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**FEDERAL SUBSIDIARY LEGISLATION**

ELECTIONS ACT 1958 [ACT 19]

P.U.(A) 386/81

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981*Incorporating latest amendment - P.U.(A) 134/2013*Publication in the Gazette :
Date of coming into operation :3 December 1981
4 December 1981**ARRANGEMENT OF REGULATIONS**

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ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

Preamble

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:

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Regulation 1. Citation.

These regulations may be cited as the **Elections (Conduct of Elections) Regulations 1981.**

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Regulation 2. Interpretation.

In these Regulations, unless the context otherwise requires—

"absent voter" has the same meaning assigned to it in the Elections (Registration of Electors) Regulations 2002 [P.U.(A) 293/2001];

"advance voter" means any person who is required to vote in advance under regulation 27A;

"advance voting", in relation to an election, means a poll that will be taken on a date and time earlier than a polling day;

["absent voter; advance voter; advance voting" Ins. P.U.(A) 113/2012]

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

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

"counting agent" means a counting agent appointed under section 14 of the Election Offences Act 1954 [Act 5];

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

[Ins. P.U.(A) 147/1990]

"Elections (Postal Voting) Regulations" means the Elections (Postal Voting) Regulations 2003 [P.U.(A)185/2003] *;

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

"political party" means any society, registered under the Societies Act 1966 [Act 335] which the Election Commission is satisfied is a political party within the meaning of that Act;

["political party" Ins. P.U.(A) 193/2011]

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

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

"rejected ballot paper" has the meaning assigned to it by regulation 25(7);

[Ins. P.U.(A) 67/2004]

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

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

"spoilt ballot paper" has the meaning assigned to it by regulation 21.

"tendered ballot paper" *[Deleted by P.U.(A) 67/2004]*

***NOTE:**

These Regulations have replaced the Elections (Postal Voting) Regulations 1959 [L.N.71/1959], The Elections (Postal Voting) (Sabah and Sarawak) Regulations 1968 [L.N.(F)184/1968] - See Regulation 20 [P.U.(A)185/2003].

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Regulation 3. Writ and notice of election.

(1) On the issue of a writ in accordance with section 12 of the Elections Act 1958, the Election Commission shall publish a notice thereof in the *Gazette* and such notice shall specify the date or dates on which candidates for election are to be nominated, which in these Regulations is referred to as the "day of nomination", not being less than four days after the date of the publication of such notice, and 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.

[Am. P.U.(A) 161/86, 31/1990; Am.P.U.(A) 113/2012]

(1A) For the purpose of an advance voting, the date or dates on which the advance voting will be taken in the event of a contest (referred to in this Regulations as the "advance polling day") shall be fixed not less than seven days after the day of nomination and not less than three days from the date or dates of the polling day as referred to in subregulation (1) and such date or dates of the advance voting shall be specified in the notice referred to in subregulation (1);

[(1A) Ins.P.U.(A) 113/2012]

(2) Every writ shall be as set out in Form 1 and every notice to hold an election or a by-election in Form 2 or 2A respectively in the First Schedule.

(3) The returning officer shall give further notice of the issue of such writ and of the time and place of the nomination of candidates in the constituency by causing notices as set out in Form 3 in the First Schedule to be published in any such places in the constituency as he may deem necessary.

(4) If at any time after the Election Commission has issued a writ in accordance with subregulation (1) for the holding of a general election or a by-election, owing to any cause whatsoever, no nomination of candidates for the election can take place or has taken place on the day of nomination in pursuance of such writ, the returning officer shall forthwith inform the Secretary to the Election Commission of such fact by endorsing the reverse of the writ and returning it to the Secretary to the Election Commission. The Election Commission on being satisfied of such fact shall return the writ to the returning officer specifying a fresh day of nomination, a fresh advance polling day and a fresh polling day, as the case may be and shall, consequently, publish a fresh notice of the election under subregulation (1) stating therein that the previous notice of the election has been countermanded, and the provisions of this regulation shall apply to the writ so returned and to the said fresh notice in the same manner that they apply to an original writ and an original notice to hold an election under subregulation (1).

[Am. P.U.(A) 161/86;(4) Am.P.U.(A) 113/2012]

(5) If at any time after an election is commenced it is shown to the satisfaction of the Election Commission that in any polling station, owing to any cause whatsoever the poll cannot be taken or has been taken but cannot be completed on the date determined under subregulation 11(5), the Election Commission shall, by notice published in the local area for which the polling station is designated, suspend the poll and appoint a fresh date for the poll to be taken or to be completed in such manner as may be directed by the Election Commission.

(6) For the purpose of subregulation (5), " a fresh date for the poll " means a fresh advance polling day or a fresh polling day, as the case may be.

[(6) Ins. P.U.(A) 113/2012]

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Regulation 4. Nomination papers.

[Am.P.U.(A) 80/82]

(1) Any person eligible for election as a member of the Dewan Rakyat, or of the Legislative Assembly of a State, in accordance with the Constitution of Malaysia, or the Constitution of a State, as the case may be, may be nominated as a candidate for election.

(2) The nomination of any other person shall be void.

(3) Candidates shall be nominated by means of nomination papers which shall be as set out in Form 4 or 4A, as the case may be, in the First Schedule.

[(3) Am.P.U.(A) 113/2012]

(4) The proposer and seconder of any candidate shall be registered electors for the constituency for which the candidate seeks election.

[(4) Subs.P.U.(A) 113/2012]

(5) Each nomination paper shall also bear the respective signatures of the candidate, the proposer, the seconder and the witness in the presence of whom the candidate affixes his signature.

[(5) Subs. P.U.(A) 134/2013]

(6) Failure to comply with subregulation (3), (4) or (5) shall render the nomination paper liable to be rejected by the returning officer.

[Subs. P.U.(A) 67/2004]

(6A) Notwithstanding subregulation (6), a nomination paper shall not be rejected on account of—

(a) any error or omission in the nomination paper in relation to the description of, or any particulars in respect of—

(i) the candidate; or

(ii) his proposer or seconder,

if the particulars contained in the nomination paper are sufficient to identify the candidate or his proposer or seconder, as the case may be;

(b) any omission in stating the candidate's name or names to be printed on the ballot paper;

(c) any error or omission with regard to any place specified in the nomination paper, if such place is otherwise sufficiently identifiable from the particulars given in the nomination paper;

(d) any error or omission which is capable of being corrected and is corrected upon being brought to the attention of the person presenting the nomination paper; or

(e) any clerical or printing error in the nomination paper if the error is not of any material significance or does not affect—

(i) the identification of the candidate, his proposer or seconder; or

(ii) the identification of the constituency in respect of which the nomination paper is delivered.

[Ins. P.U.(A) 67/2004]

(6B) Where in a nomination paper there is an omission in stating the candidate's name or names which is or are to be printed on the ballot paper, then the name to be printed in the ballot paper shall be the full name of the candidate as stated in the nomination paper;

[Ins. P.U.(A) 67/2004; (6B) Am. P.U.(A) 113/2012]

(7) Every candidate shall at the time of his nomination and in the manner described in subregulation 6(2), deliver to the returning officer the original copy of a statutory declaration of his qualifications made and subscribed by him as set out in Form 5 or 5A, as the case may be, in the First Schedule and a deposit or deposit receipt as in subregulation 5(1).

[Am. P.U.(A) 67/2004]

(7A) Every declaration mentioned in subregulation (7) shall be exempt from stamp duty.

[(7A) - Ins. P.U.(A) 193/2011]

(8) The returning officer or the State Elections Officer shall, at any reasonable time between the date of the notice of election referred to in regulation 3 and before ten o'clock in the forenoon on the day of nomination, supply a set of nomination papers and statutory declaration to any person or political party applying for the papers, on payment to the returning officer or the State Elections Officer of a fee of twenty ringgit for a set of the papers.

[Subs. P.U.(A) 67/2004] [(8) Am.P.U.(A) 113/2012]

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Regulation 5. Deposit by candidate.

(1) A candidate, or some person on his behalf, shall deposit or cause to be deposited with the returning officer or the State Elections Officer between the date of the notice of election referred to in regulation 3 and ten o'clock in the forenoon on the day of nomination, the sum of ten thousand ringgit in the case of an election to the Dewan Rakyat or the sum of five thousand ringgit in the case of an election to a State Legislative Assembly in cash, bank draft or any other form as may be determined by the Election Commission;

[Am. P.U.(A) 67/2004] [Am. P.U.(A) 164/2006]

(2) On receipt of the deposit paid under subregulation (1) from a candidate, the returning officer or the State Elections Officer shall proceed in accordance with the current Government financial regulations and the deposit so paid by the candidate shall be dealt with in accordance with these Regulations.

[Am. P.U.(A) 67/2004][Am. P.U.(A) 164/2006]

(3) If—

(a) a candidate is not shown as standing nominated in the notice of contested election referred to in subregulation 11(5);

(b) a candidate withdraws his candidature before ten o'clock in the forenoon on the day of nomination after a deposit was made under subregulation (1); or

[(3)(b) Subs. P.U.(A) 113/2012]

(c) a candidate dies after a deposit was made under subregulation (1) and before the poll is commenced,

the deposit shall be returned as soon as practicable by the State Elections Officer—

(aa) in the cases referred to in paragraphs (a) and (b), to the candidate or person by whom the deposit was made after the publication of the name of the member elected pursuant to regulation 10 or the publication of the notice of the contested election pursuant to regulation 11, as the case may be; or

(bb) in the case referred to in paragraph (c), to the deceased candidate's legal personal representative if the deposit was made by the candidate or, if not made by the candidate, to the person by whom the deposit was made.

