

2019

# Overseas Voting Reforms Proposal Volume 1

## GLOBAL BERSIH

A Civil Society Proposal for the Election  
Commission and Electoral Reform  
Committee of Malaysia

global bersih  
MALAYSIANS ACROSS BORDERS

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# Volume 1

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## Glossary

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<b>Absent voter</b>	Includes advance and postal voters as defined in the regulations
<b>Advance voting or early voting</b>	A subset of absentee voting in which someone votes in person at a designated polling booth earlier than Election Day
<b>Global Bersih Data Collection Survey</b>	A survey conducted by Global Bersih in 2018 during and immediately after GE14, to document severe operational faults, identify major issues and garner overseas voter feedback
<b>EC</b>	Election Commission
<b>ERC</b>	Electoral Reform Committee
<b>Electronic voting</b>	The use of electronic devices/procedures to vote during an election
<b>GE13</b>	13 <sup>th</sup> General Election
<b>GE14</b>	14 <sup>th</sup> General Election
<b>GE15</b>	15 <sup>th</sup> General Election
<b>MFM</b>	Malaysian foreign mission, i.e. a Malaysian embassy, high commission or consulate
<b>OPV</b>	Overseas postal voter
<b>OVR Survey Report</b>	Report on the Overseas Voting Reform Survey conducted by Global Bersih in February 2019 to get feedback from overseas Malaysians in order to develop a model of overseas voting that works for all stakeholders, published as Volume 3 of this proposal
<b>PACABA</b>	Polling Agent, Counting Agent and Barung Agent
<b>RO</b>	Returning Officer

## EXECUTIVE SUMMARY

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Global Bersih presents this comprehensive proposal to reform the overseas voting process. Our proposal comprises three booklets: 1) Volume 1 addresses immediate and urgent reforms of the existing overseas postal voting system, 2) Volume 2 looks at innovative ideas for long-term reforms, and 3) the final booklet contains the results from a survey of Malaysians living abroad to garner feedback on various proposals to reform overseas voting practices.

It is a widely accepted fact among stakeholders that there is a trust deficit among Malaysians because poor election practices in the past. The proposals in this Volume 1 seek to address these problems by reforming the existing format of postal voting, with minimal upheaval for all involved. Malaysians residing outside the country are a growing electorate. It is therefore essential to ensure that overseas Malaysians have confidence in the system and the ability in practice to express their views through the electoral system.

In putting together this report, we formulated five principles to guide these reforms: *predictability, clarity and transparency; enfranchisement; voter secrecy; ballot security; and legitimacy of the election outcome*. We believe that these principles should be reflected across all aspects of the election process to regain the trust of citizens. Below, we list the concrete immediate reforms that are urgently needed:

1. The minimum campaign period should be revised and the campaign period should be extended to 25 days for an effective and a functioning overseas postal voting process to take place [i.e., for ballots to be printed, sent to overseas postal voters (OPVs) and returned to polling station by post].
2. The Election Commission (EC) should implement automatic registration for Malaysians who have reached voting age to eliminate the costly and time consuming 'first time voter' application process for overseas Malaysians. If this is not implemented before GE15, there is need for the EC together with Malaysian Foreign Missions (MFM) to create more accessible options for overseas Malaysians to register such as mobile registration kiosks in the major cities.
3. The Overseas Voting Process should be one that is on-going and uniform for overseas Malaysians. Having a predictable polling system for overseas Malaysians is important in order to win their trust. To avoid errors due to rushed implementation of new changes in procedure among EC and MFM staff as well as avoiding confusion among voters, the EC should only use the most recent overseas voting procedure that was implemented at least 6 months prior to Nomination Day.
4. There is a need to redefine the legal status of overseas Malaysian voters to ensure that overseas Malaysians' rights to vote from their country of residence are enshrined in the Election Regulations and no longer subject to the discretion of the Election Commission. Malaysians residing in Singapore, Brunei, Kalimantan and Southern Thailand (Narathiwat, Pattani, Yala, Songkhla and Satun) should be included in the overseas postal voting system. The EC should also consider extending postal voting not only to Sabahans and Sarawakians, but also to West Malaysians (living in Sabah and Sarawak) to vote by post from where they live.
5. A centralised Overseas Voting Office at the Election Commission could be tasked with handling all matters and queries to do with registrations, applications, rejections and disseminating

information. This office will work together with MFM to ensure an effective overseas postal voting process.

6. All reforms need to be communicated to key stakeholders through voter education. In particular, voter education is an important element of the pre-election stage to mobilise the overseas voters. Given the documented problems in previous elections, it is crucial to foster trust in the system. To do so, the EC should ensure that the overseas voting process is transparent and well-understood by as many voters as possible. Specifically, we suggest that the EC should work with the overseas missions, civil society groups such as Global Bersih to dispense consistent and accurate information and training.
7. We considered how the introduction of electronic elements may overcome some limitations of the existing overseas voting system during the pre-election period as well as voting and polling processes. In particular, we propose a streamlined, standardised and on-going registration process such as electronic registration using 2-factor/3-factor identification. The EC should also rethink the design of the overseas postal ballots and the envelopes in order to save time during ballot issuance.
8. During the voting process itself, we suggest using passcodes generated during the electronic registration process to replace the requirement of a Malaysian witness for Form 2.
9. The EC should also consider removing the requirement for Malaysians to have spent 30 days in Malaysia in the last five years to be eligible for absentee voting. This condition is burdensome and has hindered many Malaysians from voting from overseas.
10. To ensure timely and reliable delivery of ballot papers, the EC needs to pre-arrange delivery agreements with Pos Malaysia Berhad to ensure that the necessary workforce, budget, and logistics are in place during the voting period. In case of outsourcing resources, arrangements must be made ahead of time to ensure an efficient delivery standard.
11. During the ballot returning and polling process, we think security is the main element to focus on. The returned ballots should be stored in a locked (electronically using a code system) ballot box at the RO office and two persons should witness each ballot received and inserted in the box.

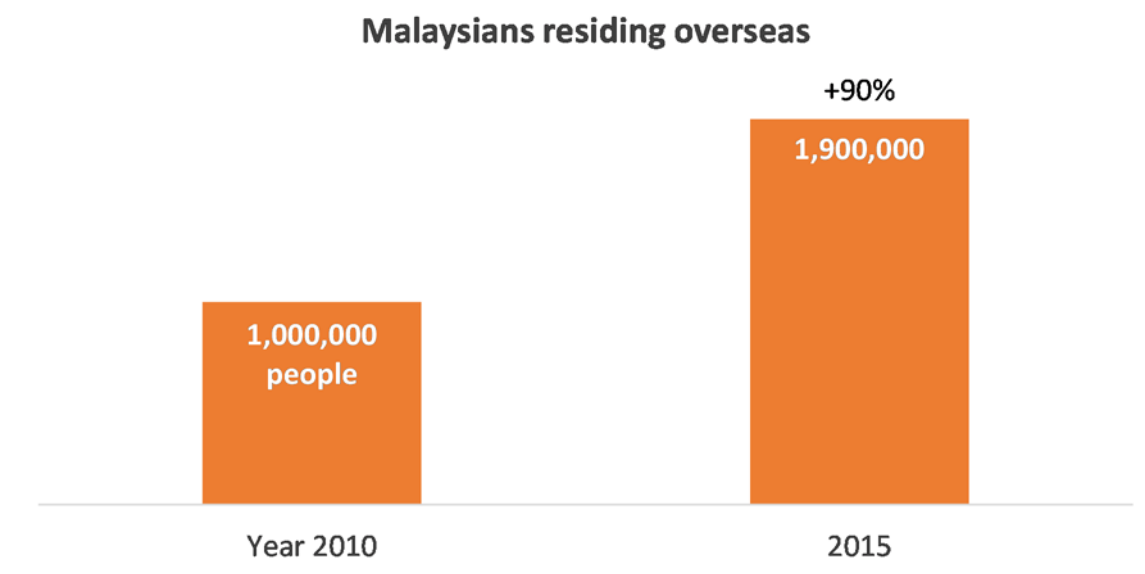
To conclude, we believe that the aforementioned suggestions are practical and implementable. However, we recognize that it is not necessarily easy to put these changes in place. Implementing these reforms will take dedication, hard work, and extensive communication to stakeholders. Global Bersih is prepared to help in this effort. We are encouraged by the Electoral Commission and Electoral Reform Committee's commitment to reforming the overseas voting process, and we look forward to working together towards creating a first-class electoral system.

**Please see Appendix A for the full list of our recommendations.**

## Chapter 1: Introduction to Volume 1

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Malaysians residing outside Malaysia are a growing electorate. The diaspora has swelled from 1 million in 2010 to 1.9 million in 2015. Their numbers will increase if the voting age is lowered to 18 due to the large number of young Malaysians pursuing higher education abroad.



*Data Source: Migration Data Portal<sup>1</sup>*

Given the large number of Malaysians voters abroad, it is essential for the Malaysian government to ensure that this significant segment of the electorate is able to express their views through the electoral system.

Global Bersih has therefore prepared this proposal to support the process of reforming the overseas voting system. Following the success of the Electoral Reform Roundtable held in Parliament on 30 November and 1 December 2018, the EC and Electoral Reform Committee (“**ERC**”) have welcomed Global Bersih’s efforts to prepare this proposal.

This is the second such proposal that Global Bersih has prepared on reforming the overseas voting system. The first proposal was handed over to the previous EC in December 2016 under the previous Barisan Nasional government. The EC did not respond to our first proposal.

Since then, we have experienced the 14th General Election (“**GE14**”), embarked on a Data Collection Survey to document voters’ feedback during GE14, and co-organised the above-mentioned Electoral Reform Roundtable during which Global Bersih presented a paper on “Absent Voting for Malaysians: Enfranchisement and Efficiency” (The paper is included in this proposal as Appendix D). Global Bersih also recently conducted an extensive survey on people’s preferences for the overseas voting process (see “**OVR Survey Report**”).

The Data Collection survey was retrospective, while the OVR Survey Report was prospective. From this latter survey, we developed recommendations for reforms that we think overseas Malaysians would

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<sup>1</sup> United Nations Department of Economic and Social Affairs, as cited in the Migration Data Portal. [http://www.migrationdataportal.org/data?cm49=458&focus=profile&istock\\_abs\\_&t=2017](http://www.migrationdataportal.org/data?cm49=458&focus=profile&istock_abs_&t=2017)

favour. After engaging with the EC and the ERC, we believe we have formulated reforms that are workable within the current legal, political, and practical constraints.



*Photo: Bersih Dublin*

## Objectives

- To provide an avenue for overseas Malaysians to provide feedback on the electoral process and suggestions for improvement.
- To consider feedback from stakeholders and determine the best proposal for reforms to the overseas voting process.
- To acknowledge and consider the legal and logistical limitations of such a process.
- To propose reforms that are reflective of the demands of overseas voters while being pragmatic.
- To present the survey report and reforms proposal to the EC and ERC.
- To make the survey report and reforms proposal available to the public.

