

ELECTIONS (ADVANCE VOTING) REGULATIONS, 2012

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

1. Citation.

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

(2) These Regulations shall come into operation on

2. Interpretation.

In these Regulations, unless the context otherwise requires —"appointed place" means the place appointed under section 7 of the Elections Act 1958 for the establishment of polling station or polling stations;

"advance polling centre" means a polling centre set up for advance voting for one or more constituencies for a State or Federal Territory;

"advance polling station" means a polling station set up for advance voting for one or more Parliamentary and State constituency, if any;

"ballot box" has the same meaning assigned to it by Regulation 2 of the Elections (Conduct of Elections) (Amendment) Regulations 2012 or may be a lockable sack used by the Election Commission to hold or to dispatch ballot papers;

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

"booth observer" means a booth observer appointed under the provisions of section 26A of the Election Offences Act 1954;

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

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

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

"election observer" means a person or body, either local or international, that has been invited by the Election Commission to monitor the conduct of elections;

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

"Election (Postal Voting) Regulations" means in the case of West Malaysia the Elections (Postal Voting) Regulations 1959, and in the case of Sabah and Sarawak the Elections (Postal Voting) (Sabah and Sarawak) Regulations 1968;

"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’s representative” means a person appointed under the provisions of section 27A of the Election Offences Act 1954;

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

“polling station” means any publicly-accessible building, including a hospital in the case of advance voters who are hospital inmates, to be used for advance polling and shall not include any buildings of the armed forces or in a police camp;

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

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

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

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

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

3. Persons entitled to vote as advance voters

(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 paragraphs 27A(1)(a) and (c) of the Elections (Conduct of Elections) 1981 [P.U. (A) 386/1981] who is on full-time duty and unable to vote on polling day;
- (b) a person certified by the Election Commission to be an election officer, candidate, election agent, candidate agent, overseas agent or political party’s representative and liable for full-time duties on polling day;
- (c) a member of any category of persons designated as advance voters by the Election Commission from time to time by notification in the Gazette, and liable for election-related duties on polling day;
- (d) a voter residing in Peninsular Malaysia and is registered as an elector in a constituency in Sabah or Sarawak, who does not fall within the description of Regulation 2 (a) of Elections (Registration of Electors) Regulations 2012; or
- (e) a voter residing in Sabah or Sarawak and is registered as an elector in a constituency in Peninsular Malaysia, who does not fall within the description of Regulation 2 (a) of Elections (Registration of Electors) Regulations 2012,

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

4. Appointment of presiding officers.

This regulation shall be in accordance with Regulation 12. *Appointment of presiding officers of Elections (Conduct of Elections) Regulations 1981 (Amended 2012)*

5. 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. The criteria and procedures for appointments shall be as follows:

(a) the appointment shall not be drawn from the civil service or government-linked companies or office bearers of political parties;

(b) prior but not less than 2 weeks before their appointments, the names and particulars of the officers and staff intended to be appointed shall be displayed at every election office and submitted to all political parties;

(c) objections to the appointments of the persons intended to be appointed may be made by any elector or political party to the Election Commission within 7 days after the date of display and submission stated in sub-section 1(b) above;

(d) upon the Election Commission receiving an objection pursuant to the consultation process, it shall consider the objection and take a decision after giving the elector or the political party lodging the objection and the person intended to be appointed an opportunity to be heard;

(e) the Election Commission shall furnish a full report of the objection and its decision stating the grounds of objection and the reasons for their decision whether to proceed with the nomination or otherwise;

(f) if the Election Commission does not receive an objection within 7 days after the date of display and submission stated in sub-section 1(b) above it may proceed to confirm the appointment of the officers and staff..

(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.

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

(1) This regulation shall be in accordance with Regulation 13. *Facilities to be provided at polling centre and station of Elections (Conduct of Elections) Regulations 1981 (Amended 2012)*

7. Advance polling day

The returning officer shall give each candidate, his election agent or such other agent as appointed by election agent or candidate a copy of *Form 8 Notice of contested election* from Elections (Conduct of Elections) Regulations 1981 (Amended 2012) specifying the date/dates of advance polling day, which shall be two before polling day.

8. Advance voter electoral rolls

The advance voter electoral roll shall be furnished to each candidate or his election agent immediately after the declaration that there is an election on nomination day, where such names are already known and in all other cases, not later than seven days before advance polling day.

9. Admittance to polling station.

This regulation shall be in accordance with Regulation 15. *Admittance to polling station* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012)

10. 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.

11. Poll by ballot and ballot papers.

This regulation shall be in accordance with Regulation 17. *Poll by ballot and ballot papers* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

12. Ballot boxes.

This regulation shall be in accordance with Regulation 18. *Ballot Boxes* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

13. Election Materials

This regulation shall be in accordance with Regulation 18A. *Election Materials* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

14. Manner of voting

This regulation shall be in accordance with Regulation 19. *Manner of voting* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

(1) Additional identity documents that shall be acceptable to identify a voter is the Service Card of a military personnel or a police personnel.

15. Non-compliance with the manner of voting

This regulation shall be in accordance with Regulations 19A. *Non-compliance with the manner of voting* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

16. Declarations by voters.

This Regulation shall be in accordance with Regulation 20. *Declaration by voters* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

17. Spoilt ballot papers.

This Regulation shall be in accordance with Regulation 21. *Spoilt Ballot Papers* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

18. Closing of poll.

This Regulation shall be in accordance with Regulation 23. *Closing of poll* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012) except that closing shall not be later than ~~seven~~five o'clock in the afternoon two days before normal polling day.

19. Place of counting of votes.

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

20. Procedure on close of poll.

This regulation shall be in accordance with Regulation 24. *Procedure on close of poll* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

21. Counting of votes by presiding officer.

This Regulation shall be in accordance with Regulation 25. *Counting of votes by presiding officer* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012) except that counting shall commence ~~at eight o'clock in the morning on~~ immediately after close of polling day.

22. Safe custody of election documents.

This Regulation shall be in accordance with Regulation 22. *Safe custody of election documents* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

23. Disposal of ballot papers, etc.

This Regulation shall be in accordance with Regulation 25E. *Disposal of ballot papers, etc* of Elections (Conduct of Elections) Regulations 1981 (Amended 2012).

Schedules: None