

[TERJEMAHAN]



# **CADANGAN PEMBAHARUAN UNTUK PROSES PENGUNDIAN DI LUAR NEGARA**

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## **CADANGAN PEMBAHARUAN PROSES PENGUNDIAN DI LUAR NEGARA**

### **Pengenalan**

1. Berikut merupakan penghujahan oleh Masyarakat Sivill Malaysia untuk pertimbangan Suruhanjaya Pilihanraya ("SPR").
2. Kami mencadangkan pembaharuan secara menyeluruh prosedur pengundian buat warga Malaysia yang tinggal di luar negara.
3. Kami menuntut Suruhanjaya Pilihanraya melaksanakan pembaharuan-pembaharuan ini sebelum Pilihanraya Umum Ke-14.

### **Ringkasan**

4. Dalam Pilihan Raya Umum ke-13 ("PRU13"), buat pertama kalinya undi pos telah diberikan kepada rakyat Malaysia di luar negara yang sebelum ini tidak diiktiraf sebagai "pengundi tidak hadir" seperti yang ditakrifkan dalam Peraturan 2 Pilihan Raya (Pendaftaran Pemilih ) 2002.
5. Kami memuji pihak SPR yang telah memberikan hak mengundi kepada lebih ramai warga Malaysia seperti yang sepatutnya. Pihak kami juga memahami wujudnya beberapa halangan bersifat logistik serta berlakunya salah faham kerana ini merupakan kali pertama undi pos seumpama ini diadakan. Pihak kami berharap semua ini dapat dielakkan semasa pilihanraya umum yang akan datang.
6. Demi menawarkan penyelesaian, kami mencadangkan peraturan pilihanraya dipinda serta amalan baru harus diperkenalkan dalam menambahbaik struktur yang wujud semasa PRU ke-13 termasuk menamakan semula prosedur ini sebagai 'pengundian awal di luar negara' kerana kaedah membuang undi bukanlah seperti undi pos. Ini disebabkan pengundi masih perlu membuang kertas undi di kedutaan-kedutaan.
7. Kami percaya bahawa kriteria kelayakan untuk mengundi di luar negara perlu lebih inklusif dalam memberi hak memilih kepada lebih ramai warga Malaysia yang tinggal di luar negara dan bilangan pusat pengundian di luar negara perlu ditambah. Prosedur tambahan juga wajar untuk memastikan kerahsiaan undi, proses pilihan raya yang lebih telus dan keputusan pilihan raya yang dilihat sebagai sah di kalangan pengundi.
8. Pindaan berkenaan dengan peraturan pilihan raya yang digariskan secara terperinci dilampirkan di dalam Lampiran II.

## **Objektif**

9. Cadangan kami ini adalah demi menangani empat isu utama:

(A) Hak mengundi warga Malaysia tinggal di luar negara

(B) Kerahsiaan undi

(C) Ketelusan dan keselamatan dalam proses pilihan raya

(D) Kesahihan keputusan pilihan raya

## **Latar belakang**

10. Untuk mendaftar sebagai pengundi pos di luar negara semasa PRU13, pengundi yang sudah ada dalam daftar pemilih terpaksa menyerahkan Borang 1B yang telah lengkap melalui faksimili atau e-mel kepada SPR di Malaysia. Kedutaan-kedutaan di luar negara kemudian akan memaklumkan kepada pengundi sama ada permohonan mereka diterima atau ditolak. Maklumat mengenai masa dan tempat mengundi kemudian disampaikan kepada pengundi melalui laman web SPR.

11. Pengundian luar negara berlangsung selama satu hari, seminggu sebelum pilihanraya umum diadakan di Malaysia. Kertas undi yang disimpan dalam karung yang tertutup dan, setelah pengundian berakhir, kertas-kertas undi dihantar melalui kurier diplomatik kepada Malaysia untuk dikira.

12. Pemerhati parti dibenarkan untuk memerhatikan keadaan di dalam pusat pengundian tetapi tidak dibenarkan untuk menyaksikan pematieran karung yang mengandungi kertas undi. Oleh itu, ejen parti tidak berpeluang untuk menjalankan peranan itu dalam proses pilihan raya yang menyebabkan tiada ejen parti dapat mengambil kira semua kertas undi yang telah dikeluarkan dan dikembalikan.

13. Seksyen 16 Akta Pilihan Raya 1958 memberi kuasa SPR, dengan kelulusan Yang di-Pertuan Agong, membuat peraturan-peraturan bagi menjalankan pilihan raya dan bagi segala perkara yang berkaitan dengannya. Oleh itu, kami menggesa SPR untuk mempertimbangkan pindaan kepada peraturan-peraturan tersebut seperti yang dilampirkan.

## Hak mengundi

14. Pada tahun 2010, telah dianggarkan 1,481,202 rakyat Malaysia tinggal di luar negara ; amat munasabah sekali jika diandaikan kebanyakan daripada mereka ini adalah orang dewasa, oleh itu warga Malaysia yang tinggal di luar negara mewakili kumpulan yang signifikan dari segi umur layak mengundi [1]. Majoriti mereka ini, iaitu seramai 1 juta orang, tinggal di Singapura.

15. SPR tidak menyediakan pengundian awal di Singapura, Brunei, wilayah Kalimantan, Indonesia, atau wilayah-wilayah selatan Thailand semasa PRU13 kerana menganggap bahawa rakyat Malaysia di negara-negara ini akan dapat kembali ke kampung halaman mereka untuk mengundi dengan mudah. Malah, para pekerja di negara-negara ini boleh sahaja berasal dari tempat di Malaysia yang terletak jauh dari sempadan negara tempat bermastautin masing-masing. Sebagai contoh, dari segi logistik amat sukar bagi seorang buruh yang bekerja di Singapura untuk kembali ke kawasan pedalaman Sarawak, berbanding seorang profesional yang bekerja di London untuk terbang pulang ke Kuala Lumpur.

16. Oleh itu, keputusan untuk tidak meletakkan negara-negara di atas di dalam senarai negara-negara yang disediakan pengundian awal adalah berdasarkan andaian yang terlalu umum.

17. Tambahan pula, dalam kes rakyat Malaysia yang menetap di Singapura, terpaksa menjalankan aktiviti mobilisasi pengundi yang ditafsirkan sebagai 'kelakuan tidak senonoh' oleh pihak berkuasa Singapura, sekali gus menyebabkan ketegangan hubungan dua hala Malaysia-Singapura.

18. "Jika tiada perubahan dalam undang-undang menjelang pilihan raya umum akan datang, aktiviti mobilisasi pengundi terus serta mungkin boleh mengeruhkan hubungan dua hala Malaysia-Singapura. Semasa PRU-13, misalnya, sesetengah rakyat Malaysia yang bermastautin di Singapura telah 'melanggar' peraturan perhimpunan awam ketat negara tersebut berkenaan dengan aktiviti-aktiviti awam, yang menyaksikan pihak berkuasa Malaysia juga Singapura mengeluarkan kenyataan dan menuduh antara satu sama lain mencampuri urusan pentadbiran politik masing-masing. "[2]

19. Kami juga mendesak SPR bagi memudahkan pengundian luar negara di pusat mengundi yang bukan sahaja terletak di Kedutaan Malaysia, Konsulat atau pejabat Persuruhjaya Tinggi. Ini demi untuk melibatkan lebih ramai rakyat Malaysia yang berkemungkinan tidak dapat mengundi oleh disebabkan kesulitan kewangan dan logistik. Ataupun perlu memohon cuti daripada majikan dan menguruskan perjalanan dan penginapan. Sebagai contoh, kos untuk

seorang yang tinggal di California untuk terbang ke New York City adalah beberapa ratus dollar, ditambah lagi kos. Dalam cadangan kami, ini pusat pengundian tambahan ini dipanggil '*field polling centres*'.

20. Satu kertas kerja yang ditulis untuk *International Foundation for Electoral Systems* (IFES) menyatakan bahawa "hujah yang paling tinggi [untuk pemberian hak mengundi warga-warga Malaysia di luar negara] berpendapat bahawa warga yang tinggal di luar negara sering membayar cukai atau menyediakan kiriman wang ke tanah air mereka dan oleh itu perlu diberikan hak untuk bersuara dalam menentukan bagaimana sumber-sumber ini dikumpul dan diagihkan. "[3]

21. Malah, warga Malaysia di luar negara mengirim pulang USD \$ 1.32 bilion pada tahun 2012, bersamaan dengan RM 4,19 bilion; di Singapura sahaja dikirinkan USD \$ 927 juta atau RM 2.94 billion telah dikirim pulang. [4]

22. Sebagai warga yang mengekalkan hubungan dengan Malaysia dan masih peduli terhadap perkembangan mutakhir tanah air, adalah tidak adil bagi rakyat Malaysia di luar negara untuk menanggung kos yang agak besar demi menunaikan hak mereka untuk mengundi.

### **Kerahsiaan Undi**

23. Untuk mengekalkan kerahsiaan undi, kami mengesyorkan kertas undi dikeluarkan secara rawak seperti yang ditekankan dalam pindaan yang dicadangkan oleh pihak kami kepada Peraturan 7(2) Peraturan-Peraturan Pilihanraya (Pengundian Pos) 2003.