## Approach

We have divided our proposal into three volumes.

- Thanks to ongoing dialogues with the present EC and the ERC, we formed an appreciation for the various practical challenges faced in instituting reforms. We consequently adopted a pragmatic approach in our proposal by recommending a model for GE15 that improves on the existing postal voting process. **Volume 1 of our proposal will describe these immediate recommendations.**
- We advocate for more progressive models in the long term. For example, we propose that the MFMs should collect ballots from overseas voters and send them to the EC using a diplomatic bag. We also moot the idea of using PDF ballots and electronic voting (electronic voting, or e-



voting, means the use of electronic device/procedure in an election<sup>2</sup>). **Volume 2 of our proposal will describe these long-term recommendations.**

- To supplement our immediate and long-term recommendations by providing a historical context for the experience of Malaysian overseas voters in GE14, we also report the findings from our OVR Survey. The findings from the survey also guides the direction of our proposal by offering trends in voter preferences. We hope readers and future scholars will find this report illuminating as a snapshot of this period in Malaysia’s history. **A separate booklet will contain the OVR Survey Report<sup>3</sup>.**

## Methodology

In February 2019, we commenced an extensive online survey among overseas Malaysians to canvass their opinions on the best overseas voting method. The survey dealt with issues such as difficulties faced by voters while registering and voting during GE14, and attitudes toward suggested improvements to the GE14 postal voting process. The survey also gauged support for various new voting methods. Ultimately, we tried to determine the compromises that Malaysians would be willing to make to achieve a balance between ease of voting and ballot security.

Our core team of five Steering Committee Members coordinated four teams that worked on the survey analysis, absent voting research, legal analysis, and electronic voting research.

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<sup>2</sup> Council of Europe “Recommendations on E-voting Standards” November 2002.

<sup>3</sup> Venugopal, Satya, et al. *Overseas Voting Reforms Survey Report*. Global Bersih, 2019.

## Chapter 2: How we can improve on GE13 and GE14

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It is a widely accepted fact among stakeholders (including but not limited to the EC, political parties, civil society organisation, media, and voters) that there is a trust deficit among Malaysians because of poor election practices in the past.

In GE13, overseas Malaysians were allowed to vote from outside of Malaysia for the first time. However, Malaysians residing in Singapore, Brunei, Kalimantan and Southern Thailand were excluded from this process and instead had to travel back to Malaysia to vote. To be eligible, overseas Malaysians must have spent at least 30 days in Malaysia over the preceding five years. Further, they must be registered as ordinary voters before applying to be an overseas voter. For Malaysians voting from overseas, polling was conducted a week before Election Day at the MFMs. In general, it was conducted smoothly with the exception of some cities with large numbers of Malaysians who had to queue for very long periods to cast their vote. Election observers were allowed within the MFMs but they were not authorised to question election processes or sign on the diplomatic bags before they were sealed. The ballots were then transported to the EC by diplomatic bag. The overseas ballots were distributed to the ROs by EC to be counted on polling day.

In GE14, in-person voting at the MFMs was replaced with postal voting. Again, Malaysians residing in Singapore, Brunei, Kalimantan and Southern Thailand were excluded. As with GE13, overseas Malaysians had to fulfil the 30-day requirement and had to apply to be an overseas postal voter. Many postal ballots did not reach voters in time to be returned to Malaysia, effectively denying many voters their right to vote. There was an additional requirement that one of the forms be witnessed by another Malaysian citizen, which was not possible for those living in communities without fellow Malaysian expatriates.

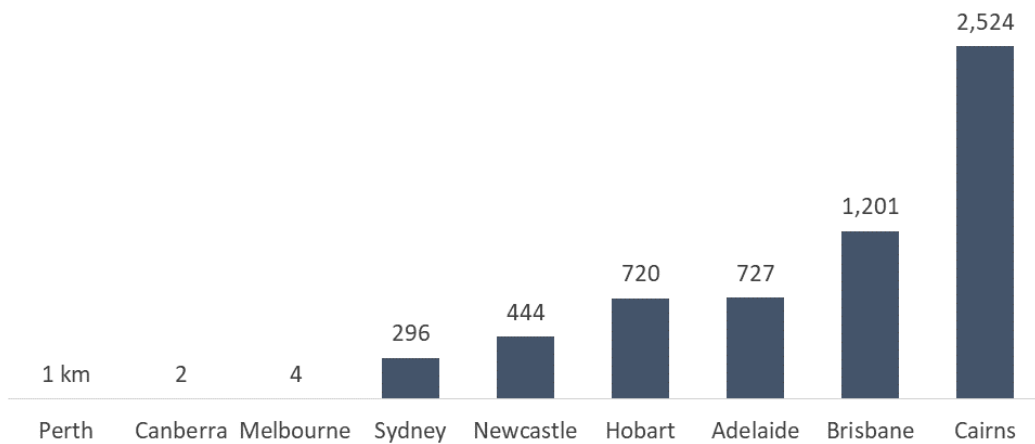
Reflecting on the overseas voting practices during GE13 and GE14, several lessons can be learned. Although overseas voting in GE13 was conducted smoothly, it was not successful for many reasons. The eligibility requirements, particularly the bar on Malaysians in certain locations, hindered many from voting. In addition, the distance and expense of travel to MFMs could be substantial for some voters in large countries (see “The hidden costs of voting: distant locations of MFMs” below). There was also widespread distrust of the system, so many Malaysians ended up flying home to vote anyway. For GE14, the exercise failed largely because the campaign period was too short to accommodate postal voting. A comparison of GE13 and GE14 can be found in Appendix A.

### The hidden costs of voting: Distant locations of MFMs

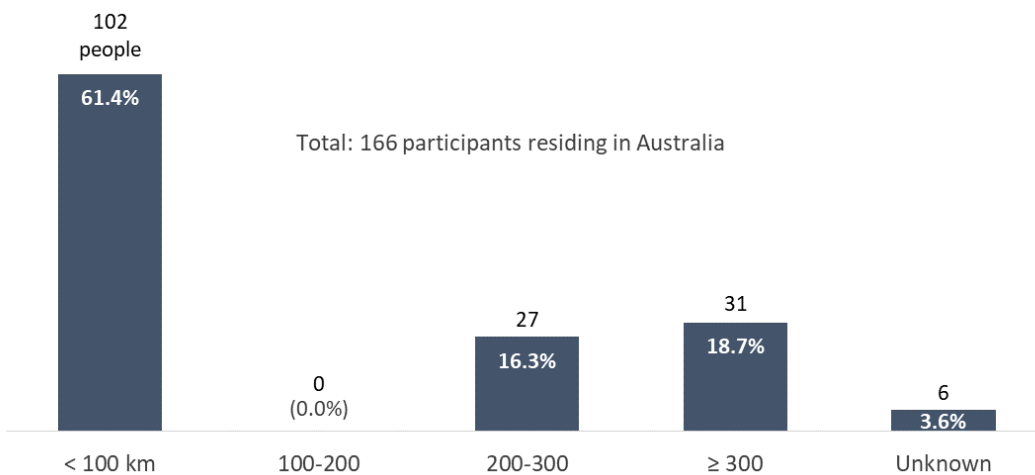
The OVR Survey Report revealed that many overseas Malaysians would find it difficult to travel to their nearest MFM to vote. 21 out of 97 participants in the United Kingdom would have to travel more than 200 km to their nearest MFM, while in Germany, 39 out of 52 participants would have to travel more than 200 km. Meanwhile, in the USA, 73 out of 105 participants would have to travel more than 300km.

The diagrams below (see next page) show the distances that participants in Australia have to travel in order to vote at their nearest MFM, the greatest being 2,524 km.

### Driving distances (km) from participants' cities of residence in Australia to their closest Malaysian foreign mission

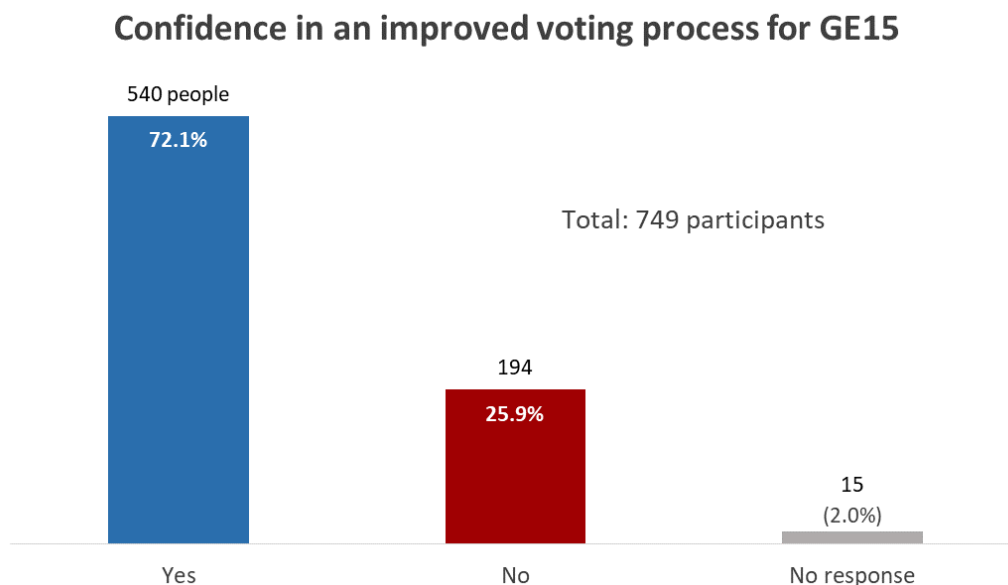


### Participants' driving distances (km) to their closest Malaysian foreign mission in Australia



Source: OVR Survey Report

Nevertheless, more than 72% of the OVR Survey Report participants said they are confident that the existing overseas voting process can be improved for GE15.



*Source: OVR Survey Report*

Having taken stock of GE13 and GE14, we will now focus on the improvements that can be made to optimise the existing overseas voting system for GE15.

## Five core principles for reform

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This section focuses on five core principles:

*Predictability, clarity and transparency*  
*Enfranchisement of all Malaysians*  
*Voter secrecy*  
*Ballot Security*  
*Legitimacy of the election outcome*

These principles must permeate all aspects of the election process to regain the trust of citizens.

### Predictability, clarity and transparency

Specific voting procedures for overseas Malaysians have been implemented for two election cycles thus far. Yet confusion remains about the process and who is eligible to vote from overseas. This is because the principle that overseas Malaysians should be able to vote from their country of residence, and a predictable process which remains stable from election to election, has yet to be properly established. As an illustration, the method of voting changed between the first and second electoral cycles, and procedures seemed to have been implemented in a haphazard fashion.

