LAWS OF MALAYSIA

REPRINT

Act 19

ELECTIONS ACT 1958

As at 1 December 2016

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
2016

ELECTIONS ACT 1958

First enacted	1958 (Ordinance No. 33 of 1958)
Revised	1970 (Act 19 w.e.f 11 January 1971)
National language text to be authoritative	P.U. (B) 197/1994
Latest amendment made by Act A1317 which came into operation on	1 October 2007

PREVIOUS REPRINTS

First Reprint	*1982*
Second Reprint	*1988*
Third Reprint	*1990*
Fourth Reprint	*1992*
Fifth Reprint	*1994*
Sixth Reprint	*1999*
Seventh Reprint	*2002*
Eighth Reprint	*2004*
Ninth Reprint	*2006*
Tenth Reprint	*2007*

LAWS OF MALAYSIA

Act 19

ELECTIONS ACT 1958

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title

2. Interpretation

PART II

SUPERVISION OF ELECTIONS

3. Appointment of officers

3A. General powers and duties of Secretary, Deputy Secretary and Assistant Secretaries

4. Powers of officers

5. General powers and duties of Election Commission

PART III

CONSTITUENCIES

6. (*Deleted*)

7. Polling districts and polling centres

PART IV

REGISTRATION OF ELECTORS

Section

8. Appointment of officers

9. Preparation, publication and revision of electoral rolls

9A. Certified or re-certified electoral roll shall be deemed to be final

10. Registration in one constituency only

11. (*Deleted*)

PART V

CONDUCT OF ELECTIONS

12. Writs of election

13. Election of candidates

14. Use of schools and public buildings and premises as polling centres

PART VI

REGULATIONS

15. Power to make regulations relating to the registration of electors

16. Power to make regulations relating to the conduct of elections

17. Regulations to be laid before the Dewan Rakyat

LAWS OF MALAYSIA

Act 19

ELECTIONS ACT 1958

An Act providing for elections to the Dewan Rakyat and to the Legislative Assemblies of the States.

[*Peninsular Malaysia, *Federal Territory of Putrajaya—28 August 1958, L.N. 250/1958; †Sabah, **Federal Territory of Labuan —1 August 1965, P.U. 176/1966; ††Sarawak—1 November 1966, P.U. 227/1967*]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Elections Act 1958.

Interpretation

2. In this Act, unless the context otherwise requires—

"Adjudicating Officer" means the Adjudicating Officer appointed under section 8;

**NOTE*—*see* section 6 Act A1095.

***NOTE*—*see* section 6 Act A585.

†*NOTE*—For extension and modification of Act to Sabah, *see* P.U. 56/1966, P.U. 144/1966, P.U. 498/1966, P.U. 348/1967.

††*NOTE*—For extension and modification of Act to Sarawak, *see* P.U. 497/1966, P.U. 349/1967, P.U. 55/1968.

"candidate" means a person who is nominated in accordance with any regulations made under this Act as a candidate for an election;

"Chief Registrar", "Deputy Chief Registrar", "Registrar", "Deputy Registrar" and "Assistant Registrar" mean respectively the Chief Registrar of Electors, Deputy Chief Registrar of Electors, Registrar of Electors, Deputy Registrar of Electors and Assistant Registrar of Electors appointed under section 8;

"constituency" means a Parliamentary constituency or a State constituency, as the case may be;

"Constitution" means the Federal Constitution;

"election" means a Parliamentary election or a State election, as the case may be;

"election officer" means an officer appointed under section 3 or 8 or any officer appointed for the purpose of conducting or assisting in the conduct of any election, or registering or assisting in the registration of electors, under any regulations made under this Act;

"elector" means a citizen who is entitled to vote in an election by virtue of Article 119 of the Constitution;

"electoral roll" means an electoral roll prepared under section 9;

"enforcement officer" means an enforcement officer appointed under section 3 and includes an assistant enforcement officer;

"member" means a member of the Dewan Rakyat or of a Legislative Assembly, as the case may be;

"Parliamentary constituency" means a constituency delimited in accordance with Article 116 of the Constitution;