24. Kami juga menggesa bahawa nama-nama pengundi yang tidak direkodkan bersama nombor siri undi seperti pindaan yang dicadangkan oleh pihak kami kepada Peraturan 7(2) Peraturan-Peraturan Pilihanraya (Pengundian Pos) 2003.

### **Ketelusan dan Keselamatan**

25. Salah satu perubahan penting yang dicadangkan oleh pihak kami adalah untuk membolehkan ejen parti (selepas ini dirujuk sebagai 'ejen luar negara') yang dipilih oleh parti-parti politik, calon-calon atau calon bebas untuk menggunakan kuasa dan diberi kuasa yang sama seperti ejen-ejen parti di pusat pengundian di Malaysia. Ejen-ejen luar negara harus

dibenarkan untuk memantau penerimaan dan pembukaan karung/ kotak undi dan memantau pemeteraian karung/kotak undi.

26. Ejen luar negara juga mempunyai pilihan untuk meletakkan meterai kalis rosak mereka sendiri pada karung/kotak undi jika mereka ingin berbuat demikian (rujuk cadangan Peraturan 10A baru (5)).

27. Pengiraan undi hendaklah dilakukan di lokasi pengundian luar negara di hadapan ejen-ejen luar negara. Borang SPR754B yang baru seperti dicadangkan akan diisi untuk merekodkan setiap undi yang telah dikeluarkan dan diterima serta salinan yang ditandatangani diedarkan di kalangan Pegawai Negeri Pilihan Raya, Pegawai Luar Negara, calon-calon dan ejen mereka.

28. Sila rujuk Lampiran I ( 'Rantaian keselamatan undi seperti yang dicadangkan oleh masyarakat sivil') untuk kerangka ringkas bagaimana undi dipantau dalam setiap langkah proses.

### **Kesahihan keputusan pilihan raya**

29. Adalah teramat penting keputusan undi awal luar negara diumumkan sama ada sebelum atau pada hari mengundi di Malaysia dan tidak selepas itu. Ini demi mengelakkan syak wasangka bahawa pengundian luar negara telah mengubah keputusan pilihan raya dan menimbulkan keraguan di kalangan semua pihak yang berkepentingan dalam proses pilihanraya.

30. Penambahbaikan yang dicadangkan oleh pihak kami untuk proses pengundian di luar negara akan meningkatkan keyakinan di kalangan warga Malaysia bahawa proses pengundian awal luar negara itu tidak boleh dimanipulasi dengan mudah untuk menguntungkan mana-mana parti politik yang tertentu.

### **Kesinambungan**

31. Kami menyeru pihak SPR untuk membangunkan dan melaksanakan sistem yang membolehkan pendaftaran semua pengundi kali pertama serta pengundian awal di luar negara di setiap kedutaan-kedutaan di luar negara, secara berterusan.

32. Kami ingin menarik perhatian SPR kepada keputusan kaji selidik baru-baru ini konsulat, kedutaan dan suruhanjaya tinggi di seluruh dunia untuk menentukan sama ada perkhidmatan

seperti ini telah disediakan. Kajian itu yang dijalankan penyelarar bandar-bandar utama *Global Bersih*, yang membuat kaji selidik di 10 bandar raya: Singapura, Canberra, Melbourne, Wellington, Hong Kong, Chennai, Washington DC, New York City, London dan The Hague (Belanda). Kaji selidik oleh penyelarar-penyelarar ini telah dibuat di antara 31 Ogos dan 23 September, 2016. Suruhanjaya Tinggi Malaysia di Singapura merupakan kedutaan tunggal dalam kajian ini secara terbuka dan cekap menawarkan kemudahan untuk kedua-dua pendaftaran pengundi dan undi pos kepada rakyat Malaysia di luar negara.

33. Kami gembira untuk menyatakan bahawa, selepas keputusan kajian telah diterbitkan, rakyat Malaysia diberitahu bahawa mereka boleh mendaftar sebagai pengundi (kali pertama) biasa di Frankfurt, Jerman dan Washington DC, Amerika Syarikat, dan kami mengucapkan terima kasih kepada SPR jika telah memainkan apa-apa peranan di dalam perkembangan positif ini. Walau bagaimanapun, kajian jelas menunjukkan kakitangan kedutaan salah faham, keliru dan tidak konsisten mengenai dasar pilihan raya secara umum, dan undi pos khususnya.

34. Oleh itu, kami mengemukakan petisyen ini kepada SPR untuk mengepalai dan menyelia sistem yang cekap dan bermaklumat untuk pendaftaran pengundi di semua kedutaan-kedutaan, serta memastikan pengundian awal di luar negara boleh dilakukan di kedutaan-kedutaan ini serta tersedia buat pilihanraya-pilihanraya akan datang.

## **Kesimpulan**

35. Kami mengakui bahawa proses memudahkan pengundian di lebih banyak pusat-pusat pengundian serta melatih lebih banyak kakitangan untuk menjalankan pengundian dan pengiraan undi akan mengakibatkan peningkatan kos yang lebih dalam pilihanraya. Walau bagaimanapun, peningkatan kos dalam melaksanakan pembaharuan itu lebih dialu-alukan berbanding kos yang ditanggung oleh sistem pilihan raya yang tidak dipercayai oleh rakyat. Kami yakin wang rakyat dibelanjakan dengan baik.

36. Kami juga mencadangkan bahawa kos kewangan untuk melaksanakan sistem yang dicadangkan ini boleh dikurangkan dengan kerjasama dengan masyarakat sivil dalam beberapa proses sampingan, seperti kempen pendaftaran pengundi, kempen pendidikan pengundi dan latihan pemerhati pilihan raya dan ejen parti. Sememangnya, terdapat banyak organisasi masyarakat sivil yang akan bersedia untuk menawarkan apa-apa bantuan.

37. Proses pengundian di luar negara semasa PRU13 tidak berjalan tanpa rintangan dan masalah-masalah awal. Oleh itu, cadangan kami bertujuan untuk memperbaiki proses dan meningkatkan keyakinan pengundi terhadap prosedur. Kami percaya bahawa mekanisme yang dicadangkan di sini adalah yang terbaik serta paling sesuai untuk Malaysia pada ketika ini. Oleh

itu kami menggesa SPR untuk melihat dengan teliti kertas cadangan kami serta pihak kami amat terbuka untuk berbincang mengenai perkara ini dengan pihak SPR.

Yang benar,

Masyarakat sivil Malaysia di luar negara

Disember 2016

**Nota:**

1. World Bank, "Bilateral Migration and Remittances", <http://go.worldbank.org/JITC7NYTT0>, webpage accessed 13 April 2014, file T1.Estimates\_of\_Migrant\_Stocks\_2010.xls.

2 Gomez, J., & Omar, R. (2013). Overseas Voter Mobilisation in Singapore: Implications from Malaysia's 13th General Election. *Journal Of Current Southeast Asian Affairs*, 32(2), 105-123. <http://journals.sub.uni-hamburg.de/giga/jsaa/article/view/702/700>

3 Grace, Jeremy (2007). Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting, IFES. <http://www.ifes.org/Content/Publications/WhitePapers/2007/Challenging-the-Norms-and-Standards-of-Election-Administration-full-text.aspx>. Webpage accessed 24 May 2014.

4 World Bank, "Migration & Remittances Data", <http://go.worldbank.org/092X1CHHD0>. Webpage accessed 13 April 2014, files RemittanceData\_Inflows\_Apr2014.xls and Bilateral\_Remittance\_Matrix\_2012.xlsx; XE.com exchange rate for 01 July 2012 used = 3.1762819478





# **PROPOSAL FOR REFORMS TO OVERSEAS VOTING PROCESS**

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# PROPOSAL FOR REFORMS TO OVERSEAS VOTING PROCESS

## Introduction

1. This is a submission made by Malaysian civil society for the consideration of the Election Commission (“EC”).
2. We propose comprehensive reforms to current voting procedures for Malaysians living abroad.
3. We call upon the EC to implement these reforms before the 14<sup>th</sup> General Election.

## Summary

4. In the 13th General Election (“GE13”) the postal vote was, for the first time, accorded to Malaysian citizens overseas who previously did not fit the description of an “absent voter” as defined in Regulation 2 of the Elections (Registration of Electors) Regulations 2002.

5 We applaud the EC for rightfully extending the vote to more Malaysians. As this was the first postal voting exercise of its kind, there were understandably logistical hurdles and instances of miscommunication that we hope will be avoided at the next general election.

6. In the spirit of offering a solution, we propose to amend the electoral regulations and introduce new practices so as to improve the structure put in place during GE13, including renaming the procedure to ‘overseas advance voting’ as the current method of voting is not in fact a postal vote since voters still have to submit ballots in person at the overseas polling locations.

7. We firmly believe that the eligibility criteria for the overseas vote should be more inclusive to enfranchise more Malaysians living abroad and that the number of polling stations overseas should be increased. Additional procedures are also desirable to ensure voter secrecy, a more transparent election process and an election outcome that is seen as legitimate among most voters.