We therefore propose that a stable, clear and predictable process for overseas voting should be developed and implemented for all elections going forward. We also believe that an overseas voting

process should be made available to voters registered in Sabah and Sarawak who work in Peninsular Malaysia, as well as those registered in the Peninsula and work in Sabah and Sarawak.

These procedures should be clearly communicated to voters. Information on voting procedures should be made easily available, for example, in MFMs and on the EC's website.

### Enfranchisement of all Malaysians

Enfranchisement is easily one of the biggest concerns that overseas Malaysians have about the electoral process. Many still resort to flying home to vote but this option is simply not viable for all. There is widespread frustration about the onerous challenges faced by voters to participate in an election from overseas.

We believe that Article 119 of the Federal Constitution was meant to guarantee the right to vote for all Malaysians. Furthermore, we understand that the Government intends for Malaysia to be a signatory to the International Covenant on Civil and Political Rights (**ICCPR**). Article 25 of the ICCPR states that every citizen shall have the right and opportunity – regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status – to vote by secret ballot at elections which shall be by universal and equal suffrage.

The UN Human Rights Committee also states that “where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed”.<sup>4</sup>

In light of these international standards, overseas Malaysians are counting on the EC to do its best to enable them to exercise their right to vote without having to overcome unreasonable logistical and financial challenges. At the same time all the unnecessary requirements should also be lifted to ensure enfranchisement of the overseas voters.

### Voter Secrecy

It may be argued that those who fly home to vote are not only concerned about ballot security, but also about voter secrecy. Some may be concerned that their identities could be compromised while their ballots are in transit. We recommend the strict implementation of the standard in the ICCPR which states that all voters are entitled to vote by secret ballot.

### Ballot Security

Ballot security is a top concern for overseas voters. We acknowledge that it is difficult to maintain a balance between ballot security and convenience. While some jurisdictions managed to achieve this balance, we recognize that it can only be achieved when a democracy has reached such maturity that a certain level of good faith is ingrained in the culture. Unfortunately, Malaysia has yet to reach that stage. As a result, we must propose stringent methods that rely heavily on impenetrable security measures.

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<sup>4</sup> Office of the High Commissioner of Human Rights “General Comment No.25” 27 August 1996.

## Legitimacy of the election outcome

Ultimately, we want a process whereby officials are elected because the people desired this to be so. Democracy is not only about the election outcome reflecting the will of the people, but also the *perception* that it does. Even if secure processes are implemented, it will not mean much if the people do not trust the election in the first place. This is why Volume 1 of our proposal focuses on pragmatic reforms for the next general election – GE15 – and recommends more ‘progressive’ reforms, such as implementing electronic elements, as long-term goals. It is important to gain the people’s trust first and then capitalise on that good faith to move forward with more electronic elements later.

## Chapter 3: General reforms

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### Extend the campaign period to accommodate the overseas voting process

In GE14, at least hundreds of overseas Malaysians were disenfranchised because the overseas postal ballots did not reach voters in time.<sup>5</sup> The EC had set a campaign period of 11 days between Nomination Day and Polling Day. While this complied with the statutory minimum number of 7 days,<sup>6</sup> it did not take into account the following time constraints:

- a) public holiday in the states in Peninsular Malaysia, Sabah and Sarawak
- b) the time taken to print the ballots and deliver these to the RO;
- c) the transit time for the ballots to sent to and received from the OPV;
- d) declaring Polling Day as a Public Holiday means there is no delivery of the ballots to the RO on that day; and
- e) public holidays abroad; for example, 1st May is a public holiday in many countries.

See the “Timeline for GE14” diagram below for a full explanation of the time constraints, which had an impact on the ability of overseas Malaysians to vote.

We strongly recommend extending the campaign period to at least 25 days to accommodate overseas postal voting logistics. At the moment the 11 days minimum requirement of campaign days under Regulation 3(1) Elections (Conduct of Elections) Regulations 1981 does not reflect the reality of overseas postal voting timeline which is impossible to be accommodated within the 11 days (9 working days) minimum period.

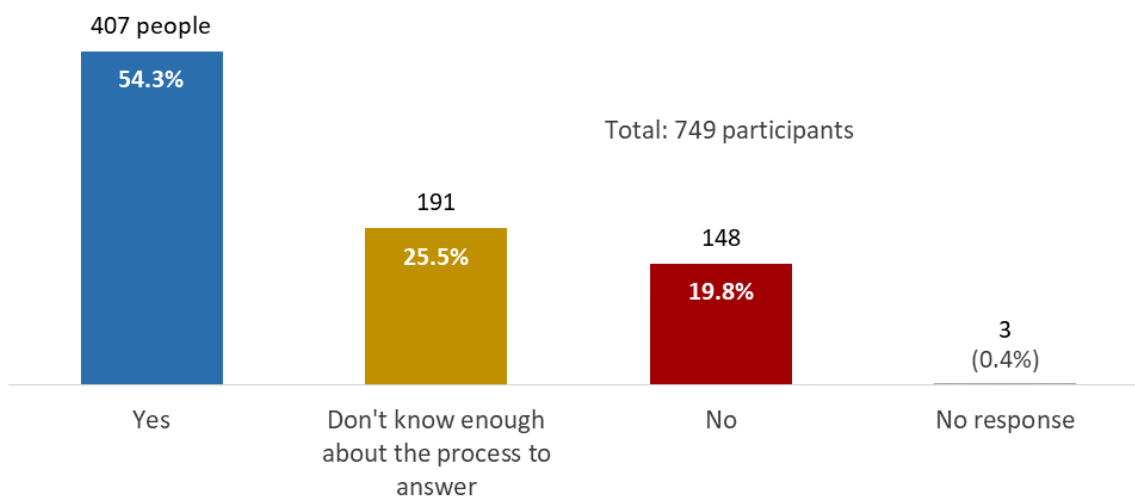
Moreover, the OVR Survey Report showed that more than half of the participants are willing to trust the existing system *if* enough time is given to return the ballots. We understand that a long campaign period is taxing for many stakeholders including the EC, political parties, and ROs. However, it is crucial that the campaign period must be able to accommodate the overseas voting process that will be used in GE15.

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<sup>5</sup> 472 out of 1,620 survey participants could not return their ballots in time in GE14. Source: “Global Bersih Data Collection Survey”. *Global Bersih* 2018.

<sup>6</sup> Elections (Conduct of Elections) Regulations 1981, s 3.

**If enough time is given to receive and send ballots by post,  
would you trust the GE14 postal voting system?**



*Source: OVR Survey Report*

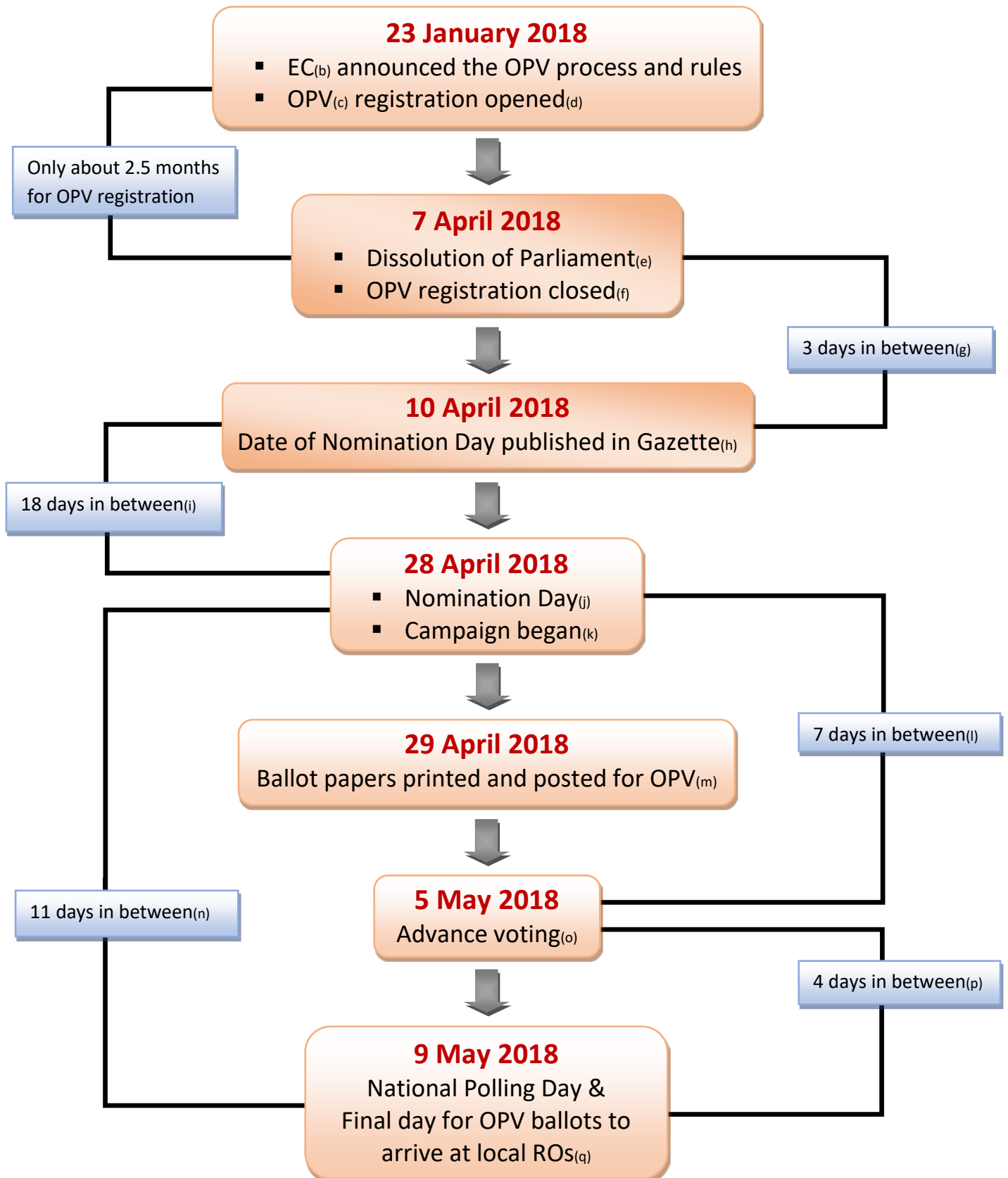
Identifying a reasonable time period could be done by engaging the MFMs to partake in an exercise to test how long it takes for ballots to be sent out and returned. For example, a preliminary study could be conducted where the EC sends a document out to all MFMs worldwide and this document will be signed and stamped, and then sent back to the EC using Pos Malaysia as well as the respective host countries' postal services (as needed). This exercise can give the EC a rough idea on the timeline needed to have a workable overseas voting system and also estimate an affordable process, especially for the overseas postal voters who will incur the cost of returning the ballots.

In fact, Global Bersih carried out its own exercise to determine how long it takes to send a registered letter to Malaysia from different locations all over the world. We found that it takes on average at least 12 to 15 days for a registered letter to arrive in Malaysia. We have taken this into account when recommending a 25-day campaign period. See "Proposed Timeline for GE15" below.

