORN

BALLOT PAPER

1 (Keratan baki)
No. 0301665

Negeri Sarawak

Bahagian Pilihraya
Parlimen/Negeri

2  **2**

N.49 Batu Danau

CONTOH

1 No. 0301665

2  **2**

(Tempat ditindik)

Ditirbi dan dieetak oleh
Kena Pengarah Peretakan Negara Malaysia, Kuala Lumpur

Zailan Zamry



Ahmad bin Ali





Mark a **X** clearly inside the right hand box next to the **NAME** of the candidate you are voting

Form 754A

Overseas Postal/Postal Ballot Papers Issued Sub-Regulations 7 & 7A

Constituency of Parliament/State

[illegible]

Dated:

.....
Name of Returning Officer

<u>Name of Candidate or Election Agent or Polling Agent</u>	<u>I/C No.</u>	<u>Party/Independent</u>

(The Returning Officer shall issue an official copy each to all the candidates, their election agents or polling agents as present)
This statement shall be returned to the State Elections Officer together with the report of the Returning Officer.

Constituency of Parliamen/State

Date	Group	Number of ballot paper received			

I certify that the above statement is correct.

Dated:

.....
Signature

.....
Name of Returning Officer

<u>Name of Candidate/Election Agent/ Polling Agent/Overseas Agent/ Assistant overseas agent</u>	<u>I/C No.</u>	<u>Party/Independent</u>

(The Presiding Officer shall issue an official copy each to all the candidates, their election agents or polling agents as present)

This statement shall be returned to the State Elections Officer together with the report of the Returning Officer.

SECOND SCHEDULE

(REGULATION 18A)

Procedures to be followed in the securing of election documents for postal voting.

Forms and envelopes used in overseas postal voting and postal voting

[To be confirmed by EC]

<u>No</u>	<u>Packet/ Envelope</u>	<u>Contents</u>	<u>To be sealed</u>	<u>Store & seal in ballot box</u>
<u>1P</u>	<u>Packet</u>	<u>Unused and damaged overseas postal/postal ballot papers at issuance</u>	√	√
<u>2P</u>	<u>Packet</u>	<u>1. Overseas postal voters/postal voters roll, 2. Form 1A Statutory declaration in respect of application for overseas postal ballot paper/Form 1 Application for postal ballot paper, 3. List of EC officers on duty voting through overseas postal votes/ postal votes.</u>	√	√
<u>3P</u>	<u>Packet</u>	<u>Ballot paper counterfoil</u>	√	√
<u>4P</u>	<u>Packet</u>	<u>1. Form SPR 753 Sample of perforation pattern, 2. Form SPR 754 Postal ballot paper number that has been issued and received following the postal voting groups (equivalent to Form 13)</u>	√	
<u>5P</u>	<u>Packet</u>	<u>1. Overseas agent and assistant overseas agents/Polling agent and counting agent list, 2. SPR 714 Letter of appointment as... and acceptance of appointment, 3. Form A Oath of secrecy, 4. List of consular officers/SPR officers on duty</u>		
<u>6P</u>	<u>Packet</u>	<u>Rejected Form 2 Declaration of identity</u>		
<u>7P</u>	<u>Packet</u>	<u>Other rejected documents such as envelope B and ballot papers after the opening of Envelope B</u>	√	√
<u>8P</u>	<u>Packet</u>	<u>Rejected and spoilt overseas postal/postal ballot papers</u>	√	√
<u>9P</u>	<u>Packet</u>	<u>Empty envelope A (chopped “Empty”)</u>		
<u>10P</u>	<u>Packet</u>	<u>Envelope B received after 5pm</u>	√	√
<u>11P</u>	<u>Packet</u>	<u>1. Form SPR 755 Counting of overseas postal ballot/postal ballot papers after the overseas postal/postal ballot box is opened 4.2. Form SPR 764P Preliminary count of overseas postal/postal votes</u>	√	
<u>12P</u>	<u>Packet</u>	<u>Form 15A Statement of the poll after counting the overseas postal ballot papers/Form 15 Statement of the poll after counting the postal ballot papers.</u>	√	

<u>13P</u>	<u>Packet</u>	1. <u>Overseas postal ballot papers/ postal ballot papers that have been counted.</u> 2. <u>Rejected overseas postal ballot papers/ postal ballot papers.</u>	√	√
<u>14P</u>	<u>Packet</u>	<u>Miscellaneous - Laws and Regulations, other documents and tools</u>		
<u>A</u>	<u>Envelope</u>	<u>Envelope for Ballot Paper Letter</u>		<u> </u>
<u>B</u>	<u>Envelope</u>	<u>Main Envelope 'B'</u>		
	<u>Envelope</u>	<u>Main Envelope</u>		

√ All seals shall be signed by the overseas presiding officer, consular, presiding officer or returning officer and the candidate, election agent, overseas agent, assistant overseas agent, polling agent or counting agent. The serial numbers of the seals shall be recorded and photographs taken should the candidate, election agent, overseas agent, assistant overseas agent, polling agent or counting agent so wishes.

Made 29 May 2003

SPR(S) 72/4(21); PN(PU2)178c/XXXIV]

By Order of the Election Commission

Dato' Haji Wan Ahmad Bin Wan Omar *Secretary Election Commission Malaysia*

LIST OF AMENDMENTS

Amending law P.U.(A) 165/2006	Citation Elections (Postal Voting) (Amendment) Regulations 2006.	In force from 05.05.2006
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~~16271~~