"Parliamentary election" means an election of a member to the Dewan Rakyat;

"Parliamentary elector" means an elector who is entitled to vote in a Parliamentary election;

"polling centre" means any building, structure, vehicle or vessel, at the place appointed under section 7, set apart and equipped for the purpose of polling and counting of votes;

"polling district" means a part of a constituency as divided under section 7;

"polling station" means any room or partition which is also known as stream provided by the Election Commission in the polling centre;

"prescribed" means prescribed by or under this Act;

"registration area" means the whole area constituting a Parliamentary constituency;

"returning officer" means an officer appointed under section 3 and includes an assistant returning officer;

"Secretary" means the Secretary to the Election Commission appointed under section 3;

"State constituency" means a constituency delimited in accordance with Article 117 of the Constitution;

"State election" means an election of a member to a Legislative Assembly;

"State elector" means an elector who is entitled to vote in a State election.

PART II

SUPERVISION OF ELECTIONS

Appointment of officers

3. The Election Commission may, subject to Clause (1) of Article 115 of the Constitution, appoint—

(a) a Secretary and such number of Deputy Secretaries, Principal Assistant Secretaries and Assistant Secretaries to the Election Commission as the Commission may consider necessary;

(b) a State Elections Director and so many Deputy State Elections Directors for each State as the Commission may consider necessary;

(c) a returning officer and so many assistant returning officers for each constituency as the Commission may consider necessary; and

(d) an enforcement officer and so many assistant enforcement officers as the Commission may consider necessary for each constituency.

General powers and duties of Secretary, Deputy Secretary and Assistant Secretaries

3A. (1) The Secretary shall be the chief administrative officer of the Election Commission, subject at all times and in all matters to the supervision, direction and control of the Commission, and shall—

(a) implement the decisions of the Commission;

(b) carry out the day-to-day administration of the offices of the Commission, and exercise supervision, direction and control over all other election officers, and all other officers of the Commission;

(c) carry out such functions as may be given to him by the Commissions in or for the exercise of its powers or the performance of its duties in relation to the review or delimitation of constituencies, the registration of electors, the conduct of elections and other matters;

(d) have power to signify on behalf of the Commission all writs, notices and other documents of the Commission, all subsidiary legislation made by the Commission, and all other acts of the Commission; and

(e) have such other powers and duties as may be provided under this Act and any other written law.

(2) Subject to the direction, control and supervision of the Secretary, the Deputy Secretaries shall have and may exercise all the powers and perform all the functions of the Secretary under this Act and any written law, and in the absence of the Secretary, the most senior Deputy Secretary shall act as the Secretary.

(3) Subject to the direction, control and supervision of the Secretary and Deputy Secretaries, the Principal Assistant Secretaries and Assistant Secretaries shall assist the Secretary and Deputy Secretaries in the exercise of their powers and the performance of their functions.

Powers of officers

4. (1) A State Elections Director shall, subject to the direction and control of the Election Commission, have all the powers and may perform all the duties of the Commission in relation to the conduct of elections in the State for which he is appointed.

(2) A Deputy State Elections Director shall, subject to the direction and control of the State Elections Director, have all the powers and perform all the duties of the State Elections Director in the State for which he is appointed.

(2A) A returning officer shall, in common with other election officers, be subject to the control, supervision and direction of the Election Commission as provided in paragraphs 5(1)*(a)* and *(b)*.

(3) An assistant returning officer shall, subject to the direction and control of the returning officer whom he is appointed to assist, have all the powers and may perform all the duties of the returning officer.

(4) *(a)* If any returning officer is by sickness or other cause prevented or disabled from performing any of his duties under this Act and there is no time for any other person to be appointed by the Election Commission the returning officer may appoint an assistant returning officer to act for him.

(b) Every appointment under paragraph *(a)* shall as soon as possible be reported to the Election Commission and may be revoked by the Commission but without prejudice to the validity of anything already done by any assistant returning officer so appointed.

(5) An enforcement officer shall, subject to the direction and control of the State Elections Director, have all the powers and perform all the duties given to him for the enforcement of laws relating to the conduct of elections in the constituency for which he is appointed.