To avoid any potentially confusing or last-minute changes to voting procedures, the applicable procedure for any election should be the procedure that is enforced no later than six months *before* Nomination Day – we believe that no changes to the procedure should apply to the election after that date.



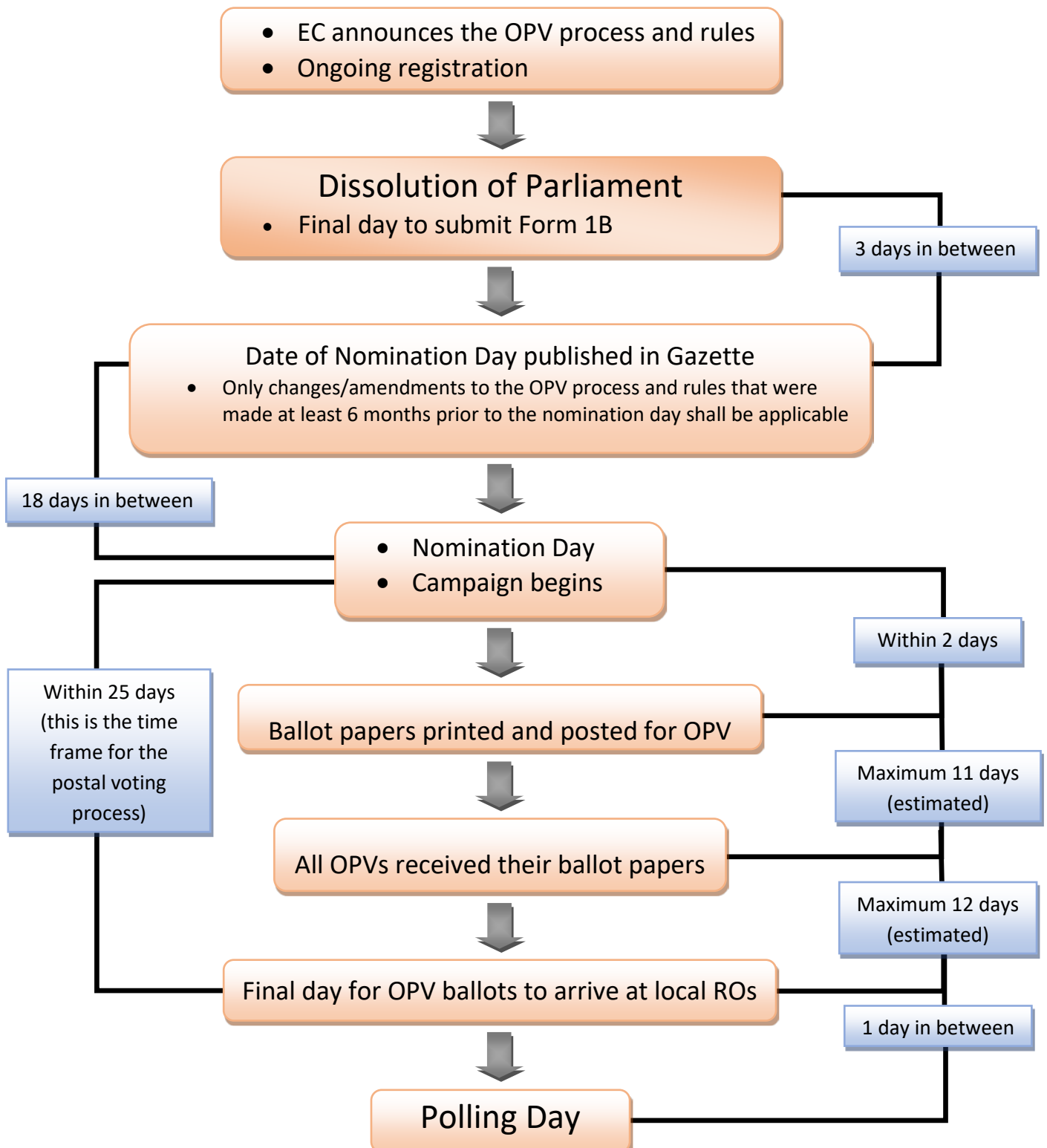
## GE 14 Timeline<sup>(a)</sup>



Notes on GE14 timeline diagram:

- a. The minimum period requirement is based on **Regulation 3 of Elections (Conduct of Elections) Regulations 1981**. Source: <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/PUA%20386%201981%20BI.pdf>
- b. 'EC' is the short form of 'Electoral Commission'.
- c. 'OPV' is the short form of 'Overseas Postal Voting'.
- d. Source: Item 1 of <http://www.spr.gov.my/sites/default/files/KM%20BI%2006-2018.pdf>
- e. Source: <https://www.freemalaysiatoday.com/category/nation/2018/04/06/parliament-is-dissolved/>
- f. The final day to **submit Form 1B** was on 7 April 2019, when OPV registration closed.
- g. There is **no minimum-period requirement** prescribed by Regulation 3 of Elections (Conduct of Elections) Regulations 1981, or any other legislations and regulations.
- h. <http://www.astroawani.com/berita-politik/pru14-spr-tetapkan-rabu-9-mei-hari-mengundi-172532>
- i. Regulation 3(1) provides in Elections (Conduct of Elections) Regulations 1981 that '...the day of nomination, **not being less than four days** after the date of the publication of such notice...'
- j. Source: <https://www.channelnewsasia.com/news/asia/malaysia-general-election-2018-nomination-day-recap-1018233>
- k. 'Campaigning will commence from Saturday for 11 days before Malaysia's 14.9 million voters go to the polls on May 9.' Source: <https://www.channelnewsasia.com/news/asia/malaysia-general-election-2018-nomination-day-recap-10182332>
- l. Regulation 3(1A) provides in Elections (Conduct of Elections) Regulations 1981 that '...as the advance polling day shall be fixed **not less than seven days** after the day of nomination...'
- m. Source: <https://www.channelnewsasia.com/news/asia/overseas-malaysians-frustrated-at-late-ballot-papers-volunteers-10207060>
- n. Regulation 3(1) provides in Elections (Conduct of Elections) Regulations 1981 that 'the date or dates on which the poll will be taken in the event of a contest (referred to in these Regulations as the "polling day"), **not less than eleven days** after the day of nomination.'  
Note that in reality, the 11-day period that existed here comprised only 9 working days.
- o. Advance voting is not applicable to overseas voters in GE14.
- p. Regulation 3(1A) provides in Elections (Conduct of Elections) Regulations 1981 that '...advance polling day...and not less than three days from the date or dates of the polling day...'

## Proposed Timeline for GE 15



Reference: Regulation 3 of Elections (Conduct of Elections) Regulations 1981

## Uniform voting process

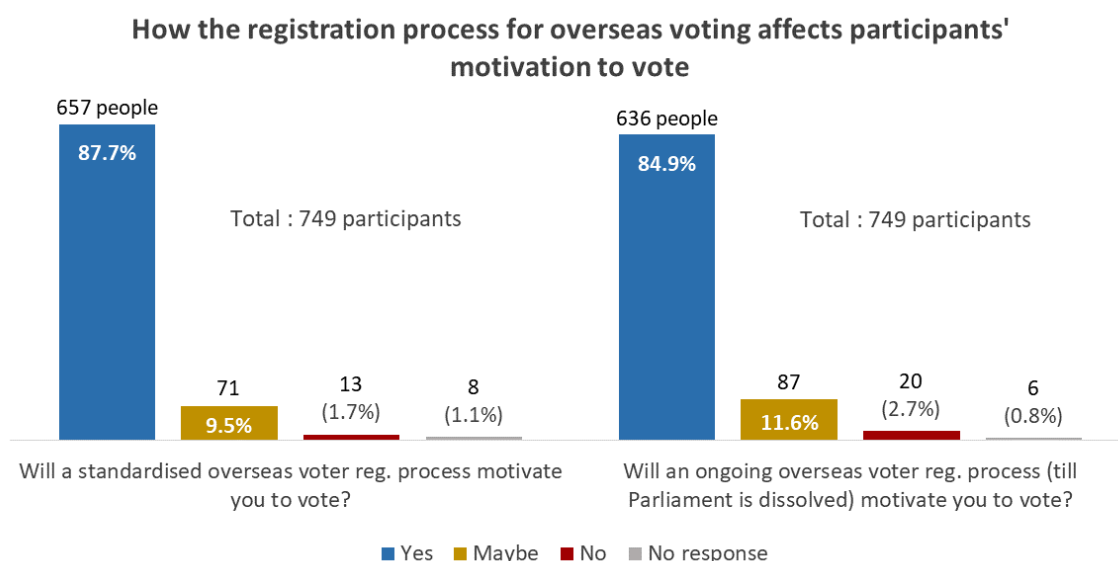
We encourage the EC to decide on a uniform overseas voting process for overseas Malaysians. EC used two different voting methods in GE13 (advance voting in MFM) and GE14 (overseas postal voting), which understandably created confusion among overseas Malaysians.

## Entitle Malaysians residing overseas to postal voting in the Election Regulations

Overseas Malaysians currently face uncertainty as to whether they will be able to vote from their country of residence as they are not specifically designated as absent voters<sup>7</sup> and do not automatically qualify as persons entitled to vote as postal voters<sup>8</sup>. The right of overseas Malaysians to vote by post in any given election depends on whether the EC exercises its discretion to designate them as postal voters<sup>9</sup>.

During GE14, overseas Malaysians were entitled to vote by post<sup>10</sup>, while for GE13 overseas Malaysians could vote at MFMs. Before GE13, overseas Malaysians had to return to their constituency in Malaysia to vote with no possibility of voting from their country of residence. The constant changes in procedure, the ad hoc use of the EC's discretionary power to decree the eligibility of overseas Malaysians for postal voting for each election, and the lack of transparent communication of the electoral process has resulted in significant confusion among overseas Malaysians as to whether and how they can exercise their right to vote.

As the figure below shows, overseas Malaysians are very keen in an ongoing and standardised overseas voter registration system. We therefore encourage the EC to eventually settle on a predictable registration system for OPVs so that they know what to expect.



*Source: OVR Survey Report*

<sup>7</sup> Elections (Registration of Electors) Regulations 2002, Regulation 2

<sup>8</sup> Elections (Postal Voting) Regulations 2003, Regulation 3(1) (a)

<sup>9</sup> Elections (Postal Voting) Regulations 2003, Regulation 3(1)(e)

<sup>10</sup> The enabling legislative notice is PU(B) 35/2017 which appends a Schedule to the Elections (Postal Voting) Regulations 2003.

To achieve this, provisions entitling Malaysians living outside Malaysia to exercise their right to vote from their country of residence should be enshrined in the Election Regulations instead of being left to the discretion of the EC, as is currently the case. Malaysians living out of Malaysia could, for example, be included in the definition of absent voters, and specified as being entitled to postal voting.