8. Such amendments to the electoral regulations are outlined in detail in the **attached** Appendix II.

## Objectives

9. Our proposals therefore seek to address these four core issues:
  - (a) Enfranchisement of Malaysians living abroad
  - (b) Voter secrecy
  - (c) Transparency and security in the election process
  - (d) Legitimacy of election outcome

## **Background**

10. To register as overseas postal voters in GE13, voters who were already on the electoral roll had to submit a completed Form 1B by facsimile or email to the EC in Malaysia. The respective overseas missions then informed voters whether their applications were accepted or rejected. Information was then relayed to voters via the EC's website as to where and when overseas voting would take place in their respective countries of residence.

11. Overseas voting took place over a single day, a week before national polling was held in Malaysia. The ballots were kept in a sealed sack and, at the close of polling, were sent via diplomatic courier to Malaysia to be counted.

12. Party observers were allowed to observe within the polling premises but were not allowed to witness the sealing of the sack containing ballots. As for party agents, there was no opportunity for the exercise of such a role during the electoral process and therefore no party agents were able to account for all the ballots that were issued and returned.

13. Section 16 of the Elections Act 1958 gives the EC power, with the approval of the Yang di-Pertuan Agong, to make regulations for the conduct of elections and for all matters incidental thereto. We therefore strongly urge the EC to consider the **enclosed** amendments to such regulations.

## **Voter Enfranchisement**

14. An estimated 1,481,202 Malaysians were living in other countries as of 2010; as these can be reasonably assumed to be mostly adults, overseas Malaysians represent a not insignificant group of the voter-age population<sup>1</sup>. The large majority of these, over 1 million people, were located in Singapore.

15. The EC did not provide advance voting in Singapore, Brunei, the Indonesian province of Kalimantan, or the southern provinces of Thailand in GE13 because it assumed that Malaysians located in these countries would be able to return to their hometowns to vote easily. In fact, workers in these countries may live in parts of Malaysia that are far from the border of the respective host country such that it could be more logistically difficult for a labourer working in Singapore to return to the hinterland of Sarawak, than for a professional working in London to fly back to Kuala Lumpur.

16. The omission of the countries above from overseas advance voting is therefore arbitrarily based on sweeping assumptions.

17. Furthermore, in the case of Malaysians residing in Singapore, voters were compelled to carry out voter mobilization activities that were interpreted as disorderly conduct by the Singaporean authorities, thus straining bilateral relations.

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<sup>1</sup> World Bank, "Bilateral Migration and Remittances", <http://go.worldbank.org/JITC7NYTT0>, webpage accessed 13 April 2014, file T1.Estimates\_of\_Migrant\_Stocks\_2010.xls.

18. "If there are no changes in the law by the next general election, continued voter mobilisation activities are likely and may strain bilateral relations with Singapore. During GE13, for instance, some Singapore-based Malaysians fell foul of the city-state's strict public assembly laws around cause-related public activities, which saw the authorities on both sides of the causeway issuing statements and accusing each other of domestic political inference (sic) [interference]."<sup>2</sup>

19. We also urge the EC to facilitate overseas voting in locations that are not Malaysian embassies, consulates or high commissions, in order to engage the many Malaysians who would otherwise not be able to vote due to the financial and logistical difficulty of having to apply for leave from work and arrange for travel and accommodation. For example, it would easily cost several hundred dollars for a person living in California to fly to New York City, let alone to find accommodation. In our proposal, these additional polling locations are called 'field polling centres'.

20. A paper written for the International Foundation for Electoral Systems (IFES) states that "the most commonly advanced argument [for enfranchising the diaspora] holds that citizens living abroad often pay taxes or provide remittances to their home states and should therefore have some say in how these resources are collected and re-distributed."<sup>3</sup>

21. In fact, Malaysians overseas remitted USD \$1.32 billion in 2012, equivalent to RM 4.19 billion at 2012 exchange rates; those in Singapore alone remitted USD \$927 million or RM 2.94 billion.<sup>4</sup>

22. As citizens who maintain ties with Malaysia and are still interested in its matters, it is unfair for overseas Malaysians to have to bear considerable costs in order to exercise their right to vote.

### **Voter secrecy**

23. To maintain voter secrecy, we recommend the randomization of the issue of ballots as outlined in our proposed amendment to Regulation 7(1) of the Elections (Postal Voting) Regulations 2003.

24. We also urge that voters' names are never to be recorded alongside ballot serial numbers as per our proposed amendment to Regulation 7(2) of the Elections (Postal Voting) Regulations 2003.

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<sup>2</sup> Gomez, J., & Omar, R. (2013). Overseas Voter Mobilisation in Singapore: Implications from Malaysia's 13th General Election. *Journal Of Current Southeast Asian Affairs*, 32(2), 105-123. <http://journals.sub.uni-hamburg.de/giga/jsaa/article/view/702/700>

<sup>3</sup> Grace, Jeremy (2007). Challenging the Norms and Standards of Election Administration: Standards for External and Absentee Voting, IFES. <http://www.ifes.org/Content/Publications/White-Papers/2007/Challenging-the-Norms-and-Standards-of-Election-Administration-full-text.aspx>. Webpage accessed 24 May 2014.

<sup>4</sup> World Bank, "Migration & Remittances Data", <http://go.worldbank.org/092X1CHHD0>. Webpage accessed 13 April 2014, files RemittanceData\_Inflows\_Apr2014.xls and Bilateral\_Remittance\_Matrix\_2012.xlsx; XE.com exchange rate for 01 July 2012 used = 3.1762819478

## **Transparency and Security**

25. One of the key changes that we propose is to allow party agents (hereafter referred to as ‘overseas agents’) who are elected by political parties, candidates or independent candidates to wield the same authority and powers as their counterparts would at polling stations in Malaysia. The overseas agents should be allowed to monitor the receipt and opening of ballot sacks/boxes and to monitor the sealing of ballot sacks/boxes.

26. The overseas agents also have the option of placing their own tamper-proof seals on the ballot sacks/boxes if they wish to do so (see proposed new Regulation 10A(5)).

27. Counting of votes is to be done at the overseas polling locations in the presence of the overseas agents. The proposed new form SPR754B is filled in to account for every ballot that has been issued and received and signed copies are distributed among the State Elections Officer, the overseas presiding officers, the candidates and their agents.

28. Please see the **attached** Appendix I (**‘The chain of ballot security as proposed by civil society’**) for a simplified outline of how the ballots are monitored at every step in the process.

## **Legitimacy of election outcome**

29. It is important that the overseas advance vote results be announced either before or on polling day in Malaysia and not afterwards, in the event that overseas voting results change the outcome of an election and raise suspicion among all stakeholders regarding the process.

30. The modifications that we are proposing to the overseas voting process would greatly increase confidence among Malaysians that the process could not be easily manipulated to benefit any particular political party.

## **Continuity**

31. We call on the EC to develop and implement systems at all Malaysian overseas missions to allow for registration of all first-time voters, as well as overseas advance voting, on an ongoing basis.

32. We draw the EC’s attention to the results of a recent survey of consulates, embassies and high commissions across the world to determine if such services were available. The survey was undertaken by Global Bersih city co-ordinators, who made enquiries at 10 cities: Singapore, Canberra, Melbourne, Wellington, Hong Kong, Chennai, Washington DC, New York City, London and The Hague (Netherlands). Enquiries by co-ordinators were made between August 31 and September 23, 2016. Malaysia’s High Commission in Singapore was the sole overseas mission in the survey to openly and efficiently offer facilities for both voter registration and postal voting to Malaysians abroad.

33. We are pleased to note that, after the survey results were published, Malaysians were told they may register as ordinary (first-time) voters in Frankfurt, Germany and Washington DC, USA, and we thank the EC for any role it may have had in this positive development. However, the survey clearly showed mission staff were misinformed, confused and inconsistent about electoral policy in general, and postal voting in particular.

34. We therefore petition the EC to direct and oversee efficient and informed systems for voter-registration at all overseas missions, and to make overseas advance voting available at these missions in a timely fashion for all future elections.

## **Conclusion**

35. We acknowledge that facilitating voting in more polling locations as well as training more staff to carry out polling and vote counting would naturally incur more costs in the election. However, the cost of implementing such reforms would be more welcome than the cost of an electoral system that is not trusted by the people. We think it would be money well spent.

36. We would also suggest that the financial costs of implementing this proposed system may be mitigated by collaborating with civil society on a number of ancillary processes, such as voter registration drives, voter education campaigns and training of election observers and party agents. Fortunately, there are many civil society organizations that would be willing to offer such assistance.

37. The overseas voting process during GE13 was not without its hiccups and teething problems. As such, our proposal seeks to refine the process and increase voter confidence in the procedure. We believe that of all other possible options, the mechanism proposed here is the best suited for Malaysia at this point in our history. Therefore we strongly urge the EC to take a hard look at our proposal and to feel free to discuss it with us openly.

