

ELECTIONS (DISTANCE VOTING) REGULATIONS, 2012

IN exercise of the powers conferred by section 16 of the **Elections Act 1958 [Act 19]**, the Election Commission with the approval of the Yang di-Pertuan Agong, makes the following regulations:

1. Citation.

(1) These Regulations may be cited as the **Elections (Distance Voting) Regulations, 2012**.

(2) These Regulations come into operation on

2. Interpretation.

In these Regulations, unless the context otherwise requires —

"appointed place" means the place appointed under section 7 of the Elections Act 1958 for the establishment of polling station or polling stations;

"by-election" means an election held for the purpose of filling a vacancy among the members of the Dewan Rakyat or a State Legislative Assembly arising otherwise than upon a dissolution thereof;

"counting agent" means a counting agent appointed under the provisions of section 14 of the Election Offences Act 1954;

"election agent" has the same meaning as in the Election Offences Act 1954;

"Elections (Conduct of Elections) Regulations" means the Elections (Conduct of Elections) Regulations 1981;

"Election (Postal Voting) Regulations" means the Elections (Postal Voting) Regulations 2003;

"general election" means the first general election of members of the Dewan Rakyat or of a State Legislative Assembly or a general election of members after a dissolution thereof;

"ballot paper" has the same meanings as in the Elections (Conduct of Elections) Regulations, 1981

"political party" means any society, registered under the **Societies Act 1966 [Act 335]**;

"polling agent" means a polling agent appointed under the provisions of section 14 of the Election Offences Act 1954;

"postal ballot paper" and "postal voter" have the same meanings as in the Elections (Postal Voting) Regulations;

"rejected ballot paper" has the meaning assigned to it by regulation 25(7) the Elections (Conduct of Elections) Regulations, 1981;

"returning officer" means an officer appointed under section 3 of the Elections Act 1958 and includes an assistant returning officer;

"sign" includes the making of a mark or the affixing of a thumbprint;

"spoilt ballot paper" has the meaning assigned to it by regulation 21 the Elections (Conduct of Elections) Regulations, 1981.

3. Persons entitled to vote as distance voters

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

- (a) not overseas and 250 kilometers away from his constituency on polling day; and
- (b) not registered as a postal or advance voter

shall be entitled to apply to vote as a distance voter.

(2) The application through Form ? [*new form*] must be submitted within seven (7) working days after the announcement of polling day and the list of distance polling centres.

4. Listing of distance polling centres

When announcing the dates for nomination and polling, the Election Commission must simultaneously announce the list of distance polling centres, which must include but not exclusive to

- (a) At least one in every West Malaysian state and every Federal Territory;
- (b) At least one in every division in Sarawak; and
- (c) At least one in every residency in Sabah.
- (d) At least one in Singapore
- (e) At least one in Brunei

5. Listing of all distance voters by constituency and by polling centres.

(1) Within fourteenth (14) working days from the announcement of the dates of nomination and polling, the Election Commission must issue

- (a) a list of distance voters, with their distance polling centres specified, alongside postal voters and advance voters for every Parliamentary and State constituency involved.
- (b) a list of distance voters by distance polling centre and polling stations.

(2) Every distance polling centre will be divided into a number of polling stations which administer voting for the electors of

- (a) a constituency if the number of distance voters exceeds 250; or
- (b) a state, a federal territory or a few of constituencies within a state or a federal territory insofar the total number of distance voters does not exceed 500; or
- (c) a few states and/or federal territories insofar the total number of distance voters does not exceed 500.

6. Appointment of Returning and Distance presiding officers.

(1) Every distance polling centre will be headed by a Returning Officer.

(2) Subject to the general or special directions of the Election Commission, each returning officer shall appoint, and may revoke the appointment of a distance presiding officer to preside at each polling station in the distance polling centre.

(3) The appointments of half the presiding officers shall be made from those in public services and the other half from amongst persons who are not members of any public services;

- (a) Provided that half the appointments of presiding officers from those in public services are not and have not been members for the past 2 years of any political parties.

- (b) Provided also that the other half of the appointments of presiding officers from amongst persons who are not members of any public services shall be made from nominations coming from professional bodies and independent civil societies who are involved in monitoring of elections or election reforms and such appointments will be made from those who are not and have not been members for the past 2 years of any political parties or employees of any government linked companies.

The Election commission shall set up the necessary criteria to accept and evaluate such nominations which ensure the independence of the appointments and their function.

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

(5) If any distance presiding officer is by sickness or other cause, prevented from acting at any election, and there is no time for another person to be appointed by the returning officer, the distance presiding officer may appoint a deputy to act for him and every such appointment shall as soon as possible be reported to the returning officer and may be revoked by the returning officer, but without prejudice to the validity of anything already done by such deputy. The criteria for the selection of a deputy shall be governed by subparagraph 3 above.