General powers and duties of Election Commission

5. (1) The Election Commission shall—

(a) exercise control and supervision over the conduct of elections and the registration of electors on the electoral rolls, and shall enforce on the part of all election officers fairness, impartiality and compliance with Part VIII of the Constitution and this Act and any regulations made under it;

(b) have power to issue to election officers such directions as may be deemed necessary by the Commission to ensure effective execution of Part VIII of the Constitution and this Act and any regulations made under it;

(c) have power to administer any oath required to be taken under this Act and any regulations made under it; and

(d) execute and perform all other powers and duties which are conferred or imposed upon it by this Act and any regulations made under it.

(2) The Election Commission may delegate, subject to such conditions and restrictions as the Commission may consider necessary, any of the powers and duties conferred or imposed upon the Commission by this Act or any regulations made under it, to such person or officer as it may think fit:

Provided that—

(a) nothing in this subsection shall apply to any power to make regulations under this Act; and

(b) no such delegation shall affect the exercise of such powers or the performance of such duties by the Commission.

PART III

CONSTITUENCIES

6. *(Deleted by Act 14 of 1962).*

Polling districts and polling centres

7. (1) As soon as may be after the delimitation of a constituency in accordance with the Constitution, and after it when any constituency is altered or a new constituency is created, the Election Commission shall—

(a) divide each constituency into polling districts;

(b) assign to each polling district a distinguishing letter or letters or number or both;

(c) appoint a place or places at which a polling centre or centres for the district shall be established; and

(d) publish in the *Gazette* a notice specifying—

(i) the polling districts into which the constituency has been divided;

(ii) the distinguishing letter or letters or number or both assigned to each polling district; and

(iii) the place or places appointed for the establishment of a polling centre or centres for each polling district.

(2) The division of a constituency into polling districts under subsection (1) may be altered by the Election Commission as occasion may require, and upon any such alteration being made, the Commission shall publish in the *Gazette* a notice specifying in relation to that constituency the particulars mentioned in paragraph (1)*(d)*.

(3) Unless the Election Commission considers it necessary or expedient in the special circumstances of any case to provide otherwise there shall be, for each polling district, one polling centre.

(4) The Election Commission may, at any time as it considers necessary or as occasion may require, replace any place appointed for the establishment of a polling centre under subsection (1) by appointing any other place at which a new poling centre may be established, and the Commission shall publish in the *Gazette* a notice specifying the particulars of the new polling centre.

Part IV

REGISTRATION OF ELECTORS

Appointment of officers

8. (1) The Election Commission may, subject to Clause (1) of Article 115 of the Constitution, appoint—

(a) a Chief Registrar of Electors for Malaysia;

(b) a Deputy Chief Registrar of Electors for Malaysia;

(c) a Registrar of Electors for each State;

(d) a Deputy Registrar of Electors for each State;

(e) such number of Assistant Registrars of Electors as it may consider necessary; and

(f) an Adjudicating Officer for each registration area.

(2) Subject to the direction and control of the Election Commission, the Chief Registrar shall exercise general control and supervision over all matters relating to—

(a) the registration of electors; and

(b) the preparation, publication and revision of an electoral roll,

under this Act or any regulations made under this Act.

(3) Subject to the direction, control and supervision of the Chief Registrar, a Deputy Chief Registrar shall have and may exercise all the powers and perform all the functions of the Chief Registrar.

(4) Subject to the direction, control and supervision of the Deputy Chief Registrar, the Registrar shall have and may exercise all the powers and perform all the functions of the Chief Registrar relating to the registration of electors under this Act or any regulations made under this Act in the State for which he is appointed.

(4A) Subject to the direction, control and supervision of the Registrar, the Deputy Registrar shall have and may exercise all the powers and perform all the functions of the Chief Registrar relating to the registration of electors under this Act or any regulations made under this Act in the State for which he is appointed.

(5) Subject to the direction, control and supervision of the Deputy Registrar, an Assistant Registrar shall assist the Registrar and Deputy Registrar in the exercise of their powers and the performance of their functions.

