



BERSIH 2.0 is concerned with the announcements made by the Election Commission (EC) on changes of postal voting and the barring of polling agents and counting agents from bringing their mobile phones into the polling and counting centres.

1. Postal ballot system must be reformed

On 12 May, Sinar Harian reported an announcement by EC Chairperson Tan Sri Abdul Aziz Mohd Yusof that postal voting rights are now strictly for personnel of security forces posted overseas and at border areas . He also stated that other personnel of security forces will have an allowance of “early voting” two or three days earlier at designated polling areas instead of postal voting as practiced previously.

BERSIH 2.0 regards these changes as insufficient to guarantee a free and fair election that

ensures fulfilment of voters' rights. There have been many changes made to the list of those eligible to vote via postal ballot but yet, voter disenfranchisement that could be addressed by postal voting remains. Civil society has long called on the EC to reform the postal ballot but the recommendations have fallen on deaf ears. This poses many questions regarding the credibility of the EC – is the EC merely a political tool or does the EC lack understanding of the rightful purpose of the postal ballot system?

In principle, the postal ballot system must ensure the facility is available to all and mandatory to none. The EC must attempt to the best of its abilities to uphold voters' rights and reduce disenfranchisement.

BERSIH 2.0 has also been informed of increased number of voters in two constituencies. In Bandar Tun Razak, there has been an increase of 4,000 new postal voters and in Sri Serdang, there is an increase of 6,000 new voters. BERSIH 2.0 questions the sudden increase of voters which could be an indicator of many factors which may include redelineation process or registration of military spouses. In addition, the EC must clear the confusion over the actual number of postal voters that have been increased in the constituency of Pangkor as raised by Perak Menteri Besar Datuk Seri Zambry Abd Kadir.

2. Barring of mobile phones by polling and counting agents

On 16 May, Berita Harian reported that polling and counting agents from political parties will no longer be allowed to carry mobile phones into the polling and counting centres with effect from the 13th General Election (GE) onwards.

BERSIH 2.0 condemns this move as this would make ineffective the crucial role of the polling and counting agents in monitoring irregularities and discrepancies of the polling and counting process. For example, the recently concluded Sarawak state elections saw election violations where polling agents found members of political parties campaigning within the polling centres. Having their mobile phones while on duty allows the polling and counting agents to effectively feed information of any irregularities to their political parties and ensure higher transparency of the electoral process.

BERSIH 2.0 questions the EC's reasoning for barring of mobile phones to prevent political parties from spreading information, specifically unofficial vote tally. Unofficial results of the vote counting will still spread but ultimately, only the official results announced by the EC will be taken as final. By reducing the transparency of the counting process, is the EC insinuating of occurrences that may take place in the counting centres in the upcoming 13th General Elections?

Recommendations:

1. The EC must act immediately using its powers under Sub-regulation 3(1)(f) of the Elections (Postal Voting) Regulations to make postal voting available to the following groups:

- a) Eligible voters living abroad including security forces, civil servants, students, workers, businesspersons and spouses of these persons;
- b) Security forces, election workers and Election Commissioners on duty on polling day; and
- c) East Malaysians living in Peninsula Malaysia and West Malaysians living in East Malaysia.

2. The EC must clarify the main reason behind the sudden increase in voters at Bandar Tun Razak, Sri Serdang and any other areas with similar situation.

3. The EC should immediately withdraw its decision of barring mobile phones to ensure transparency and greater accountability in the electoral process. The EC must also progressively accept polling and counting agents' use of new methods of monitoring the electoral process such social media and other technologies as long as they do not violate the Election Offences Act 1954.

Yours sincerely,

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Bersih 2.0 Chairperson

The Steering Committee of BERSIH 2.0 comprises:

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