Yours sincerely  
Malaysian civil society (below)  
December 2016

	<b>Name</b>	<b>Location</b>
1.	Lydia Chai	Auckland
2.	Ho Kuang Cheng	Auckland
3.	Elaine Chan Kai Kuan	Auckland
4.	Seow Ngeng Tan	Auckland
5.	Sharon Tang	Auckland
6.	Bernard Scheivlinck	Auckland
7.	Edmund Tang	Auckland
8.	Lim Hwee Khoon	Auckland
9.	Kim Ooi	Auckland
10.	Pamela Wong	Auckland
11.	Alice Leong	Auckland
12.	Francis Lim	Auckland
13.	Grace Goh	Auckland

14.	Tan Tee Seang	Auckland
15.	Adrian Yap	Auckland
16.	Ronnie Tan	Auckland
17.	YS Wong	Auckland
18.	Kez Tian	Auckland
19.	Boon-Tong Ng	Auckland
20.	Tristen Won	Auckland
21.	Joanne Long	Auckland
22.	Rachel Ng	Auckland
23.	YF Yap	Auckland
24.	Solahuddin Azman	Auckland
25.	Simone Khoo	Berlin
26.	Vincci ong	Berlin
27.	Evey kwong	Berlin
28.	Patrick skow	Berlin
29.	Chan	Berlin
30.	Cheah Lai Mun	Berlin
31.	Seet Lia Min	Berlin
32.	Andy Mosler	Berlin
33.	Andre Juhasz	Berlin
34.	Putri Arif Bunk	Berlin
35.	Eden Ee	Blenheim
36.	Irene Chua Chen Ling	Christchurch
37.	Luisa Kern	Cologne
38.	Brenda Hass	Cologne
39.	Fu Jie Yeoh	Cologne
40.	Anwar Mansor	Cologne
41.	Lainey lau	Cologne
42.	Johannes Weiß	Cologne
43.	Hwei Guek Eng	Cologne
44.	Mabel Lee	Cologne
45.	Felicia Hwa	Cologne
46.	Markus Fascher	Cologne
47.	Joanne Mildred d'Cruz	Cologne
48.	Han Soon Kong	Cork, Ireland
49.	Yeam Hui Nih	Den Haag, Netherlands
50.	Regina Rozario	Den Haag, Netherlands
51.	Eddie Liew	Den Haag, Netherlands
52.	Nurul Azreen Azlan	Den Haag, Netherlands
53.	Ng Bee Huang	Den Haag, Netherlands
54.	Chew Ming Hou	Den Haag, Netherlands
55.	Lucas Balveen	Den Haag, Netherlands
56.	Kelvin Loh Kwong Lam	Den Haag, Netherlands
57.	Lim Chee Chia	Den Haag, Netherlands
58.	Suryamin Kamarudin	Den Haag, Netherlands
59.	Laila Van Dam	Den Haag, Netherlands
60.	Floris Iskandar Van Dam	Den Haag, Netherlands
61.	James Saw	Den Haag, Netherlands
62.	Ng Jing Tying	Den Haag, Netherlands
63.	Kim Yong Su	Den Haag, Netherlands
64.	Han Yee Jie	Den Haag, Netherlands

65.	Anthea Kwan	Den Haag, Netherlands
66.	Tan Mooi Yong	Den Haag, Netherlands
67.	Teh Li Shia	Den Haag, Netherlands
68.	Pauline Sia	Den Haag, Netherlands
69.	Claudine Guneratne	Dublin
70.	Kit Chan	Dublin
71.	Patricia Low	Dublin
72.	May Mah	Dublin
73.	Mohd Farid Ibrahim	Dublin
74.	Rostam Abd Samad	Dublin
75.	Mumtaz Sofiya Rostam	Dublin
76.	Iman Hawa Rostam	Dublin
77.	Aniza Mohammed	Dublin
78.	Basmah Aziz	Dublin
79.	Peter Kong	Dublin
80.	Simon Beh	Dublin
81.	Saravanan Sannumugam	Dublin
82.	Calvin Raj	Dublin
83.	Nisham	Dublin
84.	Ewe Chin Tai	Dublin
85.	Lee Tan	Dublin
86.	Summer Chia	Dublin
87.	Yip Loong Heng	Dublin
88.	Phang Moi Fang	Dublin
89.	Keng Loong	Dublin
90.	Ann Kong	Dublin
91.	Tan Hoy Im	Dublin
92.	Raj Nadarajah	Dublin
93.	Choon Seng Tan	Dublin
94.	Kian Jee Tay	Dublin
95.	Mikki Kong	Dublin
96.	Vinie Lee	Dublin
97.	Varman Gunasaegaran	Dublin
98.	Kai Weng	Dublin
99.	Yin Jia	Dublin
100.	Kim Yuh	Dublin
101.	Frank Blanken	Dublin
102.	Andreas	Dublin
103.	Peter Kong	Dublin
104.	David Chia	Dublin
105.	Intan Diana Fizhal	Dublin
106.	Karina Sivam	Dublin
107.	Nigel Fernandez	Dublin
108.	Bala Chelliah	Geneva
109.	Nicky Yee	Hamburg
110.	H Chung	Hamburg
111.	H Loh mah	Hamburg
112.	Stefanie Yee	Hamburg
113.	Windee Loh	Hamburg
114.	Eunice Lee	Hamburg
115.	Vivien Chong	Hamburg



116.	Lai Cheng	Hamburg
117.	Patrick Chong	Hamburg
118.	Joshua Vickstadt	Hamburg
119.	Raymond Liew	Hamburg
120.	Kelvin Kueh	Hamburg
121.	Than Kwok Sang	Hamburg
122.	Paula Dietrich	Hamburg
123.	Leonie Metcalf	Hamburg
124.	James Khon	Hamburg
125.	David Yeoh	Hamburg
126.	Jonus Yeoh	Hamburg
127.	Hayley Loo	Hong Kong
128.	Yong Dun He	Hong Kong
129.	Patrick Ho	Hong Kong
130.	Mable Soo	Hong Kong
131.	Bee Yee	Hong Kong
132.	Ze Xue Chiew	Hong Kong
133.	Fiffs Ferreira	Hong Kong
134.	Jessie Chan	Hong Kong
135.	Michael Tan	Hong Kong
136.	Jason Leong	Hong Kong
137.	Mimi Lee	Hong Kong
138.	Niki Ng	Hong Kong
139.	Jon Thiaga	Hong Kong
140.	Soh Zhau Sen	Hong Kong
141.	Angie Ng	Hong Kong
142.	Patrick Leong	Hong Kong
143.	Low E.K.	Hong Kong
144.	Ashley Ang	Hong Kong
145.	Jessica Low	Hong Kong
146.	Roy Chang	Hong Kong
147.	Henry Low	Hong Kong
148.	William Chow	Hong Kong
149.	Gwendeline Lim	Hong Kong
150.	James Tan	Hong Kong
151.	E-Laine Yap	Hong Kong
152.	Peter Teng	Hong Kong
153.	Jason Wong	Hong Kong
154.	Kelvin Teng	Hong Kong
155.	Jessica Low	Hong Kong
156.	Chen Kam Fatt	Hong Kong
157.	Cassie Koh	Hong Kong
158.	Yee Peng Teng	Hong Kong
159.	Joshua Foo	Hong Kong
160.	Kellyn Yap	Hong Kong
161.	Johnson Chong	Hong Kong
162.	Kevin Loh	Hong Kong
163.	Y H Tan	Hong Kong
164.	Ken Yap	Hong Kong
165.	Karen Loke	Hong Kong
166.	Leung Yen San	Hong Kong

167.	Shyan Chan	Hong Kong
168.	S P Teoh	Hong Kong
169.	Brian Sew	Hong Kong
170.	KS Tan	Hong Kong
171.	EH Low	Hong Kong
172.	Kuok Poh Lin	Hong Kong
173.	Yue-Li Gan	Hong Kong
174.	Wendy Yoong	Hong Kong
175.	Choy Yin Leng	Hong Kong
176.	Chay Wai Yee	Hong Kong
177.	Tony Wong	Hong Kong
178.	Chan Beng Seng	Hong Kong
179.	Koong Leng Foong	Hong Kong
180.	Penny Khoo	Hong Kong
181.	Andy Lim	Hong Kong
182.	Jack Yu	Hong Kong
183.	Ai Ai Ong	Hong Kong
184.	Michelle Yit	Jakarta
185.	Yolanda Augustin	London
186.	D. Wolfgang	Munich
187.	Ung Teh	Munich
188.	O. Kel khoo	Munich
189.	Shanta	Munich
190.	Wei Way	Munich
191.	Wen Qi	Munich
192.	Paula Paul Chen	Munich
193.	Adele Goh	Munich
194.	Andrea Goay	Munich
195.	A.L.K Tan	Munich
196.	Cozy Tan	Munich
197.	Jules Beithe	Munich
198.	Subash	Munich
199.	Joanne	Munich
200.	Thew	Munich
201.	Andy Mosler	Munich
202.	Andre Juhasz	Munich
203.	Putri Arif Bunk	Munich
204.	W.Z Hew	Munich
205.	Shirlyn	Munich
206.	Carol Yap	Munich
207.	Charis Quay	Paris
208.	Chee Hong	Paris
209.	Poon Shuen Hwa	Paris
210.	Lim Siaw Chin	Paris
211.	Tai Xin Lei	Paris
212.	Chiu Lin Wong	Paris
213.	Bouvier Elise	Paris
214.	Maoqiao Wang	Paris
215.	Bella Rahim	Paris
216.	Celine Goncales	Paris
217.	Ryan Liou	Paris