(6) An Adjudicating Officer shall hear any appeal arising from any claim or objection with regard to an electoral roll as provided in any regulations made under this Act relating to the registration of electors.

Preparation, publication and revision of electoral rolls

9. (1) Each Registrar shall prepare, publish and revise in the prescribed manner the prescribed electoral rolls for the registration area for which he is appointed.

(2) The electoral rolls for Parliamentary electors and State electors shall, unless the Election Commission shall otherwise direct, be combined in a single register.

Certified or re-certified electoral roll shall be deemed to be final

9A. After an electoral roll has been certified or re-certified, as the case may be, and notice of the certification or re-certification has been published in the *Gazette* as prescribed by regulations made under this Act, the electoral roll shall be deemed to be final and binding and shall not be questioned or appealed against in, or reviewed, quashed or set aside by, any court.

Registration in one constituency only

10. No person shall entitled to be entered on the electoral rolls as an elector in more than one constituency for the purposes of any election.

11. (*Deleted by Act A1155*).

PART V

CONDUCT OF ELECTIONS

Writs of election

12. (1) For the purposes 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.

(2) Every writ issued under subsection (1) shall be in the prescribed form and shall be returned to the Election Commission in the prescribed manner.

(3) In relation to a vacancy which is to be filled at a by-election, a writ shall be issued not earlier than four days and not later than ten days from the date on which it is established by the Election Commission that there is a vacancy.

(4) Upon receipt of a writ issued under subsection (1), the returning officer shall proceed to hold an election in the prescribed manner.

Election of candidates

13. (1) Subject to the Election Offences Act 1954 [*Act 5*], the candidate for a constituency who polls the greatest number of valid votes cast by the electors of the constituency shall be deemed to be the elected member for that constituency:

Provided that—

(a) whenever only one candidate stands nominated in any constituency the nominated candidate shall be deemed to be the elected member for that constituency; and

(b) when an equality of votes is found to exist between any candidates for a constituency, and the addition of a vote would entitle one of the candidates to be elected, the determination of the candidate to whom the one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall determine.

(2) Every person voting at an election shall cast his vote by means of a ballot paper to be marked by him so as to indicate his vote, and inserted by him in a secure ballot box, provided for the purpose, in such manner that the vote shall be secret:

Provide that if any person voting is blind or unable to read, his vote may be given in such manner as may be prescribed.

Use of schools and public buildings and premises as polling centres

14. (1) The Election Commission may use free of charge as a polling centre any school or any portion of a school in receipt of a grant, or in respect of which a grant is made, out of monies provided by any Government in Malaysia, or any other public building or premises or any portion thereof.

(2) The Election Commission shall make good any damage done to, and defray any expenses incurred by the persons having control over, any such school, building or premises or portion of it by reason of its being used as a polling centre.

Part VI

REGULATIONS

Power to make regulations relating to the registration of electors

15. (1) The Election Commission may with the approval of the Yang di-Pertuan Agong make regulations for the registration of electors and for all matters incidental to it.

(2) Without prejudice to the generality of the foregoing powers the regulations may—

(a) prescribe the keeping and maintenance of electoral rolls in any constituency and the type and form of the electoral rolls;

(b) prescribe the procedure to be followed in the preparation and publication of electoral rolls;

(c) prescribe the time at which any electoral roll shall be prepared or revised and the procedure to be followed in making the revision;

(d) prescribe the procedure to be followed in the preparation and publication of new electoral rolls of any constituency where the boundaries of the constituency have been prescribed or altered after the preparation of the electoral rolls;

(e) prescribe the procedure to be followed in the making and determination of claims to have any name inserted on an electoral roll or on a new or revised electoral roll and of objections to the insertion or inclusion of any name in it;

(f) provide for the payment of compensation, not exceeding one thousand ringgit, to any person aggrieved by the making without reasonable cause of an objection to the insertion or inclusion of his name on any electoral roll by the person who makes the objection;

(g) prescribe any form of application, notice or other document which it may be necessary or desirable to use in connection with any of the matters dealt with in this section;

