

# **Memorandum to the Parliamentary Select Committee (6 Recommendations)**

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**1. Elections (Conduct of Elections) Regulations 1981**

**Regulation 32. SECOND SCHEDULE – Directions for the guidance of voters to be exhibited outside every polling station**

*The voter will go into the place reserved for the marking of ballot papers and mark a cross in the space provided for the purpose on the right-hand side of the ballot paper opposite the name of the candidate for whom he votes, thus “X”.*

**Recommendation:**

Previously, ballot papers are accepted even if the marking is a dot, pass, etc. This will open to abuse and I would recommend that only a single ‘X’ on the right side of the ballot paper opposite the name of the candidate is accepted and nothing else. This will also eliminate all disputable votes – “Undi Ragu”. This regulation needs to be enforced.

A notice should also be exhibited outside every polling station to inform the voters.

**2. Elections (Conduct of Elections) Regulations 1981  
Regulation 19 (Subparagraph 3) – Manner of voting**

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

**Recommendation:**

Previous practice was that the ballot paper was folded before being handed over to the voter. The regulation 19 (subparagraph 3) did not indicate that the ballot paper has to be folded. As such, the ballot paper should not be folded in any way so that the voter could see it clearly that there isn't any prior markings before proceeding to the marking area to cast his vote.

**3. Elections (Conduct of Elections) Regulations 1981  
Regulation 15 (Sub-paragraph 1) – Admittance to polling station**

*Provided that where an elector for any constituency is employed as a presiding officer or in any other official capacity at a polling station within that constituency and it is inconvenient for him to vote at the polling station to which that part of the electoral roll which contains his name has been assigned, the returning officer may authorise such elector to vote at any other polling station in the constituency.*

**Recommendation:**

*Under the Elections (Postal Voting) Regulation 2003, Part II (Postal Voters) Regulation 3 (Sub-paragraph 1b)– 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) Regulation 2002, and is –*
- (b) A person certified by the Election Commission to be an election officer and liable for duties on polling day.*

If the officers are already entitled to be postal voters, the Regulation 15 (subparagraph 1) above is already not necessary. It should be deleted to avoid any abuses.

#### **4. Elections (Postal Voting) Regulations 2003**

##### **Part II (Postal Voters), Regulation 3 (Persons entitled to vote as postal voters), Sub-paragraph 1(f)**

- (1) Any person who has registered as a Parliamentary or State elector under the Elections (Registration of Electors) Regulation 2002, and is –*
- (f) a member of any category of persons designated as postal voters by the Election Commission from time to time by notification in the Gazette.*

#### **Recommendation:**

*To delete this regulations which allows the Election Commission to appoint anyone to be a postal voter. This regulation could be abused and is like an open cheque.*

**5. Election Offences Act 1954 (Act 5)**

**Section 5 (Sub-Clause 4) – Maintenance of secrecy at elections**

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

**Recommendation:**

The counting agent is an appointed person by the candidate. As such they should be allowed to communicate for the agent to receive any instructions as well as to update the candidate on the progress. The above sub-clause should be deleted so as not to restrict any communications between agent and candidate.

## 6. Elections Act 1958 (Act 19)

**Part II (Supervision of elections), Section 5 (General powers and duties of Election Commission),**

Sub-Clause 1(a)

*(1) The Election Commission shall –*

- a) Exercise control and supervision over the conduct of elections and the registration of electors on the electoral rolls, and shall enforce on the part of all election officers fairness, impartiality and compliance with Part VIII of the Constitution and this Act and any regulations made thereunder.*

### Recommendation:

Federal Constitution (Part VIII) Article 114 (2):

*In appointing members of the Election Commission the Yang di-Pertuan Agong shall have regard to the importance of securing an Election Commission which enjoys public confidence.*

*The Election Commission in my opinion is not longer enjoying any public confidence unless they are willing to change and improve on the election process especially in:*

- a) Cleaning up the voters list especially on the suspicious foreign voters in Sabah.
- b) Establish a Royal Commission to investigate the cases of foreigners being given citizenship and then registered as voters in the whole of Malaysia.
- c) Election Commission to thoroughly investigate all cases where many voters are registered in a single address.
- d) Due to the limited access to the media by certain political parties, the Election Commission should ensure that election campaigning period should be no less than 21 days in order for all parties to be able to disseminate their information to the public fairly.
- e) Notice or election date should be fixed earlier by either the Election Commission or Parliament instead of a surprise to everyone.
- f) Eliminate all cases of corruptions during the election like the infamous “You help me, I help you” case in Sibuh.