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

7. Appointment of other officers and staff.

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

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

8. Appointment of party and candidate agents

Subject to Regulations 15 and 24 of the Elections (Conduct of Election) Regulations, political parties and independent candidates which contest in any constituency that is included in a distance polling station is entitled to appoint polling and counting agents.

9. Facilities to be provided at polling centre and station.

(1) Polling stations in a distance polling centre may be hosted in a hall or room as long as they are effectively separated by some dividers.

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

(3) To facilitate public confidence, the Returning Officer should invite representatives of all contesting parties and candidates in all the constituencies involved to discuss the layout of polling areas.

(4) The minimum facilities for the purposes of subsection (3) shall be as prescribed in Schedule [*new schedule*]

(5) The returning officer shall allow the candidate, booth observer, polling agent, counting agent, officer, clerk and authorized person in attendance at the counting of votes to have usage of their mobile devices, audio or visual recording devices and computing devices at the polling center and polling station, to facilitate the discharge of their duties.

10. Polling day

Distance voting will take place on the polling day for Malaysia for Singapore and Brunei. The voting hours will be the same as in Malaysia, however following the local time zone.

11. Admittance to polling station.

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

(2) The distance presiding officer shall regulate the number of voters to be admitted at a time whilst the poll is open and shall exclude all other persons except the candidate, his election agent and polling agent, the returning officer, members or officers of the Election Commission and persons officially employed at the polling station.

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

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

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

(b) If a person misconducts himself in a polling station or fails to obey the lawful order of the distance presiding officer, he may immediately by order of the distance presiding officer be removed from the polling station by a police officer on duty outside or near that station or by any other person authorised in writing by the returning officer or the distance presiding officer to remove him, and the person so removed shall not, without the permission of the distance presiding officer, again enter the polling station during the day.

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

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

12. Marking of polling station limits.

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

13. Poll by ballot and ballot papers.

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

(2) Every ballot paper shall consist of a list of candidates in Roman letters described in accordance with Form 4 or 4A, as the case may be, in the First Schedule, and arranged in such order as shall be determined by the returning officer in accordance with subparagraph (a) of paragraph (2) of regulation 11, together with the symbol assigned to each candidate in accordance with subparagraph (b) of paragraph (2) of regulation 11 of Elections (Conduct of Elections) Regulations 1981, together with the symbol assigned to each candidate in accordance with subparagraph (b) of paragraph (2) of regulation 11

(3) Every ballot paper shall be in Form 9 in the First Schedule of Elections (Conduct of Elections) Regulations 1981, and shall be capable of being folded. Each ballot paper shall have a number printed at the top left hand corner and shall be attached to a counterfoil with the same number printed upon it.

(4) At least 30 minutes before the opening of poll, the distance presiding officer shall account for the ballot papers issued to him by the Returning Officer.

(5) The distance presiding officer shall, in the presence of all the candidates, their election agent or polling agent present, count the number of ballot books issued, inspect every ballot book to ensure that the ballot papers have running serial numbers, are clean and not defaced.

(6) Any ballot paper that does not conform with sub-paragraph 2 and 3 above shall be removed and stamped "Rejected" by the distance presiding officer and kept aside in a separate envelope. The conforming ballot papers shall be perforated with the embossing tool provided for the polling station.

(7) The distance presiding officer shall emboss a sample of the perforation prescribed for the polling station in the space provided in [Form 13A BALLOT PAPER OPENING STATEMENT] of the First Schedule. The form shall be completed by the distance presiding officer in sufficient copies such that all candidates/agents will be given one copy each. He shall sign on all copies and require all candidates/agents present, to verify and confirm by signature on the same form and in the correct sequence, the correctness of the entries.

(8) It is mandatory for the distance presiding officer to issue Form 13A to all candidates/agents present, duly signed by him and all candidates/agents if they so wish. Failure by the distance presiding officer to issue Form 13A to the candidates/agents shall constitute an offence under section 4(g) of the Election Offences Act 1954.

14. Ballot boxes.

(1) A ballot box will be provided for a Parliamentary or State election in a distance polling station.

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

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

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

(5) In the case where the distance presiding officer is not able to conduct the procedure mentioned in paragraph (3) as no person who may lawfully be present at a polling station is present at the polling station, the distance presiding officer shall call any police officer on duty outside the polling station to be present at the polling station so that he may see that each transparent ballot box is empty.

(6) The distance presiding officer-

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

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

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

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

13. Manner of voting

(1) Subject to the provisions of this regulation, each voter shall be given one ballot paper and shall be entitled to one vote.