218.	Sharon Tan	Paris
219.	Debbie & Poon Yew Chung	Paris
220.	Sunny Ewe	Penang
221.	Sally Ewe	Penang
222.	Lew Choi Lan	Perth
223.	Chris Jenkins	Perth
224.	Chom Lee	Perth
225.	Tony Ng	Perth
226.	Boon Eow	Perth
227.	Lean Poh	Perth
228.	Kim Khaw	Perth
229.	Serene Tan	Perth
230.	Teik Oh	Perth
231.	Amanda Moore	Perth
232.	Kim Y Yap	Perth
233.	Ron Tan	Perth
234.	Jane Yeap	Perth
235.	Sam Sng	Perth
236.	Yoku Chung	Perth
237.	Yung Yung Kuan	Perth
238.	Chye Hon Khim	Perth
239.	Geok Bee Chuah	Perth
240.	Grace Lee	Perth
241.	King Onn Chek	Perth
242.	Jason Ow	Perth
243.	Vicky Yong	Perth
244.	Ryan Tan	Perth
245.	Sharon Teoh	Perth
246.	Bee Thing Lim	Perth
247.	Cho Law	Perth
248.	Colin Jay V	Perth
249.	Yi Hud Law	Perth
250.	S Vijay	Perth
251.	Leon Law	Perth
252.	Joel Lee	Perth
253.	BK Shun	Perth
254.	Yap Ler Ning	Perth
255.	Pan Maw Tan	Perth
256.	Jing Wen Lee	Perth
257.	Bernitta Sugunasingam	Perth
258.	Jordan Sugunasingam	Perth
259.	Melanie Ng	Perth
260.	Soon Yee Yap	Perth
261.	Jason Ng	Perth
262.	Kushay Hon	Shanghai
263.	James Hon	Shanghai
264.	LY Soon	Shanghai
265.	Kelvin Leong	Shanghai
266.	Jonathan Lim	Shanghai
267.	Simon Fong	Shanghai
268.	Ngooi Soon Ghee	SuZhou

269.	Nick Chau	Shanghai
270.	HT Pang	SuZhou
271.	Danny Khoo	Shanghai
272.	Mun Teus	Shanghai
273.	Vincent Oh	SuZhou
274.	Willy Cheng	Shanghai
275.	Chiew Hing	Shanghai
276.	Khai Xin	Shanghai
277.	Mike Tan	Shanghai
278.	KL Chew	Shanghai
279.	Mabel Lim	Shanghai
280.	Chu Yeat Chin	Shanghai
281.	Low Kia Neng	Shanghai
282.	Tay Thiew Hui	Shanghai
283.	Yin Kam Hoe	Shanghai
284.	Irene Yong Siew Ting	Shanghai
285.	Eoh Teng Kor	Shanghai
286.	Lee Kam Heng	Shanghai
287.	Wan Pei Yin	Shanghai
288.	Nick Neng	Shanghai
289.	Paul Zhuang	Shanghai
290.	Chong Yee Ee	Shanghai
291.	Tan Chuan Han	Shanghai
292.	Khor Soon Lee	Shanghai
293.	Ooi Ken Woei	Shanghai
294.	Yee Weng Ren	Shanghai
295.	Tan Li Moon	Shanghai
296.	Maria A.	Zhangjiagang
297.	Woo Ron Xian	Shanghai
298.	Fong Yew Siang	Shanghai
299.	Balachandaran	Stuttgart
300.	Stefan Windgaetter	Stuttgart
301.	Chua Lai Heat	Stuttgart
302.	Premila Dharan	Stuttgart
303.	Yugan Cecil Raj	Stuttgart
304.	Christina Chen	Stuttgart
305.	Nadia Balachandran	Stuttgart
306.	Hock Lim Teh	Stuttgart
307.	Lee Win Din	Stuttgart
308.	Nirmala Devi Windgaetter	Stuttgart
309.	Suzzane Vincent	Stuttgart
310.	Dennis Chung	Stuttgart
311.	Cheng Li Wee	Stuttgart
312.	Mohd Hafiz	Stuttgart
313.	Lucas Jeevan Windgaetter	Stuttgart
314.	Amelia foo	Stuttgart
315.	Karuna. K	Stuttgart
316.	Adrian Foong	Stuttgart
317.	Manjula Tamara	Stuttgart
318.	Leng Anna	Stuttgart
319.	Sophie Jaya Windgaetter	Stuttgart

320.	Ethan Emanuel Ling	Stuttgart
321.	Emel Sen	Stuttgart
322.	Doga Sen	Stuttgart
323.	Soraya	Stuttgart
324.	Birgit Balachandran	Stuttgart
325.	ST Wong	Sutton, Ireland
326.	Low Wei Joon	Sydney
327.	Helen Heng	Sydney
328.	Louise	Sydney
329.	Sing Chien Ong	Sydney
330.	Daniel Ong	Sydney
331.	Wong Key Hyiunh	Sydney
332.	Ho Kien Hua	Sydney
333.	Kai Yap	Sydney
334.	Evonne Chung	Sydney
335.	Wong Kha Tung	Sydney
336.	Teresa Sang	Sydney
337.	Jill Tan	Sydney
338.	Alice Alisson Tiong	Sydney
339.	Simon Lee	Sydney
340.	Irene Ong	Sydney
341.	Cheong Lun Chin	Sydney
342.	William Wong	Sydney
343.	Soik Mei Yeoh	Sydney
344.	Michelle Kok	Sydney
345.	Juliana Koh	Sydney
346.	Susan Wong	Sydney
347.	Jessica Wong	Sydney
348.	Wai Fong Kok	Sydney
349.	Lim Guok Tian	Sydney
350.	Phillip Ng Soon Kin	Sydney
351.	Lim Jia Siang	Sydney
352.	Hor Tiang How	Sydney
353.	Yeong Chiow Ting	Sydney
354.	Heng Foooh Sar	Sydney
355.	P. Heng Tok Chan	Sydney
356.	Arnold A Ramos	Sydney
357.	Raj Nair	Sydney
358.	Soon Leng Tam	Sydney
359.	Kang Tam	Sydney
360.	Ooi Hock Lim	Sydney
361.	Komala	Sydney
362.	Govind	Sydney
363.	Ranveer Dhillan	Sydney
364.	Peter Morgan	Sydney
365.	Fatima Mary Amdhima	Sydney
366.	Bell	Sydney
367.	Christopher Chong	Sydney
368.	Wei Chong	Sydney
369.	Kam Khuan Lee	Sydney
370.	Tang Choon Keah	Sydney

371.	Sam	Sydney
372.	Allen	Sydney
373.	Jimmy Woo	Sydney
374.	Beyay Wee	Sydney
375.	Jua Khoo	Sydney
376.	Pushpella	Sydney
377.	Isabella	Sydney
378.	A. Manesh	Sydney
379.	Angel Weng	Sydney
380.	Ivy Michael	Sydney
381.	Wendy Cheah	Sydney
382.	Phoon Wai Kit	Sydney
383.	Kam Hoong Weng	Sydney
384.	Cindy Leong	Sydney
385.	Jushy Yong	Sydney
386.	Nyuk Fun Yun	Sydney
387.	Su Loh	Sydney
388.	Wenji Khoo	Sydney
389.	Edward	Sydney
390.	How Yu Hong	Sydney
391.	Chee Yow	Sydney
392.	Choi Yeng Lee	Sydney
393.	Wai Keong Ng	Sydney
394.	Lian Foong Yoon	Sydney
395.	Ivan Liao Jenn Yuan	Sydney
396.	Keegan Lian Jenn Kang	Sydney
397.	William Dominic Cular	Sydney
398.	Sandra Agatha Dunken	Sydney
399.	Gowrie Munigiah	Sydney
400.	Syamala Murigiah	Sydney
401.	Benjamin Tong	Sydney
402.	Chia Kok Siong	Sydney
403.	Chai Kok Leong	Sydney
404.	Seow Nyoke Yoong	Sydney
405.	Yong Tee Chang	Sydney
406.	Yoong Soo May	Sydney
407.	Yoong Soo Fay	Sydney
408.	Yoong Soo Lay	Sydney
409.	Wong Khai Tuck	Sydney
410.	Goi Bok Jia	Sydney
411.	Yoon Liew	Sydney
412.	Penny Yeoh	Sydney
413.	Wen Yeoh	Sydney
414.	Vivien Chia	Sydney
415.	Mathuri Santhi	Sydney
416.	Muhd Haiqal Fazrieqin	Sydney
417.	Azrul Shafid	Sydney
418.	John Hermeg	Sydney
419.	Choang EE	Sydney
420.	Mark Lee	Sydney
421.	Kevin On	Sydney