Concretely, the definition of “absent voter” in Regulation 2 of the Elections (Registration of Electors) Regulations 2002 could be extended to include *all* registered voters residing outside the boundaries of Peninsular Malaysia or Sabah or Sarawak, and not be limited to students or public servants and their spouses living outside Malaysia, as is currently the case.

The Elections (Postal Voting) Regulations 2003 should then specifically include this category of overseas registered voters in the list of those entitled to vote as postal voters under Regulation 3(1)(a). This will give more security and predictability for the overseas voters and build confidence in the system.

### Current definition of absent voter

Article 119 of the Federal Constitution defines a “**voter**” as being either a resident of a constituency or an absent voter.<sup>11</sup> Absent voting encompasses methods of voting where voters are unable to cast their ballots in person on Election Day; that is, either in-person voting on an earlier date or postal voting. “**Absent voter**” is defined in law as being a citizen who has attained the age of 21 years on the qualifying date and is - <sup>12</sup>

- a) a serving member of any regular naval, military or air force of Malaysia, the Commonwealth or other country;
- b) the spouse of a serving member of any force referred to in paragraph (a), who elects to become an absent voter;
- c) in the public service of the Government of Malaysia or of any State or in the service of any local authority or statutory authority exercising powers vested in it by Federal or State law, who is on duty outside the boundaries of Peninsular Malaysia or Sabah or Sarawak;
- d) the spouse of a person in the public service of the Government of Malaysia or of any State or in the service of any local authority or statutory authority exercising powers vested in it by Federal or State law who is living with her or his husband or wife outside the boundaries of Peninsular Malaysia or Sabah or Sarawak at the date of application for registration as a Parliamentary or State elector;
- e) engaged in full-time studies at any university, training college or any higher education institution outside the boundaries of Peninsular Malaysia or Sabah or Sarawak; or
- f) the spouse of a person engaged in full-time studies at any university, training college or any higher education institution outside the boundaries of Peninsular Malaysia or Sabah or Sarawak who is living with her or his husband or wife at the date of application for registration as a Parliamentary or State elector.

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<sup>11</sup> Federal Constitution, Article 119.

<sup>12</sup> Elections (Registration of Electors) Regulations 2002, Reg 2.

## Uncertainty on status of overseas Malaysians as postal voters

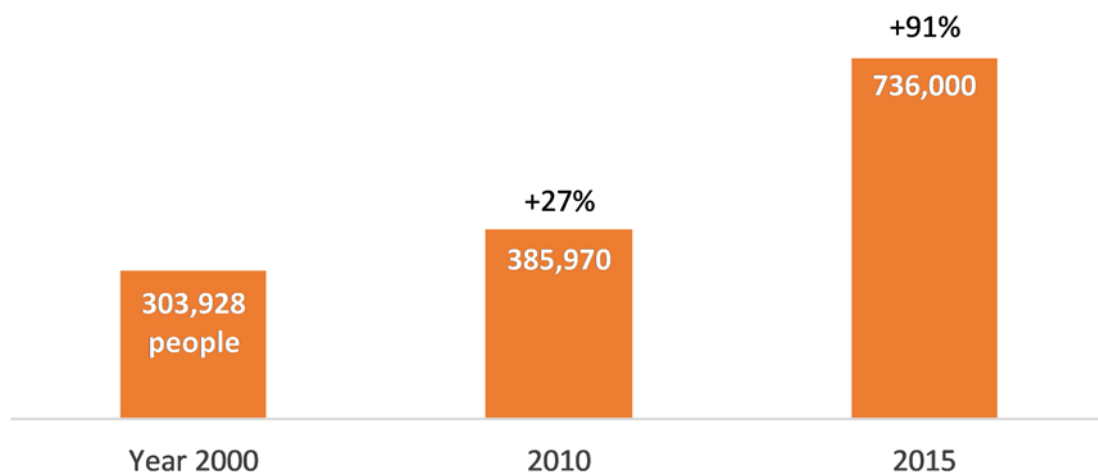
Under the Elections (Postal Voting) Regulations 2003, Malaysians living overseas are not specifically listed as being entitled to vote as postal voters. They can only be entitled as postal voters if they are “a member of any category of persons designated as postal voters by the Election Commission from time to time by notification in the Gazette”. This means that the rules for inclusion for postal voting may change with each electoral cycle, creating uncertainty for voters. When voters are perpetually made to feel uncertain about their eligibility to vote due to ever-changing regulations, voters’ ability and motivation to vote are severely compromised.

**Malaysians residing in Singapore, Brunei, Kalimantan and Southern Thailand (Narathiwat, Pattani, Yala, Songkhla and Satun) should be included in the overseas voting system**

Preventing Malaysians who reside in neighbouring countries from voting is an unreasonable restriction. The right for Malaysians to vote should not be conditional on the distance between the voter and their constituency. The geographical distance alone does not reflect the difficulty and financial burden that an individual incurs to cast their vote. The burden represented by travel costs depends of the financial situation of the voter, and various other constraints – such as the need to take time off from work, last-minute flight arrangements and many other factors – should also be taken into account. We urge the EC to remove any geographical conditions that limit the right to exercise postal voting.

One example of a geographically close country would be Singapore. According to the World Bank, the Malaysian diaspora in Singapore grew from 303,928 in 2000 to 385,970 in 2010, indicating a growth of 27% over ten years. On 28 January 2018, The Malay Mail reported that the then Deputy Home Minister estimated that in 2015, “there were about 350,000 Malaysians working in Singapore and another 386,000 Malaysians with permanent residency status”. This showed a phenomenal growth rate of 91% over the five years (2010 to 2015).

### Malaysians residing in Singapore



*The Malaysian population in Singapore is growing at an increasing rate*

Not allowing the Malaysian diaspora in Singapore and other neighbouring countries to participate in overseas postal voting is discriminatory and increases the logistical difficulties for 736,000 Malaysians to exercise their right to vote, which in some cases may amount to depriving them of that right .

### **Extend postal voting to Sabahans and Sarawakians living in West Malaysia, and to West Malaysians living in Sabah and Sarawak**

The geographical limitation is also a significant problem for West Malaysians residing in Sabah and Sarawak and vice versa.<sup>13</sup> Bersih 2.0 estimated that there are more than 150,000 registered Sabahan and Sarawakian voters living in West Malaysia. Currently, these voters have to travel to their constituency to vote. Thus, time, financial burden, and other constraints prevent many of them from exercising their right to vote.

Instead of obliging such voters to return to their home constituency to vote, EC should amend existing regulations to allow not only Sabahans and Sarawakians, but also to West Malaysians living in Sabah and Sarawak, to vote by post from where they live. These voters can be enfranchised using the current postal voting structure by gazetting them as inland postal voters and in the future including them as absent voters to ensure their right to vote per post is secured.

Famously, there were campaigns carried out by individuals and grassroots initiatives like the #PulangMengundi (Return to Vote) and Global Bersih's own #JomBalikUndi (Let's Return to Vote) campaigns to support and encourage overseas voters to return to vote during GE-14. However, there should not even be a need for voters to expend such extraordinary efforts to exercise their right to vote if their rights were protected in the first place.

We believe that Malaysians should be able to retain their hometown as their constituency. This is particularly pertinent with Sabah and Sarawakians, many of whom are forced to seek work in Peninsular Malaysia for economic reasons, but for whom their ties to Sabah and Sarawak remain strong. Thus, including these categories in the postal voting structure is needed.

It is crucial that we take domestic and international migrant Malaysians into account and secure their right to vote as stated in Article 19 of the Federal Constitution. To do so, we encourage the EC to develop and implement a predictable, transparent, practicable and secure postal voting process for GE15 which will be applicable to all Malaysians living outside Malaysia, including those in Singapore, Brunei, Kalimantan and Southern Thailand (Narathiwat, Pattani, Yala, Songkhla and Satun). This process should also be available to Malaysians registered as voters in Sabah or Sarawak who are living in Peninsular Malaysia, and those registered in the Peninsula who are working in Sabah and Sarawak, given the costs and logistical difficulties of traveling between the Peninsula and West Malaysia.

### **Election Commission Overseas Voting Office**

We recommend that a centralised Overseas Voting Office be set up within the EC so that overseas Malaysians have a one-stop resource for information and facilitation of the registration and voting processes. This office would handle all matters related to registration and management of the overseas voting system.

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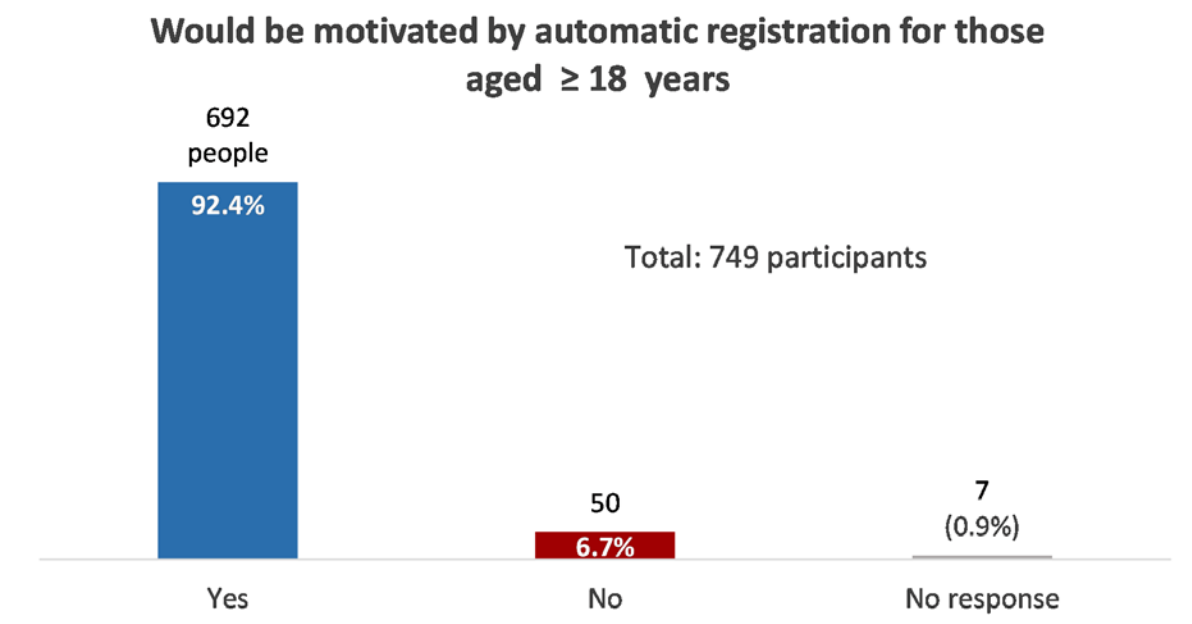
<sup>13</sup> Ashley Tang "Allow Sabah, Sarawak People in Peninsular to Register as Absentee Voters" *Borneo Today* (online ed., 22 September 2017). [www.borneotoday.net/allow-sabah-sarawak-people-inpeninsular-to-register-as-absentee-voters](http://www.borneotoday.net/allow-sabah-sarawak-people-inpeninsular-to-register-as-absentee-voters)

One of the problems during GE14 was the lack of accountability for the process. The ballots for overseas voters were issued by the EC, sent by post to the Returning Officers (“ROs”) and then sent to the OPVs. Private postal and courier companies were involved in the process which did not guarantee delivery to the voters in time. The security of these ballots was questionable as they changed hands many times during transit before reaching the OPVs. Thus the responsibility for any missing, delayed or incomplete ballots were not clearly in the hands of any one institution or party.