(h) authorize any Registrar or Adjudicating Officer, for the purpose of considering or determining any application, claim, objection or appeal which he is required to consider or determine under any regulations made under this section, to summon any person to appear before him and to give evidence on oath or affirmation and to administer any such oath or affirmation for the purpose and to order the production of any document relevant to any issue which the officer is required to consider and determine;

(i) prescribe the fees to be paid upon any application, notice, claim or objection and the manner in which the fees shall be disposed of;

(j) prescribe the manner in which any electoral roll or new or revised electoral roll shall be certified;

(k) provide for the correction of clerical errors in any electoral roll;

(l) authorize or require a Registrar to supply to any such persons as may be prescribed copies of any electoral roll or part of it, whether free of charge or on payment of such fee as may be prescribed in it;

(m) *(Deleted by Act A1155)*;

(n) provide for the division of constituencies into registration units.

Power to make regulations relating to the conduct of elections

16. (1) The Election Commission may with the approval of the Yang di-Pertuan Agong make regulations for the conduct of elections to the Dewan Rakyat and the Legislative Assemblies, and for all matters incidental to it.

(2) Without prejudice to the generality of the foregoing powers the regulations may—

(a) prescribe the manner in which notice of the holding of an election shall be given;

(b) prescribe the procedure for the nomination of candidates and for the making of and decision on, objections to any nomination;

(bb) provide for the procedure in the granting of approval by the Election Commission of any symbol to be used in any election:

Provided that the Election Commission shall not approve any symbol connected with any religion or sect of it or which is otherwise incompatible with good order or morality;

(c) provide for the publication of notice of the date on which in the case of a contested election a poll will be taken;

(d) prescribe the amount of any deposit, not exceeding twenty thousand ringgit in each case, to be made by or on behalf of candidates, and the circumstances in which the deposit may be forfeited;

(e) prescribe the facilities to be provided at polling centres, and the persons who may be admitted to polling centres on the date at which a poll is taken, and provide for the appointment of a presiding officer or presiding officers and other officers or staff in respect of each polling centres;

(f) prescribe the place and manner in which votes may be cast and the construction of and manner of ensuring that ballot boxes used in the elections are secure and for the issue of ballot papers to electors;

(g) provide for the manner in which, and the persons by whom, any question as to the identity of any person claiming to vote shall be determined;

(h) prescribe the form of any ballot papers and counterfoils to be used in elections;

(i) prescribe the manner in which ballot boxes, unused or spoilt ballot papers, marked copies of the electoral roll, counterfoils of ballot papers, and other documents shall be dealt with upon the closing of the poll;

(j) prescribe the procedure to be followed in the counting of votes and the circumstances in which votes may be rejected by a returning officer or a presiding officer appointed in accordance with regulations made under paragraph *(e)* as invalid;

(k) provide for the making and publication of returns by the returning officer and of a statement of the poll in regard to any election;

(l) prescribe any forms as may be necessary or desirable to be used in connection with the matters dealt with in this section or any regulations made under it;

(m) prescribe the conditions for the use of private motor vehicles at elections;

(n) prescribe the facilities to the provided for voting by post and the persons entitled to vote by post;

(o) provide that certain acts are to be deemed to be illegal practices for the purposes of the Election Offences Act 1954.

(3) Without prejudice to section 2 of the *Statutory Declarations Act 1960 [*Act 13*], where any regulation made under this section requires a person to make a statutory declaration in connection with or for the purpose of the nomination of that person as a candidate, it shall be lawful for—

(a) the State Elections Director for the State in which the constituency for which the person seeks election is situated; or

(b) the returning officer for the constituency for which the person seeks election,

to take and receive the declaration, and a declaration taken and received by any such officer by virtue of this subsection shall be deemed to be a declaration made by virtue of the *Statutory Declarations Act 1960.

Regulations to be laid before the Dewan Rakyat

17. All regulations made under this Part shall as soon as possible after the making of it be laid before the Dewan Rakyat, and if at the next meeting of the Dewan Rakyat after any regulation is laid before it a resolution is passed annulling the regulation or any part thereof, the whole regulation shall from that time be void, but without prejudice to the validity of anything previously done under it or to the making of any new regulation.

