

## **Loopholes still exist in new advance voting system**

**MalaysiaKini.com**

**May 18, 2012**

**By Kuek Ser Kuang Keng**

Facing tremendous pressure from civil society, the Election Commission (EC) has introduced a series of electoral reforms, including the creation of a new category of advance voters to minimise the number of postal voters.

However, a closer scrutiny reveals the new system still contains weaknesses that may compromise the integrity of a clean and free election.

Advance voting was created to address allegations that postal votes of military and police personnel could be easily rigged as their voting process were conducted in police quarters and military camps where monitoring by polling agents was limited and the voters faced psychological barrier in voting for non-ruling parties.

There were 242,294 postal voters comprising 94,613 police and 147,681 armed forces personnel, as of fourth quarter of 2011.

Under the new amendment to the Elections (Conduct of Elections) Regulations 1981, which was enforced on April 30, members of the armed forces and police force, and some of their spouses, can cast their votes before the actual polling day, allowing them to carry out their duties as usual.

All postal voters registered previously will become advance voters by default.

Only security personnel who are unable to vote before the polling day and on the actual polling day, especially those stationed at the borders, can apply to cast their votes by post (*see the table below for criteria of both categories*).

Before the amendment was introduced, one of the key issues of contention was the inclusion of the spouses of police personnel as postal voters.

Booklet to refute allegations

The issue is explained by the EC in its latest publication entitled 'The Truth Behind the Accusations and Lies Towards the Election Commission' a booklet to refute the various allegations by its critics.

The booklet states that "according to the Elections Regulations (Postal Voting) Act 2003, members of the Police General Operations Force (GOF) and their spouses are eligible to vote by post. This is clearly stated under sub regulation 3(1)(c) of the above regulation".

The sub regulation 3(1)(c) referred to by the booklet was the existing regulation before the amendment.

However, *Malaysiakini* found that it does not mention anything about members of the GOF and their spouses.

The section reads “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” is qualified to apply as postal voter.

When contacted by *Malaysiakini*, a EC spokesperson admitted that it was a mistake, and the correct section should be 3(1)(f) which reads “a member of any category of persons designated as postal voters by the EC from time to time by notification in the Gazette”.

In other words, spouses of GOF members were designated by the EC as postal voters.

The spokesperson further explained that members of GOF, part of the police force, are required to be on duty in remote areas including borders and interior areas, hence they and their spouses are eligible to vote by post.

But political researcher Ong Kian Ming commented that section 3(1)(f) is open to abuse because it gives power to the EC to designate any category of voters as postal voters.

“The EC used this clause to designate spouses of police personnel who are in the GOF as postal voters even though spouses of the regular police force are not eligible to be postal voters.

“It could easily use this regulation to designate other groups e.g. employees of the post office for example, to be postal voters, depending on the need as seen by the EC.

“I see very little reason why spouses of the GOF also have to be classified as postal voters since many of them live in police barracks and training centres which are in the urban areas.

No special identity code

“They could easily vote as regular voters in the nearby polling stations in these urban areas. The police training centre in Cheras, which is just off the Cheras-Kajang highway is one such example,” he told *Malaysiakini* when contacted.

Under the new amendment, the spouses of GOF members are only eligible as advance voters but not postal voters.

Their status as advance voters has also been enhanced because it is not designated by the EC as done previously, but clearly stipulated in section 27A(1)(d) of the amended Elections (Conduct of Elections) Regulations 1981.

However, the amendment has still failed to plug all the loopholes. Among others, there is no special identity code in the electoral roll to identify members of GOF.

“It makes it very difficult for a politician to ascertain that a postal voter is actually a spouse of a GOF member and therefore eligible to be registered as a postal voter.

“This problem of identification is made worse by the fact that a politician cannot go to these places to check to see if this voter is actually living there.

“The only thing a politician can do is to check if a particular locality is indeed the home base of a GOF force, for example by looking at the locality name which sometimes contain the words PGA or Pasukan Gerakan Am,” Ong commented.

The EC spokesperson also confirmed to *Malaysiakini* that there is no way to identify GOF members in the electoral roll.

He said the latest electoral roll contains 4,475 spouses of GOF members who will vote as advance voters in the next general election.

Copyright © 1999-2012 Mkini Dotcom Sdn. Bhd  
Source: <http://www.malaysiakini.com/news/198301>