The centralised process would save time and human resources, and also give more credibility to the system. The EC Overseas voting office should work closely with MFMs to disseminate timely information as well as empower MFM staff to offer substantive advice to overseas Malaysians.

### Automatic Voter Registration

Malaysia is looking into introducing automatic registration on the electoral roll. This would mean that qualified citizens are automatically registered to vote upon reaching eligible age, which is a move that will benefit overseas Malaysians. This will automatically increase the number of overseas voters, as well as the need to focus on an improved system that will be able to accommodate the increase of overseas voters. Automatic registration will also reduce the financial and time cost that overseas Malaysians have to face to register on the electoral roll as this can only be done in person at the nearest MFM. The government will also benefit as administrative processing time and costs will be reduced. This is also in line with recent calls from other civil society organisations to lower the voter age to 18 years (#Undi18 campaign).



*Source: OVR Survey Report*



## Recommendations

- Extend the campaign period to at least 25 days to make the overseas postal voting process workable.
- Enfranchise overseas Malaysians and protect their right to vote by amending the regulations.
- Include Malaysians residing in Singapore, Brunei, Kalimantan and Southern Thailand (i.e., Narathiwat, Pattani, Yala, Songkhla and Satun) in the overseas postal voting process.
- Extend postal voting to Sabahans and Sarawakians residing in West Malaysia, and also to West Malaysians living in Sabah and Sarawak, to use postal voting from where they live.
- Set up a centralised Overseas Voting Office within the EC so that Malaysians have a one-stop place to receive information and facilitation of the process. The EC is to take responsibility for the entire process and thus give credibility to the system.
- Work towards automatic registration.

## Chapter 4: Pre-election process

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### Mobilising Overseas Voters

Voter education is an important part of the system and must be budgeted for accordingly. It is especially crucial, given that the electoral process was different for overseas Malaysians during GE13 and GE14. Voters must be informed of the changes in the voting process ahead of elections so as to allow sufficient time to familiarise themselves with the process. Global Bersih is happy to do its part in educating overseas Malaysians. Below are a few other suggestions that might be helpful in mobilising overseas voters:

- Akademi Pilihanraya (the EC branch tasked with voter education) should engage all stakeholders and create a specialised mobilisation campaign for overseas Malaysian voters that will include online campaign, print campaign, and information events at the MFMs. The EC can work together or outsource some campaign activities to be carried out by civil society groups like Global Bersih. EC should also engage the voters by getting feedback on both the financial and time costs of voting from overseas, with the goal of improving the existing process.
- In cities with a large number of Malaysian residents, the EC in cooperation with the local MFM could host in-person information and training sessions. Online information and training sessions (e.g. videos, webinars) could also be made available for Malaysians living in more isolated areas. GB can assist the EC in organising these trainings.
- Parallel to the voter mobilisations campaign, the EC could work together with the MFMs to carry out overseas registration drives by setting up pop-up registration kiosks in major cities to make it easier for overseas Malaysians to register without incurring excessive time and financial costs.
- The roles various parties should be clearly defined beforehand. MFM should play a bigger role in mobilising the overseas voters as they are the one-stop centre for the Malaysian diaspora. It is also essential that the MFMs remain non-partisan in their work. MFM staff should be trained by the EC to run information events and be an information hub for overseas Malaysians. One way to achieve this is to carry out activities with the Malaysian diaspora. For example, the MFMs and Global Bersih could conduct 30-minute online Q&A and update sessions per quarter.
- EC can also engage with other departments to share any latest information on the overseas voting process by having an “overseas voting section” on their website. Related departments are: Ministry of Foreign Affairs, Public Service Department (JPA) and Immigration Department.
- Information on the registration and voting process should also be included in different platforms like airlines magazines, information packets for overseas students, and at airports, as well as made available through various Malaysian associations or groups in different countries.

### Registration Process

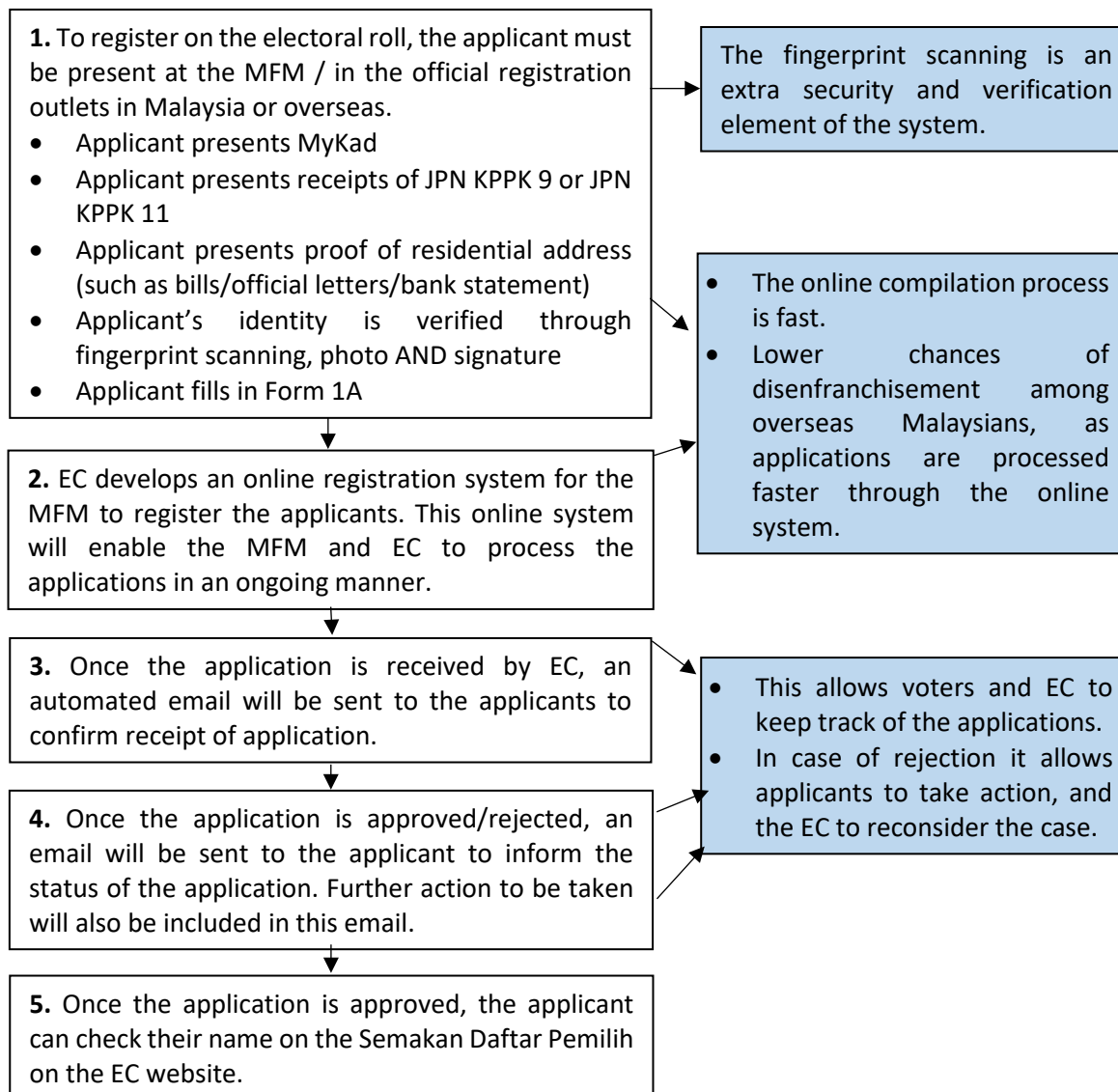
We anticipate that it would take some time to implement automatic registration for all adult Malaysians as proposed above. Nevertheless, the registration process for overseas voters in the existing system could be made more streamlined, standardised, and available on an ongoing basis.

Currently, there are two different registration processes relevant to overseas Malaysians:

- a) The process to register into the Electoral Roll (first time voters) using Borang 1A
- b) The process to register as overseas postal voters using Borang 1B

### a) Suggested improvement on registration for first-time voters living overseas

Process (a) is still a traditional paper-based process in which the applicant has to be personally present and submit a form, while process (b) has some electronic elements. Depending on how automatic registration will be implemented, process (a) might become obsolete. We have taken both (a) and (b) and included electronic elements to optimise it into an e-registration process.