[Subs. P.U.(A) 67/2004]

(4) *[Deleted by P.U.(A) 67/2004]*

(5) Other than in the cases referred to in subregulation (3), a deposit made under subregulation (1) shall be returned by the State Elections Officer—

(a) to the candidate or person by whom the deposit was made; or

(b) if the candidate has died, to his legal personal representative if the deposit was made by the candidate or, if not made by the candidate, to the person by whom the deposit was made,

as soon as practicable after the result of the election has been declared.

[Subs. P.U.(A) 67/2004]

(6) *[Deleted by P.U.(A) 67/2004]*

(7) The deposit shall be forfeited if a poll is taken and, after the official addition of the votes by the returning officer, the candidate is found not to have polled more than one-eighth of the total number of votes polled by all the candidates in the constituency.

[Am. P.U.(A) 147/1990, Am. P.U.(A) 67/2004]

(7A) The deposit which is not forfeited under subregulation (7) shall be claimed by the candidate or a person on his behalf within one year from the date of publication of the result of the election in the Gazette.

[Ins. P.U.(A) 164/2006]

(7B) Any deposit which is not claimed within the period specified in subregulation (7A) shall be forfeited.

[Ins. P.U.(A) 164/2006]

(8) For the purposes of this regulation the number of votes polled shall be deemed to be the number of votes counted other than rejected votes.

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Regulation 6. Proceedings on nomination day.

(1) The returning officer shall on the day of nomination attend at the place of nomination from nine o'clock in the forenoon until the completion of the proceedings mentioned in regulation 10 or subregulation 11(2), as the case may be.

(2) The nomination paper must be delivered to the returning officer—

[(2) Am.P.U.(A) 113/2012]

(a) at the place of nomination; and

(b) between the hours of nine o'clock and ten o'clock in the forenoon on the day of nomination,

by the candidate and his proposer and seconder or by any two or any one of them.

[Subs. P.U.(A) 67/2004]

(2A) The returning officer shall not accept the nomination papers of any candidate—

(a) which are not delivered within the period specified in paragraph (2)(b);

(b) which are not delivered to him by any of the persons specified in subregulation (2);

(c) which are not accompanied by the original copy of the statutory declaration as required under subregulation 4(7); or

(d) which are not accompanied by the deposit or the receipt issued in respect of the deposit made as required under subregulation 5(1).

[Ins. P.U.(A) 67/2004]

(3) After the nomination papers have been delivered as in subregulation (2), the candidate, his proposer or seconder may be allowed to make corrections on the nomination papers in the presence of the returning officer.

[Am. P.U.(A) 176/94; Am. P.U.(A) 67/2004] [(3) Am.P.U.(A) 113/2012]

(4) *[Deleted P.U.(A) 113/2012].*

(5) *[Deleted P.U.(A) 113/2012]*

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Regulation 6A. Marking of limit of and keeping order at place of nomination.

(1) It shall be the duty of the returning officer, subject to the general directions of the Election Commission, to mark the limits of any place of nomination he is attending to and no person other than the candidates and their proposers and seconders, shall be allowed at the place of nomination for the purpose of subregulations 6(2) and (3).

[(1) Am.P.U.(A) 113/2012]

(2) The returning officer shall be responsible for keeping order at the place of nomination.

(3) If a person misconducts himself at a place of nomination or fails to obey the lawful order of the returning officer, he may immediately by order of the returning officer be removed from that place by a police officer on duty outside or near the place of nomination or by any other person authorized in writing by the returning officer to remove him, and the person so removed shall not, without the permission of the returning officer, again enter the place of nomination until the completion of the nomination proceedings.

(4) Failure to obey the lawful orders of the returning officer shall be an offence punishable by a fine not exceeding three thousand ringgit.

[Ins. P.U.(A) 67/2004]

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Regulation 7. Rejection of nomination papers.

(1) The returning officer shall reject a nomination paper of any candidate for any constituency on all or any of the following grounds:

- (a) that the nomination paper does not comply with or was not delivered in accordance with these Regulations;
- (b) that it is apparent from the contents of the nomination paper that the candidate is not capable of being elected as a member of the Dewan Rakyat or a State Legislative Assembly;
- (c) that the candidate is disqualified from being a member under the Federal Constitution in the case of an election to the Dewan Rakyat or of the Constitution of the State concerned in the case of an election to a State Legislative Assembly.

[(1) Subs.P.U.(A) 113/2012]

(2) *[Deleted P.U.(A) 113/2012]*

(3) *[Deleted P.U.(A) 113/2012]*

(4) The decision and the grounds in relation to the rejection of any nomination paper under subregulation (1) shall be informed by the returning officer to the candidate concerned or his proposer or seconder named in the nomination paper. Such decision and the grounds thereof shall be kept on record.

[(4) Subs.P.U.(A) 113/2012]

(5) The decision of the returning officer shall be final and conclusive for the purpose of the election in respect of which the proceedings are being held, and shall not be called in question in any court:

[Am.P.U.(A) 80/82]

Provided that any person aggrieved by the decision of the returning officer may present an election petition in respect thereof on the grounds set out in paragraph 32(b) of the Election Offences Act 1954, and the provisions of the said Act shall take effect accordingly.

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Regulation 8. Persons entitled to be present at nomination.

No person other than the returning officer, a member or officer of the Election Commission, the candidate, his proposer and seconder shall be entitled to be present at the proceedings specified in regulations 6 and 7, except at the request of and for the purpose of assisting the returning officer.

[Subs.P.U.(A) 113/2012]

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Regulation 9. Prohibition on withdrawal of candidature.

No candidate is allowed to withdraw his candidature after ten o' clock in the forenoon on the day of nomination.

[Subs.P.U.(A) 113/2012]

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UNCONTESTED ELECTIONS

Regulation 10. Uncontested elections.

If on the day of nomination in any constituency only one candidate stands nominated for that constituency, the returning officer shall forthwith declare the nominated candidate to be elected, and shall forthwith return the writ issued to him under subregulation 3(1), duly completed, to the Secretary to the Election Commission through the State Elections Officer. The Secretary to the Election Commission shall cause the name of the member so elected to be published in the *Gazette*.

[Am.P.U.(A) 113/2012]

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CONTESTED ELECTIONS

Regulation 11. Contested elections.

(1) If on the day of nomination in any constituency more than one candidate stand nominated for that constituency, the returning officer shall forthwith declare that a poll will be taken in accordance with these Regulations.

[(1) Am.P.U.(A) 113/2012]

(2) (a) The returning officer shall by lot determine the order in which the names of the candidates shall appear on the ballot papers.

(b) Subject to this paragraph, the returning officer shall assign to each candidate a symbol approved by the Election Commission by such means as he thinks appropriate.

[Am. P.U.(A) 67/2004]

(c) For the purpose of this subregulation a political party may submit to the Election Commission for its approval and for registration, if so approved, a symbol, which in this subregulation is referred to as a "party symbol", for the use of its candidates at any election.

[paragraph defining political party: Deleted P.U.(A) 193/2011]

(d) In lieu of a symbol assigned in accordance with paragraph (b), a returning officer shall on the request of any candidate, assign to him a party symbol:

Provided that no party symbol shall be so assigned except on production by the candidate of a written authority signed by a responsible official of the party authorizing the candidate to use such party symbol for the purposes of the election.

(e) *[Deleted by P.U.(A) 67/2004]*

(3) The returning officer shall, as soon as practicable, after making his declaration in accordance with subregulation (1), forward to the State Elections Officer a report that the election is contested together with a copy of the nomination paper of each candidate, a statement showing the order in which the names of the candidates will be printed on the ballot paper and the symbol assigned to each candidate.

[Am. P.U.(A) 67/2004]

(4) The returning officer shall also as soon as practicable forward a certified true copy of each rejected nomination paper and the grounds on which the rejection was made to the Secretary to the Election Commission.

(5) Upon the receipt of the report mentioned in subregulation (3), the State Elections Officer shall give, in such manner as he thinks fit, a notice to the public as set out in Form 8 in the First Schedule specifying—

[Am. P.U.(A) 164/2006]

(a) the constituency in which the election is contested;

(b) the dates of the advance polling day and the polling day;

[(5) (b) Subs.P.U.(A) 113/2012]

(c) the names of the candidates in the order in which they will be printed on the ballot papers, the symbol allotted to each candidate and the names of their proposers and seconders; and

(d) the situation of the polling centre or polling centres for each of the polling districts for that constituency and the hours

between which each polling centre will be opened.

[(5)(d) - Am.P.U.(A) 193/2011]

(5A) Unless the Election Commission, by notice in such manner as may be determined by the Election Commission, appoint any other hours in respect of any constituency or part thereof, the poll in any constituency shall be open for twelve hours between such hours as the Election Commission shall specify;

[(5A) - Subs.P.U.(A) 193/2011]

(5B) The notices referred to in subregulations (5) and (5A) shall as soon as practicable be published in the Gazette.

[(5B) - Ins. P.U.(A) 193/2011]

(6) If, after an election has been reported as contested one of the candidates nominated dies or becomes disqualified from being a member of the Dewan Rakyat or the Legislative Assembly of the State, as the case may be, before the poll has commenced, or if owing to any cause whatsoever the poll cannot be taken or has not been taken on the advance polling day or the polling day, as the case may be, specified in the writ issued to the returning officer under subregulation 3(1), the returning officer shall, upon being satisfied of such fact, or such cause, as the case may be, inform the Secretary to the Election Commission by endorsing the fact, or the cause, as the case may be, on the reverse of the writ issued to him under subregulation 3(1) and returning it to him without delay. The Election Commission shall countermand the notice for the poll, and shall appoint by notice published in the *Gazette* a fresh date for the election and in such case all proceedings with reference to the election shall be commenced afresh, provided that no fresh nomination shall be necessary in the case of a qualified candidate who stood nominated at the time of the countermand of the poll.