(2) A voter will not be issued with a ballot paper if it is ascertained that the voter's finger or relevant part of the body has been marked with indelible ink.

(3) As each voter applies for a ballot paper, the number and name of the voter as stated in the electoral roll shall be called out and a mark, without indicating in any way the particular ballot paper to be issued to him, shall be placed in the roll against the number of the voter to denote that he has been issued with a ballot paper.

(4) The ballot paper shall be perforated or stamped with the official mark or initialed by the distance presiding officer on the margin of the ballot paper and there shall not be any mark inserted or indicated on the counterfoils.

(5) The distance presiding officer or a person acting under his authority shall tear out several ballot papers and place the ballot papers randomly such that they shall not be capable of identification, for selection by the voter.

(6) The distance presiding officer shall ensure that the number of a ballot papers torn out for selection by the voter is maintained and replenished regularly and that there shall be at all times no less than ten (10) ballot papers made available to the voter for selection.

(7) The voter shall be marked with indelible ink in accordance to Regulation 19 of the Elections (Conduct of Elections) Regulations 1981 and shall then be permitted to draw a ballot paper from the selection of ten (10) papers for the purpose of casting his vote.

(8) If the voter refuses to be marked with indelible ink, the distance presiding officer shall refuse to allow the voter to draw a ballot paper.

(9) The voter, on receiving the ballot paper, shall forthwith proceed to such place in the polling station as may be indicated by the distance presiding officer or by any person acting under his authority and shall there secretly mark such ballot paper in accordance with the directions given for the guidance of voters referred to in paragraph (2) of regulation 13. Failure by the officer or clerk or any person having a duty to comply with the procedures relating to the use of indelible ink shall constitute an offence under Section 4 (g) of the Election Offences Act 1954.

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

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

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

(13) Any person nominated under subregulation (12) shall make a declaration as to his identity and nomination in Form 10 in the First Schedule and every such declaration shall be exempt from stamp duty. Sufficient copies of Form 10 shall be prepared such that the presiding officer is able to deliver a signed copy of Form 10 to every polling agent that so request it.

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

(15) A reference to the left forefinger of a voter in this regulation and regulation 16 shall be construed—

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

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

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

14. Non-compliance with the manner of voting

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

- (a) the voter refuses to show his left forefinger in order to ensure that no indelible ink has been marked on the voter's left forefinger in accordance with subregulation 13(7);
- (b) the voter refuses to have his left forefinger to be marked with indelible ink in accordance with subregulation 13(7); or
- (c) the voter's left forefinger has been marked with indelible ink but no mark has been made against the number and name of the voter in the electoral roll,

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

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

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

15. Declarations by voters.

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

(2) Only identification documents bearing a photograph of the holder and issued by the National Registration Department shall be accepted as proof of identity. A voter holding a temporary identification document issued by the National Registration Department shall complete Form 11 and have his photograph taken by both the distance presiding officer and the polling agents as evidence of identification. *The distance presiding officer shall deliver a signed copy of Form 11 to each and every polling agent present.*

(3) The identity of a voter must be capable of verification against the identification documents produced to the distance presiding officer to establish his identity, before a ballot paper is issued to him. The distance presiding officer shall refuse to allow a voter to select a ballot paper if, after such enquiry as he deems necessary and expedient, there is reason to believe that the voter is attempting to avoid detection of his true identity.

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

15. Spoilt ballot papers.

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

16. Closing of poll.

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

(2) All polling stations within the same time zones shall have the same poll opening and closing time.

17. Place of counting of votes.

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

18. Procedure on close of poll.

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

(a) secure the ballot box at such polling station and affix a security tape to it so as to prevent the introduction of any ballot paper thereafter into the ballot box and the security tape shall

then be signed by the distance presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape;

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

(c) prepare sufficient number of copies of the ballot paper statement in Form 13B one for each constituency involved, in the First Schedule, which shall be certified by the distance presiding officer and signed by each candidate or his election agent or polling agent who is present whereupon a copy of each of the signed ballot paper statement in Form 13B in the First Schedule shall be delivered to the returning officer and each candidate or his election agent or polling agent, respectively. Failure by the distance presiding officer to comply with this regulation shall constitute an offence under section 4(g) of the Election Offences Act 1954; and

(d) examine the counterfoils of the ballot papers to ensure that the counterfoils do not bear any markings;

(e) examine the electoral rolls to ensure that the electoral rolls do not bear any marks indicating the specific ballot paper issued to each voter; and

(f) make up for each constituency involved —

(i) the unused and spoilt ballot papers;

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

(iii) the counterfoils of the ballot papers, into a single packet which shall then be affixed with security tape and the security tape shall be signed by the distance presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape.