**NOTE*—This Act has been revised in 2016 w.e.f. 17 November 2016 as Act 783.

LAWS OF MALAYSIA

Act 19

ELECTIONS ACT 1958

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 14/1962	Constitution (Amendment) Act 1962	21-06-1962
Act 13/1963	Election Act 1963	01-01-1960
Act 7/1965	Elections (Amendment) Act 1965	21-01-1965
P.U. 56/1966	Modification of Laws (Election Offences and Elections) (Extension to Sabah) Order 1966	01-08-1965
P.U. 144/1966	Modification of Laws (Election Offences and Elections) (Extension to Sabah) Order 1966	01-08-1965
P.U. 497/1966	Modification of Laws (Election Offences and Elections) (Extension to Sarawak) Order 1966	01-11-1966
P.U. 498/1966	Modification of Laws (Election Offences and Elections) (Extension to Sabah) (Amendment) Order 1966	01-08-1965
P.U. 348/1967	Modification of Laws (Election Offences and Elections) (Extension to Sabah) (Amendment) Order 1967	01-08-1965
P.U. 349/1967	Modification of Laws (Election Offences and Elections) (Extension to Sabah) (Amendment) Order 1967	01-11-1966
P.U. 55/1968	Modification of Laws (Election Offences and Elections) (Extension to Sarawak) (Amendment) Order 1968	01-11-1966
Act A95	Elections (Amendment) Act 1972	10-02-1972
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
P.U. (B) 57/1982	Notification under Titles of Office Ordinance 1949	03-12-1981

Amending law	Short title	In force from
Act A639	Elections (Amendment) Act 1986	02-05-1986
Act A768	Elections (Amendment) Act 1990	15-06-1990
Act A889	Elections (Amendment) Act 1994	08-07-1994
Act A1155	Elections (Amendment) Act 2002	15-06-2002
Act A1205	Elections (Amendment) Act 2003	15-12-2003
P.U. (B) 127/2005	Notification under Titles of Office Act 1949	16-02-2005
Act A1317	Elections (Amendment) Act 2007	01-10-2007

LAWS OF MALAYSIA

Act 19

ELECTIONS ACT 1958

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act 14/1962	21-06-1962
	Act A639	02-05-1986
	Act A768	15-06-1990
	Act A1155	15-06-2002
	Act A1205	15-12-2003
	Act A1317	01-10-2007
3	P.U. (B) 57/1982	03-12-1981
	Act A639	02-05-1986
	Act A1155	15-06-2002
	Act A1205	15-12-2003
	P.U. (B) 127/2005	16-02-2005
3A	Act A639	02-05-1986
	Act A1155	15-06-2002
4	P.U. (B) 57/1982	03-12-1981
	Act A639	02-05-1986
	Act A889	08-07-1994
	Act A1205	15-12-2003
	P.U. (B) 127/2005	16-02-2005
5	Act A639	02-05-1986
6	Act 14/1962	21-06-1962
7	Act 14/1962	21-06-1962
	Act 13/1963	01-01-1960
	Act A1155	15-06-2002
	Act A1317	01-10-2007
8	Act A639	02-05-1986
	Act A1155	15-06-2002
	Act A1317	01-10-2007
9	Act A1155	15-06-2002

Section	Amending authority	In force from
9A	Act A1155	15-06-2002
11	Act A1155	15-06-2002
12	Act 7/1965	21-01-1965
	Act A639	02-05-1986
	Act A1155	15-06-2002
13	Act A1155	15-06-2002
14	Act A639	02-05-1986
	Act A1317	01-10-2007
15	Act 160	29-08-1975
	Act A639	02-05-1986
	Act A1155	15-06-2002
16	Act A95	10-02-1972
	Act A639	02-05-1986
	Act A768	15-06-1990
	Act A1155	15-06-2002
	Act A1205	15-12-2003
	P.U. (B) 127/2005	16-02-2005
	Act A1317	01-10-2007

DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA
WJW007623 02-11-2016