[(6) Am. P.U.(A) 161/86, 31/1990; Am.P.U.(A) 113/2012]

(7) *[Deleted P.U.(A) 113/2012]*

(8) *[Deleted P.U.(A) 113/2012]*

(9) *[Deleted P.U.(A) 113/2012]*

(10) *[Deleted P.U.(A) 113/2012]*

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Regulation 12. Appointment of presiding officers.

(1) Subject to the general or special directions of the Election Commission, each returning officer shall appoint, and may revoke the appointment of, a presiding officer to preside at each polling station for his constituency.

(2) *[Deleted by P.U.(A) 67/2004]*

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

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

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

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Regulation 12A. Appointment of other officers and staff.

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

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

[Ins.P.U.(A) 31/1990]

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Regulation 13. Facilities to be provided at polling centre and station.

(1) A notice as set out in Form 8 in the First Schedule shall be affixed by any presiding officer outside each polling centre in a conspicuous place before the commencement of the poll

[Subs.P.U.(A) 193/2011]

(2) During the taking of the poll the presiding officer shall cause to be exhibited outside his polling station a notice substantially in the form set out in the Second Schedule giving directions for the guidance of voters in voting, which shall be in the national language and may cause to be exhibited such notice in such other language or languages and in such characters as the Election Commission may direct.

[Am. P.U.(A) 67/2004]

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

(4) An election shall not be questioned by reason only of non-compliance with subregulation (3).

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Regulation 14. Right of registered elector to vote.

The electoral rolls for the time being in force shall be *prima facie* evidence for the purpose of determining whether a person is or is not entitled to vote at an election in any constituency.

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Regulation 14A. Authoritative texts of electoral rolls.

The electoral rolls which are submitted to the candidates on the day of nomination shall be the authoritative texts of the electoral rolls which will be used by the returning officer and the presiding officer of a polling station on polling day.

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Regulation 15. Admittance to polling station.

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

Provided that where an elector for any constituency is employed as a presiding officer or in any other official capacity at a polling station within that constituency and it is inconvenient for him to vote at the polling station to which that part of the electoral roll which contains his name has been assigned, the returning officer may authorize such elector to vote at any other polling station in the constituency. Such authorization shall be given under the hand of the returning officer and shall state the name of the elector and his number in the electoral roll, and the fact that he is so employed as aforesaid and shall specify the polling station at which he is authorized to vote.

(2) [Deleted - P.U.(A) 193/2011]

(2A) [Deleted - P.U.(A) 193/2011]

(3) The presiding officer shall regulate the number of voters to be admitted at a time whilst the poll is open and shall exclude all other persons except the candidate, his election agent and polling agent, the returning officer, members or officers of the Election Commission, persons officially employed at the polling station, any person nominated in accordance with subregulation 19(10), or other persons authorized in writing by the Election Commission.

[Am. P.U.(A) 67/2004] ; Am. P.U.(A) 43/2012;

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

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

[Am. P.U.(A) 67/2004]

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

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

[Am. P.U.(A) 67/2004]

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

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

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Regulation 16. Marking of polling station limits.

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

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Regulation 17. Poll by ballot and ballot papers.

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

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

[Am. P.U.(A) 67/2004]

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

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Regulation 18. Ballot boxes.

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

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

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

(2B) In the case where the presiding officer is not able to conduct the procedure mentioned in subregulation (2) as no person who may lawfully be present at a polling station is present at the polling station, the presiding officer shall call any police officer on duty outside the polling station to be present at the polling station so that he may see that each ballot box is empty.

[Ins. P.U.(A) 67/2004]

(3) The presiding officer—

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

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

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

[Subs. P.U.(A) 67/2004]

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

[Subs. P.U.(A) 147/90]

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Regulation 19. Manner of voting.

- (1) Each voter shall be given one ballot paper and shall be entitled to one vote.
- (2) As each voter requests for a ballot paper, the number and name of the voter as stated in the electoral roll shall be called out.
- (3) Where no mark in accordance with subregulation (5) has been made against the number and name of the voter in the electoral roll to denote that a ballot paper has been issued to the voter, the presiding officer or any person acting under his authority shall, before a ballot paper to be issued to the voter, require the voter to show his left forefinger in order to insure that no indelible ink has been marked on the voter's left forefinger.
- (4) After the presiding officer or any person acting under his authority is satisfied that-
 - (a) no mark has been made against the number and name of the voter in the electoral roll in accordance with subregulation (5); and
 - (b) no indelible ink has been marked on the voter's left forefinger,the presiding officer or any person acting under his authority shall then make a mark on the voter's left forefinger using the indelible ink and thereafter the presiding officer shall issue a ballot paper to the voter.
- (5) Before the ballot paper is issued to the voter, a mark, without indicating in any way the particular ballot paper to be issued to him, shall be made in the electoral roll against the number and name of the voter to denote that he has been issued with a ballot paper.
- (6) The ballot paper shall be perforated or stamped with the official mark or initialled by the presiding officer on the margin of the ballot paper and the ballot paper shall then be issued to the voter by the presiding officer or a person acting under his authority.
- (7) On receiving the ballot paper, the voter shall forthwith proceed to such place in the polling station as may be indicated by the presiding officer or any person acting under his authority and shall there secretly mark such ballot paper in accordance with the directions given for the guidance of voters referred to in subregulation 13(2).
- (8) The voter shall then fold the ballot paper so as to conceal his mark and shall put the ballot paper into the ballot box and without undue delay shall then forthwith leave the polling station limits.
- (9) The presiding officer or any person acting under his authority may ask any voter whether such voter understands the manner of voting and if he thinks fit, at the request of any voter, may explain to such voter in the hearing of any polling agent present in the polling station the manner of voting; in so doing he shall carefully refrain from any action which might be construed as advice or direction to vote for any particular candidate.
- (10) At the request of a voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by these Regulations, any person trusted and nominated by the voter, who shall be a citizen of or over the age of twenty-one years, or if such person is not nominated, the presiding officer, shall mark the ballot paper of such voter in the manner dictated by the voter and shall cause the ballot paper to be placed in the ballot box.
- (11) Any person nominated under subregulation (10) shall make a declaration as to his identity and nomination in Form 10 in the First Schedule and every such declaration shall be exempt from stamp duty.
- (12) The presiding officer may, at any time while the polling is proceeding, take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for marking of ballot papers.
- (13) A reference to the left forefinger of a voter in this regulation and regulation 19A shall be construed-
 - (a) in the case where the voter's left forefinger is missing or his left forefinger cannot be marked for whatever reason, as a reference to another one of his left fingers;
 - (b) in the case where all of the voter's left finger are missing or all his left finger cannot be marked for whatever reason, as a reference to his right forefinger or another one of his right fingers; and
 - (c) in the case where all of the voter's left and right fingers are missing, as a reference to the end of his left or right arm.

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Regulation 19A. Non - compliance with the manner of voting.

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

(a) the voter refuses to show his left forefinger in order to ensure that no indelible ink has been marked on the voter's left forefinger in accordance with subregulation 19(3);

(b) the voter refuses to have his left forefinger to be marked with indelible ink in accordance with subregulation 19(4); or

(c) the voter left forefinger has been marked with indelible ink but no mark has been made against the number and name of the voter in the electoral roll,

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

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

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

[Ins. P.U.(A) 43/2012]

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Regulation 20. Declarations by voters.

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

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

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Regulation 21. Spoilt ballot papers.

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

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Regulation 22. [Deleted]

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Regulation 23. Closing of poll.

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

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Regulation 23A. Place of counting of votes.

(1) Subject to this regulation and subregulation 25B(4), votes by electors at any polling station shall be counted at the polling station where the electors voted, in accordance with the procedures set out in these Regulations.

[Subs.P.U.(A) 193/2011]

(2) The Election Commission may, if it considers it necessary or expedient in the circumstances of any case, by notice direct that the votes by electors at any or all the polling stations in a constituency be counted by the presiding officer of the polling station at such counting place or places as the Election Commission may specify.

[(2) Am.P.U.(A) 193/2011]

(3) The notice under subregulation (2) shall be as set out in Form 12A in the First Schedule, and the Election Commission shall—

(a) at least three days before the commencement of the poll—

(i) forward a copy of such notice to the State Elections Officer and the returning officer responsible for the polling station or polling stations to which it relates; and

(ii) cause a copy of such notice to be given to each of the candidates or his election agent; and

(b) at any time before the commencement of the poll, cause a copy of such notice to be posted in some conspicuous place outside the polling station or polling stations to which it relates.

[Ins.P.U.(A) 147/1990, Am. P.U.(A) 176/1994]

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Regulation 24. Procedure on close of poll.

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

[Am. P.U.(A) 67/2004]

(a) secure the ballot box at such polling station and affix a security tape to it so as to prevent the introduction of any ballot paper thereafter into the ballot box and the security tape shall then be signed by the presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape;

[Subs. P.U.(A) 67/2004]

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

(c) prepare the ballot paper statement in Form 13 in the First Schedule, which shall be certified by the presiding officer and signed by each candidate or his election agent or polling agent who is present and who desires to sign the same; and

[Am. P.U.(A) 67/2004]

(d) make up—

(i) the unused and spoilt ballot papers;

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

(iii) the counterfoils of the ballot paper,

into a single packet which shall then be affixed with security tape and the security tape shall be signed by the presiding officer and by each candidate or his election agent or polling agent who is present and who desires to sign on the security tape.