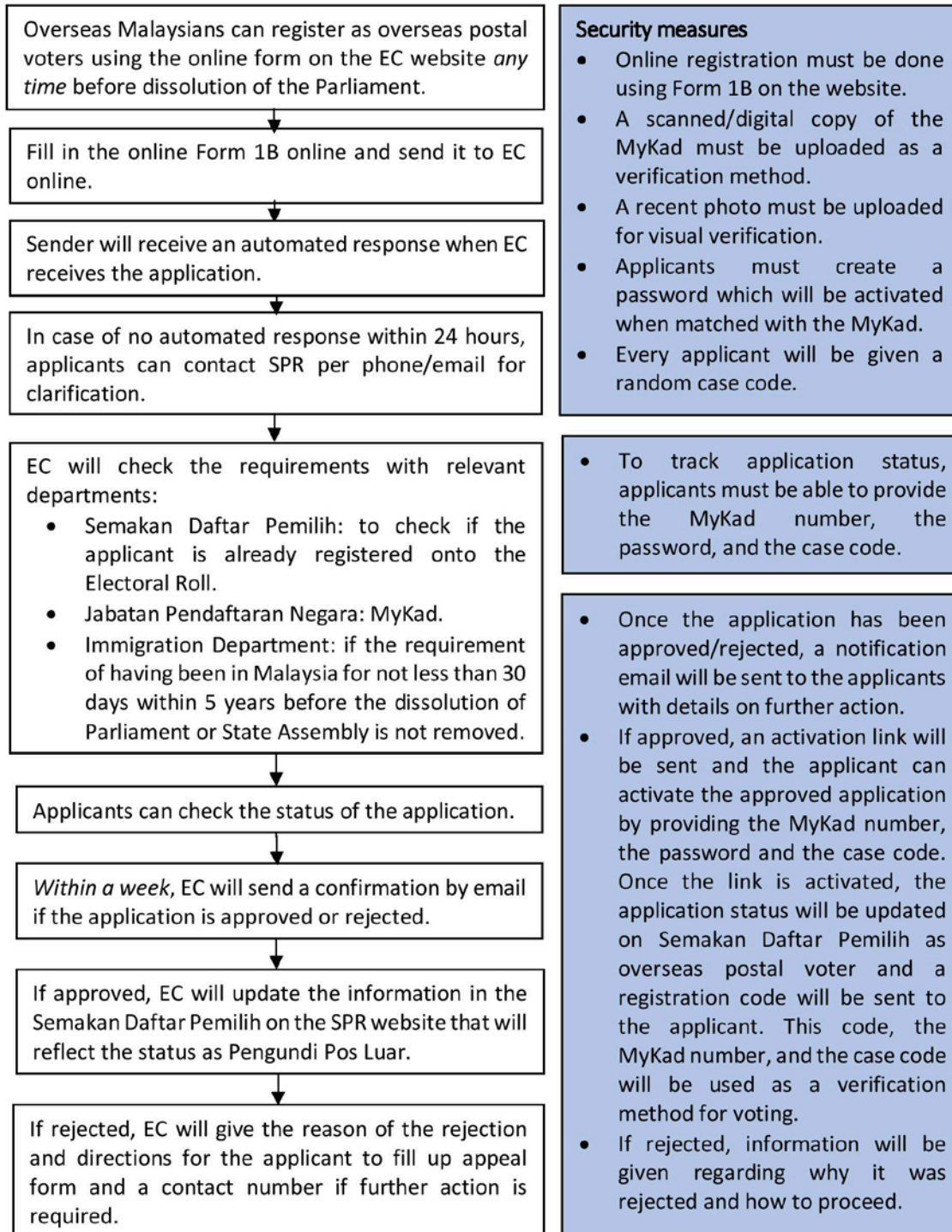


### b) Suggested improvement on overseas application process for already-registered voters

For this part of the process, GB believes that there is potential for online registration to be implemented. The voter can fill out a form via the EC website and which is submitted electronically to election officials. The application is reviewed electronically. If the request is confirmed to be valid, the application status will be updated as an overseas postal voter. When the information does not match, the applicant is informed of the next course of action. The validation step is done by comparing the information on the online registration form against the information stated on the applicant's MyKad.

Voters currently need to have been in Malaysia for 30 days within the last five years, in order to be registered as overseas postal voters. Two-thirds of participants in the OVR Survey Report disagreed

with this requirement. This requirement hinders more Malaysians from voting because it requires people to keep track of the exact dates they enter and depart from Malaysia. With biometric passports being used, it is very difficult for a person to determine these dates as the passports are no longer stamped upon entry/exit, so they may not apply to register at all. We recommend that the EC remove this requirement.



## Recommendations

- We suggest that parallel to the voter mobilisation campaign, EC should work together with MFM to carry out overseas registration drives by setting up pop-up registration kiosks in major cities to make it easier for the overseas Malaysians to register without incurring such high time and financial cost.
- Implement automatic voter registration for Malaysians who reach 18 years old.
- Instead of the current narrow time frame, allow people to register at any time prior to the dissolution of Parliament, to remove the time pressure on EC and the applicants.
- Remove the requirement for Malaysians to have been in Malaysia for 30 days in the last five years.

## Electronic elements

- For first time voters, include fingerprint scanning and proof of residence with the application to register, for faster and effective verification.
- For first time voters, introduce remote online registration between MFM and EC to ensure ongoing, standardised and most importantly, fast processing times for both parties.
- The fact that EC will be using electronic elements to process the applications will make the process more transparent and faster for EC, MFM, and the applicants.
- Automated forms where the applicants can fill in their own details will ensure less error in data.
- Efficient verification through a 2-factor/3-factor authentication process, using a combination of passwords generated by the OVP and a passcode generated by the EC.
- Code system for extra security and future development into e-voting.

## Chapter 5: Voting process

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### Printing and Sending Ballots

There is a need to re-design the existing postal ballots, forms and the envelopes in order to save time during ballot issuance. Postal ballots and form should be designed for easy folding, and the envelopes should be properly designed and sized to minimise the amount of folding and stuffing needed in preparing the overseas postal ballots. Re-designing the ballot and the envelopes would improve quality control of the ballots and envelopes, and also reduce the instances of damaged ballots or envelopes.

During GE14, even though the EC and the ROs tried to carry out the ballot despatch process efficiently, there were many loopholes in this process. Moreover, many OPVs reported missing or incomplete addresses of the RO on the envelopes, wrong or missing information on the EC documents, stained ballots, and non-sealing envelopes. This was documented in the Global Bersih Data Collection Survey, which is included in this report as Appendix C.

To ensure timely and reliable delivery of ballot papers, we recommend the EC to pre-arrange delivery agreements with Pos Malaysia Berhad to ensure that the necessary workforce, budget, and logistics are in place during the voting period to cover the process. In case of outsourcing, arrangements must be made ahead of time to ensure an efficient delivery standard is met.

### Verification Process

One of the major problems for EC and voters was the verification of the voter's identity in Form 2. The EC had to find a way to overcome this limitation by putting in the requirement of having a witness to verify the identity of the voter hence creating another stumbling block for the overseas voters who could not find any Malaysians nearby to be their witness. Alternatively, the 2-factor/3-factor authentication during the registration process (refer to the online registration chart above) replaces the verification needed for Form 2.

### Ballot Receipt and Return

The MFM should help voters identify the easiest, safest and cheapest options to return their ballots. There was no standardised delivery option in GE14 hence OPVs were left in the dark about how their ballots would arrive. Furthermore, there was very limited to nearly no possibility to track the ballots after they were sent out. The EC needs to use a method of sending the ballots that produces a proof of receipt by the voter. We need to EC to be accountable for the ballots during transit, so that OPVs have confidence in the process.

### Communication and information dissemination

In the lead up to previous general elections, overseas Malaysians did not receive clear information about the method, timing, and requirements of overseas voting. This was because the process was new, and the method of voting had changed in both electoral cycles. In the OVR Survey Report, when asked why they did not vote or were not able to vote, 93 out of 603 participants who did not vote cited "not aware about overseas voting process" as a reason. Moreover, as many Malaysians conflate the MFMs as agents of the EC, a lack of consistent messaging from a centralised source further compounded the confusion.

As discussed under “General Reforms”, we recommend that an Overseas Voting Office disseminates clear and consistent information to all stakeholders. A separate section dedicated to overseas voters should be set up on the EC website. We also recommend that the EC works closely with the MFMs in disseminating timely information, and empowering MFM staff to offer substantive advice to overseas Malaysians. MFM staff should also engage Malaysian voters in a non-partisan manner and be sensitive when dealing with confidential information regarding Malaysian voters. Further, the ROs should be trained accordingly about the voting process to ensure that everyone has the same information.

Other than that, the EC and MFMs can engage with the Malaysian diaspora through Global Bersih to spread correct information and train them to become ambassadors to promote the overseas voting system. This way, we can be sure that the information shared is consistent across parties.

## Recommendations

- Pre-arrange delivery agreements with Pos Malaysia Bhd during certain period to ensure that there is enough workforce, budget, and logistics to cover the process locally. In case of outsourcing (DHL/FedEx), prior arrangements must be made to ensure an efficient standard.
- EC should set up an Overseas Voting Office as one-stop resource for information and facilitation of the registration and voting processes
- MFMs are to be trained about the processes and offer reliable information to OPVs who contact them.
- Returning officers are also given information on the process in case there is a need for clarification from MFM or the OVP, especially during the ballot returning process.
- Remove the requirement of witnesses to Form 2 and replace with other verification methods using electronic elements.
- Engage with the Malaysian diaspora via Global Bersih.
- EC and MFM Staff should be non-partisan and be sensitive when dealing with the private information of overseas Malaysians voters.

## Electronic elements

- Every ballot can be tracked by voters using their passcode (received during the registration process) or postal tracking number.
- EC should have a proof of receipt when the ballot reaches the voter.
- The 2-factor/3-factor authentication step during the registration process replaces the witness signature verification needed for Form 2.
- The fact that EC will be using electronic elements to process the applications will make the process more transparent and faster for EC, MFM, and the applicants.
- Automated forms in which applicants can fill in their own details will ensure less error in data.
- Code system for extra security and future development into e-voting.



## Chapter 6: Polling process

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### Ballot Security

Many Malaysians are wary of their ballots being left at the RO office overnight, or not reaching the RO office at all. Some fear their ballots being tampered with in transit.

As mentioned, our democracy has yet to reach a stage of maturity where people can believe all stakeholders are acting in good faith. Until then, the conduct of elections will require onerous scrutineering by independent volunteers and observers, to buttress the electoral regulations.

In the case of ballots being returned to the RO office, each ballot that is received and inserted into the ballot box must be witnessed by two persons.

Where possible, the ballot box should be digitally locked with a key code that is generated randomly by EC. It will be electronically observed with a camera the entire time (CCTV). PACABAs should witness the ballot's secure return to the respective polling station.

The RO at the polling station will receive the key code to open it on the polling day. The ballot box will be opened and counted under the same requirements as any other ballot box.

### Recommendations

- PACABAs should witness the ballot's secure return to the respective polling station.
- Returned ballots must be stored in a locked box at the RO office.
- Each ballot that is received and inserted into the box must be witnessed by two persons.

### Electronic elements

- The ballot box can be digitally locked with a key code that is generated randomly by EC.
- If needed, the ballot box will be in a room where it will be electronically observed with a camera the entire time (CCTV).
- The RO at the polling station will receive the key code to open the ballot box on the polling day.
- The ballot box will be opened and counted under the same requirements as any other ballot box.

## CONCLUDING REMARKS

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Many voices went into the making of this proposal. We heard both the frustrated and hopeful voices in the OVR Survey Report. We bounced ideas off our volunteer team members from various backgrounds including those who had served as PACABAs. We talked to the different levels of leadership within the EC and the ERC. We incorporated feedback from others who independently reviewed our work. Ultimately, we did our best to achieve pragmatic solutions that can be implemented before the next general election.

The proposed solutions may be pragmatic but they are not easy. It will take dedication, hard work and lots of communication to stakeholders. However, we believe that when the EC is transparent, people will respond and be willing to help out. To this end, we hope that the EC will continue reaching out to Global Bersih and other civil society organisations to obtain feedback on voting reforms as well as to educate voters.

Malaysia has entered a new era where overseas voting is acknowledged by stakeholders to be an important part of the electoral process. We would like to thank and congratulate the EC and ERC for their efforts to include civil society in their work and hope that this continues.

This has not been, and will not be, a one-way conversation. We intend to continue the dialogue with the EC and ERC, as well as engage key stakeholders in the spirit of cooperation. We have the common goal of growing our fledgling democracy. We have the means to achieve a first-class electoral system and together we will make it happen.