(g) All items referred to in (a) to (d) above must be kept and locked away in a safe in the polling station until the day and time fixed for counting to commence. The Distance presiding officer shall fix lock to the safe and affix a security tape to it. The security tape shall then be signed by the distance presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape. The candidate or his election agent or polling agent shall be allowed to take photographs of the lock and the security tape; and are also allowed to be present 24 hours from then on till the time fixed for the counting of ballot papers.

(2) All distance ballots will be counted on the same day of polling but no counting shall commence before close of normal polling as notified in Form 8.

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

(1) If at any election —

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

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

(ii) is destroyed, damaged, or tampered with, to such an extent, so that the result of the poll at that polling station cannot be ascertained; or

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

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

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

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

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

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

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

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

20. Counting of votes by distance presiding officer.

(1) No counting agent —

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

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

may be present at the counting of the votes.

(2) No person other than —

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

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

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

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

may be present at the counting of votes.

(3) Members or officers of the Election Commission and other persons authorised pursuant to sub-regulation 2(d) who are present during the counting of votes shall not without reasonable cause interfere with any proceedings.

(4) Before the distance presiding officer proceeds to count the votes he or the persons authorised by him shall ensure that their hands are clean and-in the presence of each candidate or his election agent or counting agent who is present —

(a) open the ballot box; and

(b) arrange the ballot papers in the ballot box, first by constituency then, by serial numbers and verify that the serial numbers of the ballot papers in the ballot box are consistent with the serial numbers reported in [Forms 13B Ballot Paper Closing Statement] for each of the constituency involved. Any ballot paper bearing a serial number that is not reported in Form 13.B or bearing the same serial number as another ballot paper shall be marked "rejected" and placed in a separate receptacle.

(c) The Distance presiding officer shall order the ballot papers to be arranged in row of 10 stacks of ballot papers and each stack shall have exactly 10 ballot papers and then proceed to count the number of ballot papers in the ballot box. The number of ballot papers in the ballot box shall be recorded in Form 764 and the total is compared with the number of Form 13B. If there is no difference, the Distance presiding officer shall order the counting to proceed. If, however, the number in the ballot box exceeds the number supposed to be in the ballot box as recorded in Form 13B, then the Distance presiding officer shall inspect if there is any arithmetic error on both Form 764 and Form 753A. If there is arithmetic error, and the difference is resolved after correction, the Distance presiding officer shall order the counting to proceed. If the difference is not resolved, then;

(c) The Distance presiding officer shall order a check on each and every ballot paper to see if it bears the same perforation pattern as recorded in Form 753A. Any ballot paper bearing a perforation pattern that is not reported in Form 753A or do not have any perforation shall be marked "rejected" and placed in a separate receptacle.

(5) The counting shall then proceed by constituency in the ascending order of the constituency code.

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

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

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

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

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

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

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

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

(8) Notwithstanding subparagraph (d) of paragraph (6), where the distance presiding officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter and the candidate for whom he has given his vote, the distance presiding officer shall not reject the ballot paper on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under these Regulations. The distance presiding officer in deciding whether to accept or reject a ballot paper shall be guided by the provisions of the Second Schedule.

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

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

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

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

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

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

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

and it shall be mandatory for the distance presiding officer to issue Form 14 and Form 14A to all candidates or their election agents present, duly signed by the distance presiding officer and all candidates or their election agents, failing which the distance presiding officer 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 or on any distance presiding officer and where the offence is established or proven, the appointment of the distance presiding officer shall be terminated immediately by the Election Commission and a fine of RM5,000.00 shall be paid by the distance presiding officer to the complainant;

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

(12) Where the difference between the number of votes cast for the leading candidate and the number of votes cast for the next leading candidate is four per centum or less of the total number of votes cast, then upon the application of either any candidate or of his election agent or counting agent a recount shall be made once only before the distance distance presiding officer carry out the proceedings set out in subregulation (11):

Provided that the recount shall not take into account rejected ballot papers and spoilt ballot papers and shall start from subregulation (6).

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

21. Safe custody of election documents.

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

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

(b) enclose the statement in Form 13A and 13B in a special envelope and affix security tape to it,

(2) The packets referred in paragraph (1) (d) and regulation 17-

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

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

(3) Under the supervision of the distant returning officer, the distance presiding officer shall dispatch or deliver in such manner, for each of the constituency involved, as may be determined by the Election Commission—

(a) the ballot box;

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

(c) the special envelope containing the statement in Form 14A referred to in regulation 19(11)(b);

in safe custody to each of the returning officer of the constituencies involved by the most direct route which shall be made known by the returning officer to the candidates or its agents at least 48 hours before polling. The electronic copy of the (b) and (c) must reach the returning officer within one (1) hour the counting concludes.

SCHEDULES

FORMS – TO BE PREPARED