[Subs. P.U.(A) 67/2004]

(2) As soon as practicable after the conclusion of the proceedings under subregulation (1), the presiding officer shall make preparation to count the votes by electors at the polling station at which he presides in the presence of each candidate or his election agent or counting agent who is present, and shall inform the candidates, their election agents or counting agents of the time when he will begin to count the votes:

Provided that where the Election Commission directs, under subregulation 23A(2), that the votes by electors at the polling station be counted at a specified counting place, the presiding officer shall take the ballot box, the packet referred to in paragraph (1)(d) and the statement in Form 13 referred to in paragraph (1)(c) to such counting place.

[Am. P.U.(A) 176/1994, Am. P.U.(A) 67/2004] [(2) Am.P.U.(A) 193/2011]

(3) Where the same person is appointed to preside at more than one polling station within the same polling district and the Election Commission directs that the same ballot box be used at all the polling stations at which he presides, the presiding officer—

(a) may, in the presence of each candidate or his election agent or polling agent who is present—

[Am. P.U.(A) 67/2004]

(i) notwithstanding paragraph (1)(a) reopen the ballot box affixed with security tape in such a manner that ballot papers issued at any subsequent polling stations at which he presides can be inserted but nothing can be removed from it;

[Am. P.U.(A) 67/2004]

(ii) reopen the packets affixed with security tape pursuant to paragraph (1)(d) for use at each subsequent polling stations at which he presides;

[Am. P.U.(A) 67/2004]

(b) shall only perform the proceedings referred to in paragraphs (1)(b) and (c) and proceed to count the votes on the last day of the poll for the constituency and after the completion of the poll at the last polling station at which he presides.

[Subs. P.U.(A) 67/2004]

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Regulation 24A. Fresh poll at polling station in the case of unlawful removal, loss, destruction, etc., of any ballot box.

(1) If at any election—

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

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

(ii) is destroyed, damaged, or tampered with, to such an extent,

so that the result of the poll at that polling station cannot be ascertained; or

(b) any such error, irregularity or defect in procedure as is likely to affect the validity of the poll occurs at a polling station, the returning officer shall, upon being satisfied thereof, forthwith report the matter to the Secretary to the Election Commission.

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

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

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

[Am. P.U.(A) 31/1990]

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

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

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

[Ins. P.U.(A) 161/86]

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Regulation 25. Counting of votes by presiding officer.

(1) No counting agent—

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

(b) whose name and address have been notified as such but is not permitted by the presiding officer to attend,

may be present at the counting of votes.

[Subs. P.U.(A) 176/1994]

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

[Ins. P.U.(A) 67/2004]

(2) No person other than—

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

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

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

[Am. P.U.(A) 176/1994, Am. P.U.(A) 67/2004]

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

[Ins. P.U.(A) 176/1994]

may be present at the counting of votes.

(3) Before the presiding officer proceeds to count the votes, he or the persons authorized by him shall, in the presence of each candidate or his election agent or counting agent who is present—

[Am. P.U.(A) 67/2004]

(a) open the ballot box; and

[Am. P.U.(A) 67/2004]

(b) compare the number of ballot papers in the ballot box with the statement in Form 13 referred to in paragraph 24(1)(c) in order to ascertain that all ballot papers are accounted for.

(4) If, in comparing the number of ballot papers with the statement in Form 13 aforesaid, it appears that the number of ballot papers in the ballot box exceeds the number stated to be therein according to such statement, the procedure described in the Third Schedule shall be adopted.

(5) The presiding officer while conducting the procedure described in the Third Schedule shall take all proper precautions for preventing any person who has not taken the oath of secrecy as prescribed by subsection 5(1) of the Election Offences Act 1954, from seeing the numbers printed in such ballot papers.

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

[(6) Am.P.U.(A) 193/2011]

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

- (a) which is not stamped or perforated with the official mark, or initialled by the presiding officer;
- (b) on which votes are given for more than one candidate;
- (c) on which anything is written or marked by which the voter can be identified;
- (d) which is unmarked or marked other than in the place or manner provided; or
- (e) which does not clearly indicate the intention of the voter:

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

(8) Notwithstanding paragraph (7)(d), where the presiding officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter and the candidate for whom he has given his vote, the presiding officer shall not reject the ballot paper on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under these Regulations.

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

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

(11) *[Deleted by P.U.(A) 67/2004]*

(12) Subject to subregulation (13), the presiding officer shall, immediately after the completion of the counting of the votes—

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

[Am. P.U.(A) 67/2004]

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

[Am. P.U.(A) 67/2004]

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

[Am. P.U.(A) 67/2004]

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

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

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

[(13) Am.P.U.(A) 193/2011]

Provided that the recount shall not take into account rejected ballot papers and spoilt ballot papers.

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

[Subs. P.U.(A) 164/2006]

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Regulation 25A. Safe custody of election documents.

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

[Am. P.U.(A) 67/2004]

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

[Subs. P.U.(A) 67/2004]

(b) enclose the statement in Form 13 referred to in paragraph 24(1)(c) in a special envelope and affix security tape to it.

[Am. P.U.(A) 67/2004]

(2) The packets referred in paragraphs (1)(a) and 24(1)(d)—

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

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

[Subs. P.U.(A) 67/2004]

(3) The presiding officer shall despatch or deliver in such manner as may be determined by the Election Commission—

[(3) Am.P.U.(A) 193/2011]

(a) the ballot box;

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

(c) the special envelope containing the statement in Form 14 referred to in paragraph 25(12)(b),

in safe custody to the returning officer.

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Regulation 25B. Postponement or adjournment of counting of votes.

(1) Where at any time after the close of the poll, owing to any cause whatsoever, the counting of the votes at the polling station cannot be started or has started but cannot be completed, the presiding officer shall postpone or adjourn such counting, as the case may be, and forthwith inform the returning officer of the constituency and each candidate or his election agent or counting agent of such fact.

[Am. P.U.(A) 67/2004]

(2) Where the ballot box has not been opened, the presiding officer shall forthwith despatch or deliver the ballot box together with the statement in Form 13 referred to in paragraph 24(1)(c) and the packet referred to in paragraph 24(1)(d) in safe custody to the returning officer.

[Am. P.U.(A) 67/2004]

(3) Where the ballot box has been opened, the presiding officer shall, in the presence of each candidate or his election agent or counting agent who is present—

[Am. P.U.(A) 67/2004]

(a) put back all the ballot papers into the ballot box, affixed with security tape which shall be signed by the presiding officer and by each candidate or his election agent or counting agent who desires to sign on the security tape; and

[Am. P.U.(A) 67/2004]

(b) forthwith despatch or deliver the ballot box together with the statement in Form 13 referred to in paragraph 24(1)(c) and the packet referred to in paragraph 24(1)(d) in safe custody to the returning officer.

[Am. P.U.(A) 67/2004]

(4) Where the counting of votes has been postponed or adjourned under this regulation, the returning officer shall, after consultation with the State Elections Officer, appoint a time and place at which the presiding officer will count the votes, and shall inform each candidate or his election agent or counting agent of such place and time.

[Ins.P.U.(A) 147/ 1990, Am. P.U.(A) 67/2004] [Am. P.U.(A) 164/2006]

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P.U.(A) 386/81
ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981
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Regulation 25C. Counting of votes of postal voters.

(1) The returning officer shall, as soon as practicable after the conclusion of the proceedings under regulation 17 of the Elections (Postal Voting) Regulations, make arrangements for counting the votes of postal voters in the presence of each candidate or his election agent or counting agent who is present, and shall inform the candidate or his election agent or counting agent of the time and place at which he will begin to count such votes.

[Am. P.U.(A) 67/2004]

(2) The provisions of regulation 25, other than paragraph 3(b), subregulations (4) and (5), shall apply in relation to the counting of votes of postal voters as if—

[Am. P.U.(A) 67/2004]

(a) references to a presiding officer were references to a returning officer;

(b) references to officers and staff appointed under regulation 12A were references to officers and staff appointed under regulation 25D;

(c) references to ballot papers were references to postal ballot papers; and

(d) references to Form 14 were references to Form 15.

(3) On the completion of the counting of the votes of postal voters, the returning officer shall put the counted ballot papers and the rejected ballot papers into separate packets, affixed with security tapes which shall be signed by the returning officer and by each candidate or his election agent or counting agent who is present and who desires to sign on the security tapes.

[Am. P.U.(A) 67/2004]

(4) The packets containing the counted ballot papers, the rejected ballot papers and the packets referred to in regulations 16 and 17 of the Elections (Postal Voting) Regulations shall be placed in the ballot box, affixed with security tape which shall be signed by the returning officer and by each candidate or his election agent or counting agent who is present and who desires to sign on the security tape.

[Subs. P.U.(A) 67/2004]

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Regulation 25D. Proceedings of returning officer after return of ballot boxes, and official addition of votes.

(1) Subject to the general or special directions of the Election Commission, each returning officer shall appoint, and may revoke the appointment of, such officers or staff to assist him in the counting of the votes of postal voters and the official addition of votes.

(2) After the returning officer has completed the counting of the votes of postal voters for his constituency, the returning officer shall make arrangements for the official addition of the votes, and shall inform the candidates or their election agents of the time and place at which he will commence to add up the number of votes given to each candidate.

(3) No person other than—

- (a) the members and officers of the Election Commission;
- (b) the returning officer and such other officers and staff appointed under subregulation (1); and
- (c) the candidates and their election agents,

[Am. P.U.(A) 176/1994]

may be present at the official addition of the votes, unless permitted by the returning officer to attend.