422.	Chiau	Sydney
423.	Marcus	Sydney
424.	Malethy	Sydney
425.	Leo	Sydney
426.	Peng Peng	Sydney
427.	Andrew	Sydney
428.	Keng Loon	Sydney
429.	A.Achmad	Sydney
430.	Patrine Hong	Sydney
431.	Edwin Ong	Sydney
432.	LC Lam	Sydney
433.	Tan Weng Choong	Sydney
434.	Khaw Kevin	Sydney
435.	Ivan Lee	Sydney
436.	Lim Chin Leong	Sydney
437.	Nazrin	Sydney
438.	Looi Ooi Moon	Sydney
439.	Tan Bee Hock	Sydney
440.	Carmen Leong	Sydney
441.	Sian Tie Ooi	Sydney
442.	Boon Ooi	Sydney
443.	SP Tan	Sydney
444.	Ee Ling Chan	Sydney
445.	Anne Sarvaas	Sydney
446.	Kenny Hoo	Sydney
447.	Paul Tang	Sydney
448.	Felix Tan	Sydney
449.	Mei Ling Tam	Sydney
450.	Mal Eudon	Sydney
451.	Tyler Fritz	Sydney
452.	Yee Wah Choong	Sydney
453.	Liew Siew Kam	Sydney
454.	Sathis Raj	Sydney
455.	Bryan Chua	Sydney
456.	William De Cruz	Sydney
457.	Yong Chiao Thong	Columbus, Ohio, USA
458.	Juliet Diong	Columbus, Ohio, USA
459.	Johnny Chuah	Columbus, Ohio, USA
460.	Anna Loy	Columbus, Ohio, USA
461.	Adeline Ong	Columbus, Ohio, USA
462.	Celine How	Columbus, Ohio, USA
463.	Jiong Da Low	Lexington, Kentucky, USA
464.	Prakash Navaratnam	Columbus, Ohio, USA
465.	Cheah Jin Heng	Columbus, Ohio, USA
466.	Chua Syn Dee	Columbus, Ohio, USA
467.	Chuan-Li Ko	Harrisonburg, VA, USA
468.	Mun Fei Chor	Harrisonburg, VA, USA
469.	Wei Chean Tan	Washington, DC, USA
470.	Bryan See	Baltimore, MD, USA
471.	Azaham Hazan	Richmond, VA, USA
472.	Kwang Peng Teo	Manassas, VA, USA

473.	Yan Shan Kang	Severn, MD, USA
474.	Moris Deri	Mineapolis, MN, USA
475.	Sher Rynn Khoo	Wyoming, WY, USA
476.	Stuart Cone	Minneapolis, MN, USA
477.	Khat Neo	Norton, VA, USA
478.	Joyce Oo	Ashburn, VA, USA
479.	Swee Chong Tee	Baltimore, USA
480.	G Wei Ng	Baltimore, USA
481.	Tze Mun Lee	Baltimore, USA
482.	Huzami	USA
483.	Chuan Lim Kho	Washington, DC, USA
484.	Leng-feng Lee	Frederick, MD, USA
485.	Lila Beckford	Hercules, CA, USA
486.	Carol Gomez	Los Angeles, USA
487.	Sze Min Sim	Los Angeles, USA
488.	Kathleen Koh	Los Angeles, USA
489.	Lili Liew	Los Angeles, USA
490.	Jessie LeonG	Los Angeles, USA
491.	Pei Chang	Los Angeles, USA
492.	Casey Chong	Los Angeles, USA
493.	Gan Hwa Soon	Los Angeles, USA
494.	Lim Anderson	Los Angeles, USA
495.	Edmond Yew	Los Angeles, USA
496.	Tan Kar Boon	Los Angeles, USA
497.	Hoo Chiow Yu	Los Angeles, USA
498.	Chui Lyn Cheong	Los Angeles, USA
499.	Jocelyn	Los Angeles, USA
500.	Susan Yee	Los Angeles, USA
501.	Thomas Chan	Los Angeles, USA
502.	Elvi Lim	Los Angeles, USA
503.	Ka Mun Lee	Los Angeles, USA
504.	Tan Tuan Keat	Los Angeles, USA
505.	Chee Hong Low	Los Angeles, USA
506.	Yee Theng Soo	Los Angeles, USA
507.	Lay Lim Ong	Los Angeles, USA
508.	Gary Lim	Los Angeles, USA
509.	Ada Hong	Los Angeles, USA
510.	Carrie Chan	Los Angeles, USA
511.	Ken Chia	Los Angeles, USA
512.	Eelyn Ooi	Los Angeles, USA
513.	Seng Jee Low	Los Angeles, USA
514.	James Lim	Los Angeles, USA
515.	Fang-Ning Lim	Los Angeles, USA
516.	CK Lim	Los Angeles, USA
517.	Alice Su	Los Angeles, USA
518.	Clement Xavier	Los Angeles, USA
519.	Vernace Wong	Los Angeles, USA
520.	James Cheng	Los Angeles, USA
521.	Colin Rajah	San Francisco, USA
522.	Chong Pin Lim	San Francisco, USA
523.	Sam Waran	San Francisco, USA



524.	Liew Khong Jye	San Jose, CA, USA
525.	Liz Ling	San Jose, CA, USA
526.	Eileen Tan	San Jose, CA, USA
527.	Eric Kuang	San Jose, CA, USA
528.	Henry J Hor	Santa Clara, USA
529.	Liz Teh	Santa Clara, USA
530.	Soon Lee Kang	San Ramon, USA
531.	Lai Ping Sam	Belmont, CA, USA
532.	Sheryl Lee	Sunnyvale, CA, USA
533.	Callistus Antony	Alamo, CA, USA
534.	Dora Daniel	Alamo, CA, USA
535.	Tian Lee	Hayward, CA, USA
536.	Keith Ng	San Jose, CA, USA
537.	Lucian Lin	Piedmont, CA, USA
538.	Chong Pun	Fremont, CA, USA
539.	Benjamin Hor	Santa Clara, CA, USA
540.	Manor Narayanan	San Jose, CA, USA
541.	Mei Fan Boo	San Jose, CA, USA
542.	Clarissa Soon	Mountain View, CA, USA
543.	Irma Lam	Sunnyvale, CA, USA
544.	Vincent Wee	San Jose, CA, USA
545.	Crystal How	San Jose, CA, USA
546.	Hon Hin Wong	Milpitas, CA, USA
547.	Siew Ying Wong	Milpitas, CA, USA
548.	Teck Yunn Lim	San Jose, CA, USA
549.	May Fun Khoo	San Jose, CA, USA
550.	Tey Fong Eng	San Jose, CA, USA
551.	Hock Thye Tan	San Jose, CA, USA
552.	Han King Ooi	San Jose, CA, USA
553.	Yen Ling Pun	San Jose, CA, USA
554.	Lai Ying Chan	San Jose, CA, USA
555.	Maurice Francis	Tracy, CA, USA
556.	Sharon Sundlas	San Jose, CA, USA
557.	Li Chin Ooi	Santa Clara, CA, USA
558.	Kuan Pei Yap	San Jose, CA, USA
559.	Boon Lim	Pacifica, CA, USA
560.	Joanne Lee	Fremont, CA, USA
561.	Kevin Cho	Alameda, CA, USA
562.	Yoke Cheng Chan	San Jose, CA, USA
563.	Yoke Peng Chan	Piedmont, CA, USA
564.	Jordan Cheah	Palo Alto, CA, USA
565.	Tan Chong Hui	Wellington
566.	Henry Yap	Wellington
567.	Sarah Koo Zhi Ern	Wellington
568.	Kian Wah	Wellington
569.	Tom	Wellington
570.	Yong	Wellington
571.	Chin Yi Yin	Wellington

## APPENDIX I

### The chain of ballot security as proposed by civil society

Electoral procedure	Location/Transit
1. Returning Officer (RO) issues overseas ballots (envelope A & B, Form 2, ballot) according to final destination, at RO office in Malaysia, witnessed by PACABA. PACABA notes 2 things: serial number range issued per embassy (and therefore number of ballots) - noted on Form SPR754A - and a separate list of voters according to constituency, never matching voter names to any serial number.	RO office
2. Sealed ballots are delivered by police escort to Election Commission's (EC) office	Police escort
3. Ballots from the various RO offices are grouped according to overseas mission destination. Every final destination is allotted one ballot sack (karung undi) each, hence an overseas mission may receive more than one ballot sack to be distributed among the polling stations. PACABA & RO sign sealed ballot sacks.	EC Office
4. EC delivers sealed ballot sacks to Wisma Putra.	Police escort
5. Wisma Putra delivers sacks by diplomatic pouch	Diplomatic pouch
6. Overseas mission receives diplomatic pouch.	Overseas mission
7. Overseas Presiding Officer (PO) does not open any ballot sack except its own allocated one, and distributes other ballot sacks to various field polling centres around the country via hand delivery. Notifies overseas agent at each field polling centre.	Hand delivery by embassy staff
8. At each overseas polling location including field polling centres, overseas agent witnesses opening of ballot sack by PO and cross-checks with Form SPR754A provided by counterpart PACABA in Malaysia. PO issues an official copy to each candidate, their PACABA and overseas agent.	Overseas mission/ field polling centres
9. Polling day. Overseas agent and PO arrive early to witness empty ballot sack. Duties of overseas agent during polling include ensuring premises are well organized, ascertaining whether any election laws are being broken and reporting. Overseas agent should also note in Form SPR754B voters who collected their ballots and left (presumably to abstain from voting as they aren't allowed to post their ballots to Malaysia).	Overseas mission/ field polling centres
10. Counting process conducted by PO and overseas agent. They are to complete Form SPR754B: Note serial no of ballots issued (includes ballots that were collected in person and taken away and ballots cast at overseas mission), number of spoilt and unused ballots. This data is shared with counterpart PACABA in Malaysia. Vote tallying begins. Results are filled in Form SPR 754B for each constituency and relevant Form sent by PO to Wisma Putra cc candidates/PACABA/overseas agent.	Overseas mission/field polling centres. Results sent via fax or email.