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## ACKNOWLEDGEMENTS

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It took a global village to author this three-volume proposal, from data crunchers to legal analysts working together across different time zones. Global Bersih would like to express our gratitude to the following individuals:



### Survey analysis and reporting

Satya Venugopal  
Hema Preya Selvanathan  
Hwa Shi-Hsia  
Pamela Wong  
Sharmala Rajoo  
Cindy Woon Ping Sim  
Adrian Fui Kiew Yong  
Khangzhen Leow  
Wan Leng See  
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### Absentee voting research and reporting

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Soon Yee Yap  
Adrian Fui Kiew Yong

### Legal research and analysis

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Joanne Long  
Vivien Voon

### Electronic voting research and reporting

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Doreen Seah  
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Global Bersih is an international movement of overseas Malaysians, created to support Malaysian civil society’s work and strengthen Malaysia’s maturing democracy, using peaceful and legal means of action. Its Geneva base enables a stronger international platform to advocate for change, taking advantage of the dynamic international human rights movement in the city.

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### Suggested citation

*Overseas Voting Reforms Proposal Volume 1: A Civil Society Proposal for the Election Commission and Electoral Reforms Committee of Malaysia.* Global Bersih, 2019.

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## Appendix A: Full List of Recommendations

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### **For efficiency and clarity**

- Automatically register Malaysians who have reached voting age.
- Enable voters to fill out a form electronically when applying to register as an overseas postal voter. Use 2-factor/3-factor identification for this step.
- Allow voters to register for overseas voting any time before the dissolution of Parliament, as opposed to within a brief window of time before dissolution.
- When a person applies to register as an overseas postal voter, the EC should confirm the status of the application within one week.
- The EC can work with MFMs to conduct overseas registration drives by setting up pop-up registration kiosks in major cities.
- Implement a uniform method for all overseas voters to give voters certainty and predictability in the process.
- Publicise any changes or new requirements at least six months before Nomination Day.
- Set up a centralised Overseas Voting Office within the EC as a one-stop resource for Malaysians to go to for information, approvals and rejections of applications.
- The EC is to work with the MFMs in disseminating timely information and empower MFM staff to offer substantive advice to overseas Malaysians.
- Redesign ballots, forms and envelopes to enable easier ballot issuing process.
- Prioritise voter education and mobilisation campaigns through initiatives by Akademi Pilihanraya (EC), the MFMs, working with Global Bersih to organise quarterly Q&A sessions, having an Overseas Voters section on the EC website.

### **For enfranchisement of all Malaysians**

- Extend the campaign period to at least 25 days.
- The EC is to work with the MFMs to identify how long it takes for ballots to be sent at various locations overseas and returned.
- Extend postal voting to Malaysians residing in Singapore, Brunei, Kalimantan and Southern Thailand (Narathiwat, Pattani, Yala, Songkhla and Satun).
- Extend postal voting to those registered in Sabah and Sarawak who work in Peninsular Malaysia and vice versa, who are not allowed to be registered as absent voters.
- Remove the requirement for Malaysians to have spent 30 days in Malaysia in the last five years.

### **For voter secrecy**

- Use 2-factor/3-factor authentication when enabling people to register online as overseas postal voters.
- MFMs must be trained to engage with overseas Malaysians in a non-partisan manner and respect the privacy of voter information.

### **For transparency and security**

- When a person's application to register as an overseas postal voter is rejected, the EC should provide a reason for the rejection and inform the applicant how to appeal and who to contact.
- The EC to take accountability over the whole process.
- PACABAs are to witness the printing and sending of the ballots.
- Enable ballots to be tracked when in transit. Record proof of delivery to the OPVs.
- Returned ballots must be witnessed by two persons and stored in a locked box at the RO office.
- The box may be locked in a room where it can be electronically observed with a camera the entire time (CCTV).
- The box may be digitally locked with a key code that is randomly generated by the EC. The RO at the polling station will receive the key code on the polling day.
- The box must be opened under the same requirements as any other ballot box and the ballots counted under the same conditions as any other ballot.

## Appendix B: Comparison between GE13 and GE14 Electoral Process

	GE13	GE14
<b>Dissolution of Parliament</b>	21 Jan 2013 till dissolution of Parliament on 13 April 2013 (83 days).	23 January 2018 till dissolution of Parliament on 7 April 2018 (74 days).
<b>Registration</b>	Could be done per email/post/fax.	Could be done per email/fax/post.
	Once the application is approved, EC updates the status in the Semakan Daftar Pemilih by changing the polling station to the stated MFM.	Approval or Rejection is received by e-mail but no updates on the Semakan Daftar Pemilih.
<b>Registration requirement to become overseas voter</b>	Must be a registered voter.	Must be a registered voter.
	Must have been in Malaysia or returned in Malaysia not less than 30 days within 5 years before the dissolution of Parliament or State Assembly.	Must have been in Malaysia or returned in Malaysia not less than 30 days within 5 years before the dissolution of Parliament or State Assembly.
	Must reside overseas EXCEPT those residing in Southern Thailand (Narathiwat, Pattani, Yala, Songkhla and Satun), Singapore, Brunei, Kalimantan Province, Indonesia. All Malaysians residing in these areas will have to return to cast their votes.	Must reside overseas EXCEPT those residing in Southern Thailand (Narathiwat, Pattani, Yala, Songkhla and Satun), Singapore, Brunei, Kalimantan Province, Indonesia. All Malaysians residing in these areas will have to return to cast their votes.
<b>Important dates</b>	Announcement of the nomination day date and election date: 10 April 2013	Announcement of the nomination day date and election date: 10 April 2018
	Nomination Day: 20 April 2013	Nomination Day: 28 April 2018
	Advance Voting Day (civil servants and military personnel and their spouses): 30 April 2013	Advance Voting Day (civil servants and military personnel and their spouses): 5 May 2018
	Early Voting Day (for overseas Malaysians): 28 April 2013	N/A
	Polling Day: 5 May 2013	Polling Day: 9 May 2018
<b>Total campaign period</b>	15 days	11 days
<b>New elements</b>	Indelible ink was used in Malaysia to prevent voters from voting twice.	Overseas Malaysians could vote per post as in the ballots will be sent to them by the ROs and they will have to return the ballots per post/personally to the ROs at own cost before the end of the polling day.



	Advance Voting instead of postal voting for civil servants and military personnel.	Postal voting was allowed for Fire and Rescue Department personnel, staff of government clinics and hospitals, Malaysian Maritime Enforcement Agency personnel, Immigration Department staff, members of the Civil Defence Force, National Disaster Management Agency staff, as well as National Registration Department staff based at Urban Transformation Centres.
	Overseas voters were allowed to vote for the first time at the MFMs.	Political parties and many NGOs would no longer be appointed as Assistant Registrar Officers (AROs). Voter registration could be done via the post office, at any EC Office, district offices, and a number of selected government departments and individuals.
<b>Voting process for overseas Malaysians</b>	Overseas Malaysians could vote at the MFM from 9am to 6pm (except for England and Australia it was 9am to 8pm) on the designated day.	Overseas postal ballot was printed by EC and sent to the ROs, who sent the ballot per post to the registered overseas voter's address.
	The polling centre at the MFMs was managed by 2 officials appointed by the EC	Overseas voter received a priority envelope containing Envelope A, Envelope B and Form 2 (identity declaration). Envelope A contains two smaller envelopes namely pink for state seats and white for parliamentary seats, except for voters in the Federal Territories who will only be voting for parliamentary seats.
	Overseas Malaysians could collect the ballot papers at the MFM by producing their MyKad or passport.	Overseas voters filled out Form 2, marked the ballot paper and inserted it into Envelope A. Envelope A as well as Form 2 were to be inserted into Envelope B which has the printed RO's address.
	After receiving the ballot paper, the voters then proceeded to the polling booth in the same room to vote.	Form 2 must be filled before obtaining the signature of a witness, namely a Malaysian citizen aged 21 and above, for identity verification.
	Overseas voters deposited their votes in the provided diplomatic pouch or return the ballots personally to the ROs at own cost.	The envelope has to be returned to the RO before the end of the polling day and the cost of the postal or courier service of the ballot paper was borne by the voters themselves.
	Election observers were also given the opportunity to observe the voting process like back home.	The postal voting envelope will only be opened in the presence of the candidates' representatives before being put into a ballot box for the vote-counting process.
	After the voting is closed, the ballots were flown back to Malaysia in diplomatic bag to the distributed to the respective ROs to be counted on polling day.	

<b>Some Major Issues</b>	No voter mobilisation prior to the Election. Most overseas Malaysians were not informed about the timeline and method of voting.	No voter mobilisation prior to the Election. Most overseas Malaysians were not informed about the timeline and method of voting. The EC and MFMs did not provide adequate and timely information.
	Registration process was unclear and wasn't communicated extensively. The final status was updated on the Semakan Daftar Pemilih but no clear information given during the process.	Registration process was unclear and wasn't communicated extensively. Applicants were not informed on the status of the application and the Semakan Daftar Pemilih was not updated to reflect the application status, allowing discrepancies on the electoral roll, erring with regards to voter eligibility, and not having an appeals process.
	The eligibility criteria disenfranchised many overseas Malaysians as they had problems proving that they were 30 days in Malaysia within the last five years.	The eligibility criteria disenfranchised many overseas Malaysians as they had problems proving that they were 30 days in Malaysia within the last five years. Geographical limitations that was set disenfranchised overseas Malaysians in Southern Thailand (Narathiwat, Pattani, Yala, Songkhla and Satun), Singapore, Brunei, Kalimantan Province, Indonesia
	High Cost - For EC - To train and send officers to all MFM all around the world. For overseas voters - The cost of travelling to the MFM can be very high.	If the overseas postal voting has been carried out within a longer campaign period, the cost could have been kept at an expectable level. Due to the short campaign period, Overseas Malaysians had to spend exorbitant amount of money to get their ballots back to the ROs.
	Time Cost - For EC - Training and travelling to all the MFM all around the world. For overseas voters - Many had to spend long hours travelling to the embassy in order to vote.	If a longer campaign period was set, the time wouldn't have been enough for the overseas postal system to work. Overseas postal voters had only 9 working days to receive and return the ballots, thus making the timeline illogical and impossible.
	Problems with the ballots – incomplete.	Problems with the ballots - incomplete, late arrival or no arrival at all.

## Appendix C: Global Bersih Data Collection on Malaysia's 14th General Election – Overseas Voting Process

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This report contains the results of a survey conducted by Global Bersih on the experience of overseas voters in GE14. The report is attached as a separate document.

## Appendix D: Absent Voting for Malaysians: Enfranchisement and Efficiency by Global Bersih

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This paper was presented by Global Bersih at the Electoral Reform Roundtable which was held at the Malaysian Parliament from 30<sup>th</sup> November to 1<sup>st</sup> December 2018. The paper is attached as a separate document.