(4) At the place appointed for the official addition of the votes, the returning officer, in the presence of such of the candidates and their election agents as attend, shall—

- (a) open the special envelope containing the official statement of the postal voting; and
- (b) upon receipt of the special envelope containing the official statement of the poll despatched or delivered to him by each presiding officer, open the said envelope and examine the statement of the poll contained therein,

[Am. P.U.(A) 176/1994]

and subject to subregulation (4A), announce the number of votes recorded for each candidate in the statement of the poll contained in such envelope.

[Am. P.U.(A) 176/1994]

(4A) If, on the examination of the statement of the poll under paragraph 4(b), it appears to the returning officer that such statement is incomplete or there is an error or mistake in such statement, the returning officer, in the presence of such of the persons referred to in subregulation (4) as attend, shall—

- (a) open the special envelope containing the ballot papers statement delivered or despatched to him and compare the official statement of the poll with the ballot papers statement contained in such envelope; and
- (b) where necessary, amend the official statement of the poll and every such amendment shall be initialled by the returning officer and by such of the candidates or their election agents as attend and desire to initial the same.

[Ins. P.U.(A) 176/1994]

(5) After the returning officer has received the official statements of the poll from the presiding officers of all the polling stations in his constituency, the returning officer shall, in the presence of such of the persons referred to in subregulation (4) as attend, ascertain the total number of votes given to each candidate by officially adding up the number of votes recorded for each candidate in the said statements and in the official statement of the postal voting.

(5A) A candidate or his election agent may, after the completion of the official addition of votes, require the returning officer to have the number of votes recorded in the original statement of the poll to be added up again but the returning officer may refuse to do so if in his opinion the request is unreasonable.

[Ins. P.U.(A) 176/1994]

(5B) *[Deleted by P.U.(A) 164/2006]*

(6) Where, on the official addition of the votes, there is an equality of votes between any candidates and the addition of a vote would entitle any of the candidates to be declared elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer, the candidates and their election agents as attend in such manner as the returning officer shall determine.

(7) Forthwith after the official addition of the votes, the returning officer shall declare as having been elected the candidate to whom the greatest number of votes is given.

[Ins.P.U.(A) 147/ 1990]

(8) It shall be the duty of the returning officer to keep order at the place appointed for the official addition of votes.

(9) If a person misconducts himself at the place appointed for the official addition of votes or fails to obey the lawful order of the returning officer, he may immediately by order of the returning officer, be removed from that place by a police officer on duty outside or near that place or by any other person authorized in writing by the returning officer to remove him, and the person so removed shall not, without the permission of the returning officer, again enter the place appointed for the official addition of votes until the completion of the addition of votes.

(10) Failure to obey the lawful orders of the returning officer shall be an offence punishable by a fine not exceeding three thousand ringgit.

[Ins. P.U.(A) 67/2004]

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**P.U.(A) 386/81
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Regulation 25E. Disposal of ballot papers, etc.

(1) Upon the completion of the official addition of votes and after making his declaration under subregulation 25D(7), the returning officer shall—

- (a) open all the ballot boxes affixed with security tapes pursuant to subregulation 25A(2);
- (b) transfer all packets affixed with security tapes contained in the ballot boxes other than the packets containing—
 - (i) the unused and spoilt ballot papers;
 - (ii) the marked copies of the electoral rolls; and
 - (iii) the counterfoils of the ballot papers,

referred to in paragraph 24(1)(d) into a special box or boxes;

(c) affix security tape or tapes to the special box or boxes and sign on every such tape; and

(d) subject to regulation 26, retain the special box or boxes and its or their contents in safe custody until the expiration of the period specified for the presentation of an election petition under subsection 38(1) of the Election Offences Act 1954 and thereafter shall cause the contents of the special box or boxes to be destroyed unless otherwise directed by the Election Commission.

[Subs. P.U.(A) 67/2004][Am. P.U.(A) 164/2006]

(2) The returning officer shall then forward—

(a) the packet affixed with security tape containing the unused and spoilt ballot papers, the marked copies of the electoral roll and the counterfoils of the ballot papers referred to in paragraph 24(1)(d);

[Subs. P.U.(A) 67/2004]

(b) the statement of the poll in Form 14 referred to in paragraph 25(12)(b); and

(c) the envelope containing the statement in Form 13 referred to in paragraph 25A(1)(b),

to the State Elections Officer who shall, subject to regulation 26, retain the same in safe custody until the expiration of the period specified for the presentation of an election petition under subsection 38(1) of the Election Offences Act 1954 and thereafter shall cause them to be destroyed unless otherwise directed by the Election Commission.

[Subs. P.U.(A) 176/1994] [Am. P.U.(A) 164/2006]

(3) Notwithstanding paragraph (1)(d) and subregulation (2),

no—

(a) the contents of the special box or box; and

(b) packets, statements and envelope,

shall be destroyed if an election petition has been presented against the result of an election involving the special box or boxes and the contents of the special box or boxes or the packet, statement and envelope.

(4) The special box or boxes and the contents of the special box or boxes and the packet, statement and envelope shall be

<http://www.lawnet.com.my/lawnetpublic/Members/tabid/53/ctl/SubDocumentDetails/mi...> 15/8/2014

retained in the safe custody of the returning officer or the State Election Officer, as the case may be, until the completion of the trial of the election petition and its appeal.

[Ins. P.U.(A) 164/2006]

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Regulation 25F. Declaration of win by political party.

After the completion of the official addition and the making of the declaration under subregulation 25D(7) in respect of all contested elections in the general election to the Dewan Rakyat or a State Legislative Assembly, the Election Commission may declare that a political party who has nominated candidates to contest in the general election has won the election to the Dewan Rakyat or the State Legislative Assembly, as the case may be, where the political party has acquired a majority which exceeds fifty percent of the total seats that are allocated for the election to the Dewan Rakyat or the State Legislative Assembly.

[Ins. P.U.(A) 67/2004]

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Regulation 26. Court order to copy or inspect election documents.

A Judge of the High Court may make an order that any ballot paper or other document relating to an election which has been kept in safe custody as required by regulation 25E be inspected, copied or produced at such time and place and subject to such conditions as he may deem expedient, but no such order shall be made unless the Judge is satisfied that such inspection, copy or production is required for the purpose of instituting or maintaining a prosecution or an election petition in connection with the election and except as aforesaid and as provided in the Third Schedule, no person shall be allowed to inspect, copy or have produced any such ballot paper or document after it had been transferred into a special box or boxes in pursuance of subregulation 25E(1).

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Regulation 26A. Supply of copies and inspection of documents relating to an election.

(1) Where an election petition has been presented to the High Court under section 34 of the Election Offences Act 1954—

(a) the petitioner;

(b) the respondent to the petition; or

(c) an advocate authorized in writing by the petitioner or the respondent to act for the petitioner or the respondent, as the case may be, in the proceedings relating to the election petition,

[Am. P.U.(A) 67/2004]

may apply in writing to the Secretary to the Election Commission to be supplied with a copy of a document or of a part of a document, or to inspect a document or a part of a document, relating to the election for the constituency in respect of which the election petition has been presented, except a ballot paper (whether used, unused or spoilt), or a counterfoil of any such paper, or a marked copy of an electoral roll, or ballot paper accounts, or a declaration of identity, or a specimen of ballot paper, or an authority to vote at an alternative polling station, or an administrative record of the number of votes obtained for each candidate by each counting team at a counting place or a polling station, or an hourly record of votes, or any document referred to in paragraphs 24(1)(c) and (d), subregulation 25A(1), subregulation 25C(4) or regulation 25E, regardless whether or not the document which falls within these exceptions has been affixed with security tape or included in a packet affixed with security tape.

[Am. P.U.(A) 67/2004]

(2) The Secretary to the Election Commission may grant an application under subregulation (1), subject to such conditions as he may specify, if he is satisfied that the document in respect of which the application is made relates to the election for the constituency in respect of which the election petition has been presented and that the document does not fall within any of the exceptions set out in subregulation (1).

(3) Where an application has been granted under subregulation (2), the applicant shall be allowed to inspect the document or part of the document, or be supplied with a copy thereof certified to be a true copy under the hand of an officer of the Election Commission authorized to do so by the Secretary to the Election Commission, upon payment of a fee of two ringgit per folio of one hundred words or part thereof.

(4) The foregoing provisions of this regulation shall be without prejudice to regulation 26.

[Ins. P.U.(A) 161/86]

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CONTESTED ELECTIONS

Regulation 27. Publication of results and statement of poll in the Gazette.

The returning officer shall forthwith after making his declaration under subregulation 25D(7) duly complete the reverse of the writ issued to him under subregulation 3(1). At the same time he shall compile a statement of the poll in Form 16 in the First Schedule and shall forward both the writ and the statement to the Secretary to the Election Commission through the State Elections Officer. The Secretary to the Election Commission shall then cause the name of the member elected, together with such statement of the poll, to be published in the *Gazette*.

[Ins.P.U.(A) 147/ 1990]

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ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981
ADVANCE VOTING

Regulation 27A. Persons required to vote as advance voter.

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

(a) a person referred to in paragraph (a) in the definition of "absent voter" in regulation 2 of the Elections (Registration of Electors) Regulations 2002;

(b) a person referred to in paragraph (b) in the definition of "absent voter" in regulation 2 of the Elections (Registration of Electors) Regulations 2002;

(c) a member of any police force established by any written law in force in Malaysia, other than a member of the Police Volunteer Reserve Force; or

(d) the spouse of a serving member of the General Operation Force,

shall vote as an advance voter at an election in accordance with the procedure of voting as provided in these Regulations.