#### Glossary:

<i>Embassy</i>	= Used interchangeably with 'overseas mission'
<i>Diplomatic pouch</i>	= Has tamper-proof seal and avoids delays at customs
<i>Field polling centre</i>	= Polling station other than an overseas mission and authorized by the Election Commission to receive overseas ballot papers and operating under the same conditions as any overseas mission
<i>KTM</i>	= Ketua Tempat Mengundi (see PO)
<i>Overseas mission</i>	= Includes Malaysian embassy, consulate, high commission
<i>PACAPOS</i>	= Overseas equivalent of PACABA in Malaysia (Party Agent, Counting Agent, Barung Agent), a crucial role in that a PACAPOS should have authority to question dubious or erroneous processes within the polling station. A PACAPOS would be reporting back to the party candidate he/she represents.
<i>PO</i>	= Overseas Presiding Officer (see KTM) at polling station
<i>RO</i>	= Returning Officer in Malaysia
<i>Wisma Putra</i>	= Ministry of Foreign Affairs

## **APPENDIX II**

### **AMENDMENTS TO ELECTIONS (POSTAL VOTING) REGULATIONS 2003**



## FEDERAL SUBSIDIARY LEGISLATION

ELECTIONS ACT 1958 [ACT 19]

**P.U.(A) 185/2003**

### **ELECTIONS (POSTAL AND OVERSEAS ADVANCE VOTING) REGULATIONS 2003**

*Incorporating latest amendment - P.U.(A) 10 /2013*

Publication in the Gazette : 12 June 2003

Date of coming into operation : 16 June 2003

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LIST OF AMENDMENTS

**P.U.(A) 185/2003**

**ELECTIONS (POSTAL [AND OVERSEAS ADVANCE](#) VOTING) REGULATIONS 2003**

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:

## **I – PRELIMINARY**

### **Regulation 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].

### **Regulation 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, [overseas agent](#) or any person appointed to attend in the election agent's [or overseas agent's](#) place;

["assistant overseas agent" means an assistant overseas agent appointed under paragraph 8A\(3\);](#)

["consular officer" means an officer in the an overseas polling centre who is appointed to be the "overseas presiding officer" by the Election Commission to conduct proceedings in respect of overseas advance 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;](#)

["field polling centre" means an overseas polling location other than a Malaysian High Commission, embassy or consulate, appointed by the Election Commission to receive overseas advance ballot papers and operating under the same conditions as an overseas polling location;](#)

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

"issue" includes the original and any subsequent issue;

"overseas advance voter" means any voter who is ordinarily resident in a place outside Malaysia and entitled to vote under Regulation 3A;

"overseas advance ballot paper" means a ballot paper issued to an overseas advance voter;

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

"overseas advance polling day" means the day for overseas advance voting that will be held on a date not later than fourteen days before polling day in Malaysia;

"overseas polling location" means any Malaysian High Commission, embassy, consulate or field polling centre appointed by the Election Commission to receive overseas advance ballot papers;

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

"postal voter" means any person entitled to vote under regulation 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" for the return of envelope A and Form 2.

## **PART II - POSTAL AND OVERSEAS ADVANCE VOTERS**

### **Regulation 3. Persons entitled to vote as postal voters.**

(1) Any person who is not voting from overseas and 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 (c), (d), (e) and (f) 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 unable to vote on the advance polling day;

(c) a person certified by the Election Commission to be an election officer and liable for duties on the advance polling day or polling day;

(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,

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 unable to vote on the advance polling day and intends to vote by post; and

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

shall apply to do so in the manner determined by the Election Commission.

[ (2) Subs. P.U.(A) 114/2012; Am. P.U.(A) 10/2013 ]

(3) The application shall be made to the Election Commission and the time to make the application will be prescribed by the Election Commission by notification in the *Gazette*.#

[ (3) Subs. P.U.(A) 10/2013 ]

(4) If an application is approved, the Election Commission shall so inform the applicant in the manner determined by the Election Commission and issue a postal ballot paper to the applicant.

[ (4) Subs. P.U.(A) 10/2013 ]

(5) If an application is not approved, the Election Commission shall so inform the applicant in the manner determined by the Election Commission and shall state its ground for not approving the application.

[ (5) Ins.P.U.(A) 10/2013 ]

### **Regulation 3A. Persons entitled to vote as overseas advance voters**

(1) Any person who:

(a) has registered as an overseas advance voter; and

(b) is ordinarily resident in a place outside Malaysia regardless of the amount of time the person has spent in Malaysia since taking up residence outside of Malaysia; and

(c) is not a postal voter.

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

(2) A person referred to in paragraph (1) who intends to vote overseas by collecting the ballot paper at the appointed overseas polling station shall apply to do so by using Form 1A in the Schedule.

(3) The application referred to in paragraph (2) shall be made at any time prior to dissolution of the Parliament or State Assemblies 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 1A to the Election Commission and the Election Commission shall issue an overseas advance ballot paper to the applicant and remove the applicant from the regular electoral roll, the list of postal voters and any other possible list of eligible voters. If it is not approved, the Election Commission shall so inform the applicant and shall state its grounds for not approving the application in the letter prescribed in Form 1A.

(5) The Election Commission shall maintain a register of overseas advance voters, which shall be made available for public inspection online subject to the redaction of the overseas advance voters' postal addresses, and the returning officer shall issue an overseas advance 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 advance voter pursuant to an application under paragraph (2) shall remain on the register of overseas advance voters until the conclusion of the first parliamentary general election after such application or apply to be removed from such register using Form 1A.

**Regulation 4. Form of postal and overseas advance ballot papers.**

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

**PART III - ISSUING OF BALLOT PAPERS.**

**Regulation 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, the overseas presiding officer and his clerks;

(b) the candidates;

(c) an election agent or person appointed by ~~a~~the candidate or party by whom the election agent was appointed 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 and overseas advance ballot papers or the opening of postal and overseas advance voters' ballot boxes.

(2) If a candidate or party appoints a person under paragraph (1)(c), he or it shall give notice of the appointment to the returning officer or consular officer, stating the name and address of the person so appointed at any time during the issue of the postal and overseas advance ballot papers or the opening of the postal and overseas advance 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 party may appoint another person in his place and shall forthwith give to the returning officer, consular officer or overseas presiding officer notice in writing of the name and address of the person so appointed.



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

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

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

**Regulation 6. Notice of issue of postal and overseas advance 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 and overseas advance ballot papers.

(2) Where any subsequent issue of postal and overseas advance 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.

**Regulation 7. Marking of postal and overseas advance ballot papers.**

(1) ~~Each~~ All the postal and overseas advance ballot papers to be issued shall be perforated or stamped with the official mark or initialled by the returning officer beforehand and issued following the procedure below for random issue of postal and overseas advance ballot papers, and the name and number of the elector shall be called out before a postal or overseas advance ballot paper is selected for issue:-

- (a) Tear out sufficient number of ballot papers to match the number of electors in the electoral roll;
- (b) Place the ballot papers face down in a tray;
- (c) Select a ballot paper at random for issue to the elector.

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

(2) A list according to each overseas polling location shall be made of the persons to whom postal ballot papers have been sent and of the range of serial numbers issued but without ~~showing~~ matching the serial number to any particular ballot paper issued.

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

(4) Before the issue of postal and overseas advance ballot papers in batches according to each overseas polling location, the starting and ending serial number of the postal and overseas advance ballot papers shall be recorded on Form SPR754A for each batch. This form shall be signed by the returning officer and any candidate, election agent or polling agent in attendance and a copy extended to them and also to the overseas presiding officer and agents on duty at the relevant overseas polling location(s).

**Regulation 8. Documents to be sent to postal voters.**

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

- (a) a ballot paper;
- (b) Form 2;

(c) an envelope A; ~~and~~

(d) an envelope B; ~~and~~

(e) a certification that he or she is a postal or overseas advance voter.