(2) A person referred to in paragraphs (1)(a) and (c) who is unable to vote on the advance polling day may apply to vote as a postal voter in accordance with Elections (Postal Voting) Regulations 2003;

(3) A person referred to in paragraphs (1)(a) and (c) whose application to vote as a postal voter as been approved in accordance with Elections (Postal Voting) Regulations 2003 is not entitled to vote in person on the advance polling day.

[Ins.P.U.(A) 113/2012]

**P.U.(A) 386/81
ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981
ADVANCE VOTING**

Regulation 27B. Safe custody of ballot box.

The ballot box containing the advance ballot papers on the conclusion of the advance voting shall be kept in the safe custody of the returning officer of the constituency in which the election is contested or in accordance with the arrangement approved by the Election Commission until the counting of votes of advance voters on the polling day.

[Ins. P.U.(A) 113/2012]

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**P.U.(A) 386/81
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ADVANCE VOTING**

Regulation 27C. Counting of votes of advance voters.

All provisions relating to the counting of votes in these Regulations except regulation 25C shall apply to the counting of votes of advance voters.

[Ins. P.U.(A) 113/2012]

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GENERAL

Regulation 28. Errors with regard to persons and places.

(1) No error with regard to—

(a) the name of any person or place; or

(b) any particulars, or any description, of or in respect of any person or place,

mentioned in any document whatsoever prepared, issued or used under or for the purpose of these Regulations shall in any manner affect the validity of such document or the operation of these Regulations in respect of that person or place if the contents of the document are otherwise sufficient to identify that person or place.

(2) In this regulation—

"document" includes any writ, report, return, list, form, notice, notification, nomination paper, statutory or other declaration, and any document of any other description or nature;

"error" includes any misnomer, misspelling, misprint, misplacement, mistake, inaccuracy, omission, any clerical, technical or printing error, and any error of any other description or nature; and

"particulars" and "description" each includes anything stated or required to be stated in respect of any person or place in any document.

(3) In so far as this regulation applies to a nomination paper, the provisions of this regulation shall be construed as being in addition to, and in amplification of, and not in derogation of, the provisions of regulation 4(6A).

[Subs. P.U.(A) 161/86, Am. P.U.(A) 67/2004]

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Regulation 29. Publication of notice.

Where any notice is required by these Regulations to be published and, in the opinion of the authority required to publish such notice, the prescribed mode of publication does not give sufficient publicity to the notice, such authority may, in addition to publishing the notice as required by these Regulations, exhibit copies of the notice in conspicuous places within the constituency to which the notice relates or take such other steps as may be deemed by such authority necessary for giving due publicity thereto.

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Regulation 30. Failure to comply with provisions of Regulations.

(1) No election shall be invalid by reason of any failure to comply with any provision of these Regulations relating to elections if it appears that the election was conducted in accordance with the principles laid down in such provisions, and that such failure did not affect the result of the election.

(2) Where in these Regulations any act or thing is required or authorized to be done in the presence of the candidates or their election agents or polling agents or counting agents, the non attendance of any candidate or agent at the time and place appointed for the purpose shall not, if that act or thing is otherwise duly done, invalidate that act or thing.

[Am. P.U.(A) 67/2004]

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Regulation 31. Punishment for making false declaration.

If any person makes a false declaration under regulation 19(10) or regulation 20(1), he shall be guilty of an illegal practice for the purposes of the Election Offences Act 1954.

[Am.P.U.(A) 80/1982, Am. P.U.(A) 67/2004]; Am. P.U.(A) 43/2012;]

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Regulation 32. Revocation.

The Elections (Conduct of Elections) Regulations 1959 [*P.U.(A)152/1978*] and the Elections (Conduct of Elections) (Sabah and Sarawak) Regulations 1968 [*P.U.(A)110/1969*] are revoked.

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ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FIRST SCHEDULE

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 1

[Subregulation 3(2)]

WRIT OF ELECTION

BY THE ELECTION COMMISSION

To
The Returning Officer

of the Constituency of

Whereas by subsection 12(1) of the Elections Act 1958 it is provided that for the purpose of every general election and of any by-election the Election Commission shall issue writs addressed to the returning officer of each Constituency for which a member is to be elected.

*And whereas it is expedient that writs should be issued for the election of members to serve in the Dewan Rakyat/ State Legislative Assembly.

†And whereas the seat of the member for the Constituency of has become vacant in consequence of

Take notice that the Election Commission has fixed the 20 to be the day of nomination and in the event of a contested election theto be the advance polling day/days andto be the polling day/days.

[Take notice.....Am. P.U.(A)113/2012]

Now, therefore the Election Commission do require that you do cause election to be made according to law, of a member to serve in the Dewan Rakyat/Legislative Assembly of the State of for the said Constituency and that you do cause the name of such member when so elected to be certified on the reverse of this writ and return to me through the State Elections Officer without delay.

Dated 20

By direction of the Election Commission

Secretary, Election Commission

* To be inserted in the case of a general election.

† To be inserted in case of a vacancy.

(REVERSE OF WRIT)

[Subregulations 3(4) and 11(6)]

*REPORT IN THE EVENT ELECTION/POLL CANNOT BE TAKEN/COMPLETED

I certify that consequent to

election/poll could not be taken/completed.

Dated 20

Returning Officer

[Regulation 10]

*RETURN OF CANDIDATE ELECTED IN

UNCONTESTED ELECTION

I certify that the member of the Dewan Rakyat/Legislative Assembly elected for the Constituency of

is (Name as in nomination paper)

I.C. No. of (Address as in nomination paper)

no other candidate having been nominated.

[no other candidateAm. P.U.(A)113/2012]

Dated 20

[Regulation 27]

*RETURN AFTER A POLL HAS BEEN TAKEN

I certify that the member of the Dewan Rakyat/Legislative Assembly elected for the Constituency of in accordance with the provisions of regulation 25D of the Elections (Conduct of Elections) Regulations 1981 is I.C. No. (Name as in nomination paper) of..... (Address as in nomination paper)

Dated 20.....

Returning Officer

* Complete whichever is applicable and return the writ to the Secretary to the Election Commission.

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981 FORM 2

[Notice under subregulation 3(2)]

NOTICE TO HOLD A GENERAL ELECTION TO THE DEWAN RAKYAT/LEGISLATIVE ASSEMBLY OF THE STATE OF

WHEREAS the Dewan Rakyat/Legislative Assembly of the State of has become vacant in consequence of its dissolution on the..... by the

TAKE NOTICE that the Election Commission has issued election writs on the to the returning officers of the Parliamentary/State Constituencies of specified in the Schedule hereto and that the day of nomination in respect of each Parliamentary/State Constituency shall be the and that in the event of a contested election in any of such Constituencies, the advance polling day/days shall be theand the polling day/days shall be the

[TAKE NOTICEAm. P.U.(A)113/2012]

[Am.P.U.(A) 80/1982]

SCHEDULE

Dated 20

By order of the Election Commission

Secretary, Election Commission, Malaysia

NOTE: The returning officer will give further notice in Form 3 of the place of nomination by causing notices to be published at conspicuous places within his Constituency.

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981 FORM 2A

[Notice under subregulation 3(2)]

NOTICE TO HOLD A BY-ELECTION OF A MEMBER OF THE DEWAN RAKYAT/LEGISLATIVE ASSEMBLY OF THE STATE OF FOR THE CONSTITUENCY OF

Whereas the seat of the Member of the Parliamentary/State Constituency of has become vacant in consequence of the of the said Member.

TAKE NOTICE that the Election Commission has issued an election writ on the to the returning officer of the Parliamentary / State Constituency of and that the day of nomination in respect of the said Constituency shall be the and that in the event of a contested election in this Constituency, the advance polling day/days shall be the.....and the polling day/days shall be the

[Am.P.U.(A) 80/1982;TAKE NOTICEAm. P.U.(A)113/2012]

Dated 20

NOTE: The returning officer will give further notice in Form 3 of the place of nomination by causing notices to be published at conspicuous places within his Constituency.

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 3

[Subregulation 3(3)]

NOTICE OF ELECTION OF A MEMBER OF THE DEWAN RAKYAT/
LEGISLATIVE ASSEMBLY OF THE STATE OF

FOR THE CONSTITUENCY OF

The Election Commission having issued a Writ for the election of a member of the Dewan Rakyat/Legislative Assembly of the State of for the Constituency of the returning officer of the said Constituency will on the 20 between the hours of nine o'clock and ten o'clock in the forenoon at proceed to the nomination of candidates.

[Am. P.U.(A) 67/2004]

2. Each candidate must be nominated on a separate nomination paper in the prescribed form. Nomination paper and form for the statutory declaration required from candidates may be obtained during office hours at the office of the returning officer.

[Am. P.U.(A) 67/2004] [2.Am. P.U.(A)113/2012]

3. Nomination paper must be signed by a proposer and a seconder qualified to vote in the Constituency of and the written consent of the candidate must be endorsed thereon.

[Am. P.U.(A) 67/2004; [3.Am. P.U.(A)113/2012]

4. Nomination paper must be delivered to the returning officer together with the original copy of the statutory declaration and a deposit of ten thousand/five thousand ringgit in legal tender or the receipt issued in respect of such deposit between the hours of nine o'clock and ten o'clock in the forenoon on the 20 at.....

[Am. P.U.(A) 67/2004]

5. If only one candidate remains validly nominated for the Constituency, that candidate shall forthwith be declared elected for the said Constituency. If, however, more than one candidate remains validly nominated for the Constituency, the advance polling day/days shall be onand the polling day/days shall be on

[5.Am. P.U.(A)113/2012]

6. The office of the returning officer for the Constituency is situated at

Dated 20

.....
Returning Officer

[Am. P.U.(A)113/2012]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 4

[Subregulation 4(3)]

NOMINATION PAPER

Parliamentary Constituency of*.....

(1) PARTICULARS OF CANDIDATE

Full Name:
(Block Letters)

I.C. No. **:.....

Other names, if any†:

Occupation, if any†:

Residential Address:

Correspondence Address:.....

.....

(2) PARTICULARS OF PROPOSER AND SECONDER

	Name in block letters	I.C. No.**
Proposer		
Seconder		

We, the undersigned, electors for the above Constituency nominate the person whose particulars appear above as a proper and suitable person to serve as a member of the Dewan Rakyat for the said Constituency and we certify that to the best of our belief he is qualified for election as a member in accordance with the Federal Constitution of Malaysia.

.....
Signature of Proposer

.....
Signature of Seconder
[Subs. P.U.(A) 67/2004]

(3) Name of candidate to be printed on the ballot paper***:.....

(4) I hereby consent to the above nomination.

.....
Signature of Candidate

Signed by the abovenamed candidate in the presence of:
..... (Name of Witness) I.C. No. **

Dated 20

.....
Signature of Witness

Address of Witness:
.....
.....
.....

* State the Parliamentary constituency in which the candidate seeks election.
** As shown on Identity Card or temporary receipt issued by the National Registration Department.
† If none, write "Nil".
*** A candidate may omit or specify by initials only his name or any of his names or any part of his name or names.

[Subs. P.U.(A) 67/2004]

[Am. P.U.(A) 113/2012]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 4A

[Subregulation 4(3)]

STATE OF

NOMINATION PAPER

State Constituency of*

(1) PARTICULARS OF CANDIDATE

Full Name: (Block Letters)

I.C. No.**.....

Other names, if any†:

Occupation, if any†:

Residential Address:

Correspondence Address:.....

.....

(2) PARTICULARS OF PROPOSER AND SECONDER

	Name in block letters	I.C.No.**
Proposer		
Seconder		

We, the undersigned, electors for the above Constituency nominate the person whose particulars appear above as a proper and suitable person to serve as a member of the Legislative Assembly of the said State for the said Constituency and we certify that to the best of our belief he is qualified for election as a member in accordance with the Constitution of the State.

.....
Signature of Proposer

.....
Signature of Seconder

(3) Name of candidate to be printed on ballot paper***:.....

(4) I hereby consent to the above nomination.

.....
Signature of Candidate

Signed by the abovenamed candidate in the presence of:

.....
(Name of Witness)

I.C. No. **.....

Dated 20

.....
Signature of Witness

Address of Witness:
.....
.....
.....

* State the State constituency in which the candidate seeks election.
** As shown on Identity Card or temporary receipt issued by the National Registration Department.
† If none, write "Nil".
*** A candidate may omit or specify by initials only his name or any of his names or any part of his name or names.

[Subs. P.U.(A) 67/2004]

STAMP DUTY
EXEMPTED

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 5

[Subregulation 4(7)]

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE DEWAN RAKYAT

I, do solemnly and sincerely declare that:

- 1. I am duly qualified to be elected as a member of the Dewan Rakyat in accordance with the Constitution of Malaysia.
2. I am not disqualified by any of the provisions of the said Constitution or any other written law for election as a member of the Dewan Rakyat.

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

Subscribed and solemnly declared by the abovenamed at in the Federal Territory/State of this day of 20

Signature of Candidate

Before me
(Signature of Sessions Court Judge, Magistrate, Commissioner for Oaths, State Elections Officer for the State in which the Constituency for which the person seeks election is situated, or the returning officer for such Constituency)

STAMP DUTY EXEMPTED

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 5A

[Subregulation 4(7)]

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF.....

I, do solemnly and sincerely declare that:

- 1. I am duly qualified to be elected as a member of the Legislative Assembly of the State of in accordance with provisions of the Constitution of the State of

[Am.P.U.(A) 80/1982]

- 2. I am not disqualified by any of the provisions of the said Constitution or any other written law for election as a member of the Legislative Assembly of the State of

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

Subscribed and solemnly declared by the abovenamed at in the Federal Territory/State of this day of 20

Signature of Candidate

Before me,
(Signature of Sessions Court Judge, Magistrate, Commissioner for Oaths, State Elections Officer for the State in which the Constituency for which the person seeks election is situated, or the returning officer for such Constituency)

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 6

[Deleted - P.U.(A) 113/2012]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 6A

[Deleted - P.U.(A) 113/2012]

FORM 7
(Deleted by P.U.(A)67/2004)

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 8

[Subregulation 11(5)]

NOTICE OF CONTESTED ELECTION

Constituency of.....

NOTICE is given to the electors of the abovenamed Constituency that a poll will be taken for the election now pending for the said Constituency and that such poll will be opened on the date shown below in the following polling centres situated at the various places in the polling districts of the said Constituency between the hours shown against each polling centre.

SITUATION OF POLLING CENTRE

(ADVANCE VOTING)

Polling District	Situation of Polling Centre	Polling Station Number	Date	Polling Hours

SITUATION OF POLLING CENTRE

Polling District	Situation of Polling Centre	Polling Station Number	Date	Polling Hours

And that the candidates in the said Constituency are as follows:

Candidate*	Symbol	Proposer	Seconder

of which all persons are required to take notice and govern themselves accordingly.

Dated

.....
State Elections Director of

* The candidate's name to be printed in the ballot paper.

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 9

[Subregulation 17(3)]

FORM OF FRONT OF BALLOT PAPER

No.
Φ Φ

Counterfoil

Φ No.
§

¶ Parliamentary / State
Constituency of
.....

(Perforation)
 Printed and published
 at
 by

*	**	
*	**	
*	**	
*	**	
*	**	

* Print name of candidate here.
 ** Print symbol assigned to the candidate here.
 † The counterfoil is to have a number to correspond with that printed on the ballot paper.
 †† The black band dividing the names of candidates will be half an inch in thickness.
 ? Insert name of State.
 ? Omit whichever is inapplicable.

STAMP DUTY
EXEMPTED

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 10

[Subregulation 19(10)]

DECLARATION OF IDENTITY AND NOMINATION

I, (Name in full)

I.C. No. of (Address)

declare that I am a citizen of over the age of twenty -one years who is trusted and named
 by(Name of Voter)

I.C. No.
 who is incapacitated to vote. His number in the electoral roll is

I further declare that I am a registered elector.

.....
Signature

Declared before me the..... 20.....

.....
Presiding Officer

[Subs. P.U.(A) 43/2012]

STAMP DUTY
EXEMPTED

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 10A

[Regulation 19A]

DECLARATION WITH RESPECT TO REFUSAL TO ISSUE BALLOT PAPER

I, (Name in full)

I.C. No. am the *Presiding Officer /Person Acting Under The Presiding Officer's Authority at the polling centre of

(Name of Polling Centre) for the polling station of(Stream No.)

declare that I refused to issue ballot paper to(Name of Voter)

I.C. No.

on the following grounds:

*(a) the voter refuses to show his left forefinger in order to ensure that no indelible ink has been marked on his left forefinger;

*(b) the voter refuses his left forefinger to be marked with indelible ink;

*(c) the voter's left forefinger has been marked with indelible ink even though no mark to denote that a ballot paper has been issued to him has been made against the voter's number and name in the electoral roll; or

*(d) the voter's left forefinger has been marked with indelible ink but a mark to denote that a ballot paper has been issued to him has been made against the voter's number and name in the electoral roll.

Date:.....

.....
Signature

Signed in the presence of

.....
Signature of Witness

Name:

I.C. No.

Date:

*Delete if inapplicable

NOTE (if necessary)

.....
.....
.....

[Form 10 A - Subs. P.U.(A) 43/2012]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 11

[Regulation 20(1)]

DECLARATION

[Am. P.U.(A) 67/2004]

I, (Name in full) I.C. No.

of (Address)
declare that I am the person whose name appears as in the electoral roll now in force for the polling district (registration unit)

I further declare that I have not already voted either here or elsewhere in the Constituency of..... or in any other Constituency at the general election/by-election.

[Am.P.U.(A) 8/1982]

.....
Signature or Mark of Voter

Declared before me the 19

.....
Presiding Officer

FORM 12

(Deleted by P.U.(A)67/2004)

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 12A

[Regulation 23A]

NOTICE OF COUNTING OF VOTES AT A COUNTING PLACE

Constituency of.....

TAKE NOTICE that, pursuant to the powers conferred by regulation 23A of the Elections (Conduct of Elections) Regulations 1981, the Election Commission hereby directs that all votes by electors at the polling station/stations described in the Schedule hereto established for the abovenamed Constituency be counted by the presiding officer/officers of such polling station/stations at (situation of the counting place)

[Form 12A Am.P.U.(A) 193/2011]

on the 19 at

SCHEDULE

DESCRIPTION OF POLLING STATION

Polling District	Situation of Polling Station	Polling Station Number

Dated 19

By order of the Election Commission

.....
Secretary,
Election Commission,
Malaysia

[Ins. P.U.(A) 147/90]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 13

[Subregulation 24(1)]

BALLOT PAPER STATEMENT

Name of Polling Centre..... Polling Station No. (Stream).....

Polling District Code No.

Constituency of.