#### **Regulation 8A. Overseas advance ballot papers.**

(1) The Election Commission may by notice published in the *Gazette* direct that all envelopes addressed to overseas advance voters in a place outside Malaysia shall be collected by such voter via a specified consular officer in or in the vicinity of such place and the overseas advance ballots shall be returned to such consular officer not later than five o'clock in the afternoon local time on the same day being also the overseas advance polling day.

(2) All overseas advance ballot papers thus issued shall only be eligible to be counted if returned to the overseas presiding officer stationed at the overseas polling centre before five o'clock in the afternoon local time on the same day being also the overseas advance 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, such nomination not to be disputed by the Election Commission, and the names and contact details of such agents shall be notified to the Election Commission within seven days of the publication of the notice under paragraph (1).

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

#### **Regulation 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.

#### **Regulation 9A. Despatch of overseas advance ballot papers to overseas polling centres**

(1) The returning officer shall, at the proceedings on the original issue of overseas advance ballot papers, place all envelopes addressed to overseas advance voters which are to be sent via a specified consular officer in an overseas country in packets labeled according to each overseas polling centre within that overseas country, sealed and affixed with security tape, signed by the returning officer and signed by each candidate or his election agent or polling agent, whereupon the packets shall be sent to that consular officer by the Election Commission through diplomatic courier.

(2) The consular officer shall upon receipt of such diplomatic courier retain the packet addressed to the overseas polling location at which he is stationed and distribute any other packets, unopened, which are addressed to the field polling centres.

(3) Upon receipt of the sealed packets, the consular officer at each overseas polling centre including field polling centre 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.

(4) 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 advance voters in respect of each constituency and cross-check this with copy of the corresponding Form SPR754A recorded under Regulation 7(4).

**Regulation 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 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. .

**Regulation 10A . Provision of overseas advance voters' ballot box or sack**

All references to advance 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 on overseas advance polling day provide a ballot box or ballot boxes for the receipt of envelope B when cast by the overseas advance voters.

(2) There shall be no fewer than one ballot box for each state for which overseas advance 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 advance 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 and provide facilities for the agents and election observers to assist in securing the ballot box if they so desire.

**Regulation 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, 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 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).

**Regulation 12. Exercise of postal [and overseas advance](#) vote.**

A postal [or overseas advance](#) voter who wishes to exercise his postal vote shall exercise it by completing and despatching [or returning, as the case may be](#), the ballot paper and Form 2 in accordance with the instructions laid down in such Form to the voter.

**Regulation 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 [in Malaysia](#), place it unopened in a postal voters' ballot box which has been locked and affixed with security tape in accordance with regulation 10.

**[Regulation 13A. Receipt of overseas covering envelopes.](#)**

[The consular officer shall, immediately on receipt of envelope B before five o'clock in the afternoon local time of overseas advance polling day, place it unopened in the appropriate overseas advance voters' box which has been locked and affixed with security tape in accordance with regulation 10A.](#)

**PART IV - OPENING OF POSTAL VOTERS' BALLOT BOX.**

**Regulation 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.

(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 polling day [in Malaysia](#), 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.

**[Regulation 14A. Opening of overseas advance voters' ballot box](#)**

[\(1\) Each overseas advance voters' ballot box shall be opened by the overseas presiding officer in the presence of the agents and observers as soon as practicable after five o'clock in the afternoon local time of overseas advance polling day, and the overseas presiding officer shall inform the agents and observers of the time and place at which he will open such ballot boxes and the envelopes contained therein.](#)

[\(2\) When each overseas advance voters' ballot box is opened, the overseas presiding officer shall count and note the numbers of envelope B received for each constituency, and place the envelopes B received for each constituency into separate receptacles, prior to the commencement, in respect of that ballot box, of proceedings under Regulation 15.](#)

**Regulation 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, and shall then open each envelope B separately.

(1A) When an overseas voters' ballot box has been opened, the overseas presiding 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, 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, 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, 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 does not agree with the number on the ballot paper, mark on the Form 2 "vote rejected", attach to it the ballot paper 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.

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

On the conclusion of the proceedings under regulation 15, the returning officer shall put the contents of the receptacle for votes rejected and the contents of the receptacle for Form 2 into two separate packets and shall affix security tape on the packets [and sign on it together with the agents](#).

#### **Regulation 17. Opening of envelope A.**

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

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

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

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

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

### **PART V – GENERAL**

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

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

#### **Regulation 19. Postal [and overseas advance](#) voter not to vote in person.**

A postal [or overseas advance](#) voter shall not be entitled to vote in person on polling day [in Malaysia](#).

#### **[Regulation 19A. Forms](#)**

[\(1\) The Returning Officer shall make enough duplicates to provide a copy to each candidate of all forms used in the whole process on overseas advance voting and shall sign each and every form and be countersigned by](#)

the respective candidates of each constituency or their agents present. A copy of each duly completed and signed form must be furnished to each and every candidate, his election agent, counting agent or overseas agent.

(2) Failure of the Returning Officer to comply with (1) above 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.

**Regulation 20. Revocation.**

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

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

SCHEDULE: Form 1 [Deleted] ; Form 1A, Form 1B [Deleted], Form 2, Form 754A and Form 754B

**FORM 1A**  
**STATUTORY DECLARATION IN RESPECT OF**  
**APPLICATION FOR OVERSEAS ADVANCE BALLOT PAPER**  
[Subregulation 3A(2)]

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 advance voter at the above address and undertake that if I am issued an advance ballot paper, I will not vote in person in Malaysia on polling day.

\*I hereby apply to be removed from the register of overseas advance 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..... )

\*Delete whichever is inapplicable



FOR OFFICE USE ONLY

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

\*Application approved.

\*Application rejected and applicant informed.

Grounds for rejection of application:

Dated .....

.....  
Consular Officer/Authorised signatory for Election Commission

\*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 an overseas advance ballot paper dated  
.....is not approved on the ground  
that.....

Your obedient servant,

.....  
Consular Officer/Authorised signatory for Election Commission

Dated.....

**FORM 2**  
[Regulations 8, ~~8A~~, and 12 and 12A]  
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 above-named, 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 .....

Witness's Signature:.....

Full name: .....

(In capital letters)

Address:.....

.....

.....

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

**INSTRUCTIONS TO THE VOTER**  
[Regulations 8, ~~8A~~, and 12 and 12A]

1. Before marking the accompanying ballot paper, you must produce to a ~~person~~ Malaysian citizen above the age of 21 to whom you are known who will witness your Form 2 the following:

- (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 and ~~despatch~~ return it to the ~~returning officer~~ overseas

[presiding officer](#) without delay. [For postal voters, 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 polling day in Malaysia. For overseas advance voters, the ballot paper, in order to be counted, must be received by the overseas presiding officer not later than five o'clock in the afternoon local time on the same day the ballot paper is collected, being also the overseas advance polling day.](#)

6. If by mistake you receive more than one ballot paper, you are required to destroy the ballot paper whose number does not correspond with the number marked on the Form 2. Remember that it is illegal to vote more than once at the same general election or by-election.

7. If you are a postal [or overseas advance](#) voter, you shall not vote in person [in your constituency](#) on polling day.

FORM 1B  
[Deleted]




*(The Overseas 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 Overseas Presiding Officer.*

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**ELECTIONS (POSTAL VOTING) REGULATIONS 2003**  
**Form 754B**  
**Overseas Advance/Postal Ballot Papers Closing Statement**  
**Sub-Regulation 15**

Constituency of Parliament/State .....

Overseas Polling Location: .....

<u>Date</u>	<u>Envelope B No. (same as Ballot Paper Serial No.)</u>		<u>No. of Envelope B returned to overseas polling location</u>
	<u>From</u>	<u>To</u>	
<u>Total (B):</u>			

(C) No. of ballot papers issued but not returned to overseas presiding officer (C = A\* – B): .....

(D) No. of “Spoilt Ballot Papers” (Ballot papers returned to overseas presiding officer which have been cancelled and marked “SPOILT” by overseas presiding officer and not put in the ballot box): .....

(E) Total no. of ballot papers to be accounted for in the ballot box (E = A\* – C – D): .....

\* A = see Form 754A for this value

Sample of Perforation/ Stamp/overseas presiding officer’s Signature.

I certify that the above statement is correct.

Dated:

.....

Signature

.....  
Name of Overseas Presiding Officer

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

(The Overseas 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 Overseas Presiding Officer.

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**P.U.(A) 185/2003**

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**ELECTIONS (POSTAL VOTING) REGULATIONS 2003****LIST OF AMENDMENTS**

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
P.U.(A) 164/2006	Elections (Postal Voting) (Amendment) Regulations 2006.	05-05-2006
P.U.(A) 114/2012	Elections (Postal Voting) (Amendment) Regulations 2012	30-04-2012
P.U.(A) 143/2012	Elections (Postal Voting) (Amendment) Regulations 2012 – CORRIGENDUM [Date of publication 17-05-2012]	30-04-2012
P.U.(A) 10/2013	Elections (Postal Voting) (Amendment) Regulations 2013	15-01-2013