A - Number of ballot papers received from Returning Officer

Ballot Paper Serial No.		No. of ballot paper	Ballot Paper Serial No.		No. of ballot paper
From	To		From	To	
Total(a)			Total(b)		

Total number of ballot papers received from Returning Officer ((a) + (b)) = _____

B - - Number of ballot papers issued to voters

Ballot Paper Serial No.		No. of ballot paper	Ballot Paper Serial No.		No. of ballot paper
From	To		From	To	
Total(c)			Total(d)		

Total number of ballot papers issued to voters ((c) + (d)) = _____

C - Number of "spoilt ballot paper" (Ballot papers returned to presiding officer which have been cancelled and marked SPOILT by presiding officer and not put in the ballot box) _____

D - Number of unused ballot papers (A-B) _____

E - Total number of ballot papers to be accounted for in the ballot box (A-C-D) _____

I certify that the above statement is correct.

.....
Signature

Dated.....

.....
Name of Presiding Officer

Name of Candidate or Election Agent or Polling Agent	I/C No.	Party/Independent	Signature

[Form 13 - Subs. P.U.(A) 193/2011]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 14

[Subregulation 25(12)]

STATE OF.....

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

Situation of Polling Centre..... Polling Station No (Stream).....

Polling District Code No.....

Constituency of

A— Total number of ballot papers to be accounted for in the ballot box (as in E in Form 13)

B— Number of votes by electors for each contesting candidate:

<i>Name of candidate (Spelling and arrangement of candidate's name SHALL BE THE SAME as printed on the ballot paper)</i>	<i>Name of Political Party/Independent</i>	<i>Number</i>
.....
.....
.....
.....

Number of votes by electors

C— Number of rejected ballot papers (after doubtful ballot decided pursuant to subregulations 25(6) and (7)

D— Total number of ballot papers issued to voters but not put in the ballot boxes (A-B-C)

I certify that the above statement is correct.

.....
Signature

Dated

.....
Name of Presiding Officer

Name of Candidate or Election Agent or Counting Agent	I/C No.	Party/Independent	Signature

[Form 14 - Subs. P.U.(A) 193/2011]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 15

[Regulation 25C]

STATEMENT OF THE POLL AFTER COUNTING THE POSTAL BALLOT PAPERS

Constituency of.....

A— Number of postal ballot papers issued

B— Number of votes by electors for each contesting candidate:

<i>Name of Candidate (Spelling and arrangement of candidate's name SHALL BE THE SAME as printed on the ballot paper)</i>	<i>Name of Political Party/Independent</i>	<i>Number</i>
.....
.....
.....
.....

Total number of votes by electors

C— Number of rejected postal ballot papers:

(a) during the opening of envelopes B and A (pursuant to the Elections (Postal Voting) Regulations) 2003

(b) after doubtful ballot decided (pursuant to subregulation 25(6) and (7))

Total number of rejected postal ballot papers ((a) + (b)) = _____

D— Number ballot papers issued to postal voters but not returned (A-B- C) . _____

I certify that the above statement is correct.

Dated

.....
Signature

.....
Name of Returning Officer

Name of Candidate or Election Agent or Counting Agent	I/C No.	Party/Independent	Signature

[Form 15 - Subs. P.U.(A) 193/2011]

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

FORM 16

[Regulation 27]

STATEMENT OF THE POLL AFTER THE OFFICIAL ADDITION OF VOTES

Constituency of.....

A - Total number of electorate

B - Total number of ballot papers issued at the polls (as in A in all Form 14 + A in Form 15)

C- Number of votes by electors for each contesting candidate:

Name of candidate (Spelling and arrangement of candidate's name SHALL BE THE SAME as printed on the ballot paper)	Name of Political Party/Independent	Number
---	-------------------------------------	--------

.....
.....
.....
.....

.....
.....
.....
.....

.....
.....
.....
.....

Total number of votes by electors

D — Total number of rejected ballot papers (as in C in all Form 14 + C in Form 15)

E — Total number of ballot papers issued but not put in the ballot box (as in D in all Form 14) and not returned
(as in D in Form 15) (B-C-D)

F — Percentage of voting (B/A x 100)

G — Majority (the highest votes - second highest votes)

I certify that the above statement is correct.

Dated

.....
Signature

.....
*Name of Returning
Officer*

[Form16 - Subs. P.U.A) 193/2011]

P.U.(A) 386/81
ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

SECOND SCHEDULE**ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981**

[Subregulation 13(2)]

**DIRECTIONS FOR THE GUIDANCE OF VOTERS TO BE EXHIBITED
OUTSIDE EVERY POLLING STATION**

The voter can vote once only and for only ONE candidate.

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

The voter will then fold up the ballot paper without exposing the front of the paper to any person, and put the ballot paper into the ballot box and immediately leave the polling station.

[Am. P.U.(A) 67/2004]

If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer who will, if satisfied of such inadvertence, give him another.

If the voter votes for more than one candidate in the same ballot paper that ballot paper will be void and will not be counted.

If the voter places any mark on the ballot paper by which he may afterwards be identified his ballot paper will be void and will not be counted.

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**P.U.(A) 386/81
ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981**

THIRD SCHEDULE

ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981
[Subregulation 25]

[Am. P.U.(A) 147/1990 ; Am. P.U.(A) 193/2011]

**PROCEDURE TO BE FOLLOWED IF THE NUMBER OF BALLOT
PAPERS FOUND IN A BALLOT BOX EXCEEDS THE NUMBER STATED
TO BE THEREIN ACCORDING TO FORM 13**

1. The presiding officer shall in the presence of each candidate or his election agent or counting agent cause the packet affixed with security tape referred to in paragraph 24(1)(d) to be opened and shall, by comparison of the number of unused and spoilt ballot papers with the number of ballot papers originally issued to such polling station, confirm the statement in Form 13. If it appears that an error has been made in the completion of Form 13, and if the presiding officer is satisfied that the number of ballot papers in the ballot box does not exceed the number of ballot papers duly issued at the polling station he shall order the counting of votes to proceed and shall reattach security tape to the packet.

[Am. P.U.(A) 147/1990, P.U.(A) 176/1994, Am. P.U.(A) 67/2004]

2. If after completing the process described in paragraph 1 of this Schedule it appears to the presiding officer that there are more ballot papers in the ballot box than there were ballot papers issued at the polling station, the presiding officer or the persons authorized by him shall, in the presence of each candidate or his election agent or counting agent inspect the perforation, the initial or the official mark of the presiding officer concerned on the ballot papers one by one and shall extract any ballot paper which is not perforated, initialled or does not bear the official mark of the presiding officer concerned or which is perforated, initialled or marked otherwise.

[Am. P.U.(A) 147/1990, Am. P.U.(A) 67/2004]

3. When the presiding officer has extracted the ballot papers in accordance with paragraph 2 of this Schedule, he shall order the counting of votes to proceed.

[Am. P.U.(A) 147/1990]

4. The ballot papers extracted by the presiding officer shall be placed in a packet which shall then be affixed with security tape and the security tape shall be signed by the presiding officer and by each candidate or his election agent or counting agent who is present and who desires to sign on the security tape and forwarded as soon as practicable to the Election Commission and the Election Commission may open the packet and may cause such enquiry to be made as it deems fit. The Election Commission shall retain the extracted ballot papers for a period of six months and shall then cause them to be destroyed unless otherwise directed by a Judge of the High Court.

[Am. P.U.(A) 147/1990, P.U.(A) 176/1994, Am. P.U.(A) 67/2004]

Dated 3 December 1981
[SPR(S) 72/Jld.11; PN(PU2)178C/Pt.IX]

By direction of the Election Commission

ABDUL RASHID BIN HAJI ABDUL RAHMAN
Secretary,
Election Commission,
Malaysia

[Am. P.U.(A) 80/1982]

[To be laid before the Dewan Rakyat as soon as possible, pursuant to section 17 of the Elections Act 1958]

[Am. P.U.(A) 258/1982]

P.U.(A) 386/81
ELECTIONS (CONDUCT OF ELECTIONS) REGULATIONS 1981

LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
P.U.(A) 411 / 1981	Elections (Conduct of Elections) Regulations 1981 [Corrigendum in National Language Text .]	25-12-1981
P.U.(A) 8 / 1982	Elections (Conduct of Elections) Regulations 1981- Corrigendum.	15-01-1982
P.U.(A) 80 / 1982	Elections (Conduct of Elections) Regulations 1981 Corrigendum.	26-03-1982
P.U.(A) 258/1982	Elections (Conduct of Elections) Regulations 1981 Corrigendum.	27-08-1982
P.U.(A) 161/1986	Elections (Conduct of Elections) (Amendment) Regulations 1986	16-05-1986
P.U.(A) 31/1990	Elections (Conduct of Elections) (Amendment) Regulations 1990	09-02-1990
P.U.(A) 147/1990	Elections (Conduct of Elections) (Amendment) (No.2) Regulations 1990	15-06-1990
P.U.(A) 176/1994	Elections (Conduct of Elections) (Amendment) Regulations 1994	06-05-1994
P.U.(A) 67/2004	Elections (Conduct of Elections) (Amendment) Regulations 2004	13-02-2004
P.U.(A) 164/2006	Elections (Conduct of Elections) (Amendment) Regulations 2006	05-05-2006
P.U.(A) 193/2011	Elections (Conduct of Elections) (Amendment) Regulations 2011	15-06-2011
P.U.(A) 43/2012	Elections (Conduct of Elections) (Amendment) Regulations 2012	15-02-2012
P.U.(A) 113/2012	Elections (Conduct of Elections) (Amendment) (No.2) Regulations 2012	30-04-2012
P.U.(A) 191/2012	Elections (Conduct of Elections) (Amendment) (No.3) Regulations 2012	25-06-2012
P.U.(A) 134/2013	Elections (Conduct of Elections) (Amendment) (No.3) Regulations 2012 [Bahasa Malaysia Text only]	09-04-2013