

WHEN CAN OUT-OF-REGION VOTERS USE POSTAL VOTING?

The Coalition for Clean and Fair Elections (Bersih 2.0) calls upon the Election Commission (EC) to commit publicly when out-of-region voters can vote using postal votes. Will that happen for the Sarawak State Election and the 15th General Election (GE15)?

Bersih 2.0 refers to the statement issued by the EC on 15 August 2020 that there will be no postal voting for Sabahans residing in the Peninsula or Sarawak in this upcoming Sabah State Election. Bersih Sabah had issued a statement (1) and started a petition drive (2) on 2nd August urging for such a facility to be extended to Sabahans residing outside Sabah.

Bersih 2.0 is disappointed that the EC is still unable to deliver on this procedural reform despite it being one of the recommendations made by the Special Parliamentary Select Committee led by Dr Maximus Ongkili in 2012. It was recommended that postal votes be given for Sabahans, Sarawakians and West Malaysians who are away from their own region during elections.

We suggest the EC gazette out-of-region voters as advance voters eligible for postal voting under Regulation 3(1)(e) of the Elections (Advance Voting) Regulations 2012 in order to implement such a process.

In the 14th General Election (GE14), as many as 51,472 persons from Fire Department, Immigration Department, hospitals and clinics, Maritime Enforcement Agency (APMM), Civil Defence Department, and National Disaster Management Agency (NADMA) applied for such postal voting right under this provision (3).

Bersih 2.0 wishes to remind the EC that it is their duty to make it as convenient as possible for voters to cast their votes and any inconveniences imposed on voters either directly or indirectly through unnecessary regulations or non-availability of facilities can be construed as suppression of voters' rights.

Many Malaysians, including Sabahans and Sarawakians, are compelled to find jobs far from their regions due to unequal economic development among the States and they should not be further burdened financially or put at risk during this COVID-19 pandemic, by traveling back to their constituencies just to exercise their fundamental right to vote. It is our estimate that up to 20 percent of eligible East Malaysian voters are living and working in West Malaysia and a good number of West Malaysians doing likewise in East Malaysia.

We call on the EC to expedite the process for postal voting or any other means to enable Malaysians who want to vote to do so without much inconveniences. The EC should set a deadline for such a process to be ready and hopefully it will be in time for the Sarawak State Election that has to be called anytime before September 2021.

Any postal or absent voting process or facilities must be tamper-proof, transparent, fair and convenient to eligible voters. It should also inspire confidence among voters and candidates that the votes are the true expression of those who cast these votes.

Bersih 2.0 is glad to know that a special EC committee was established to improve the postal voting process and to explore other alternatives. The said committee should consult with various stakeholders for any proposed changes and we would be happy to give our inputs if asked.

Statement issued by:

The Steering Committee of Bersih 2.0

(1) Postal Voting for Sabahans residing in Sarawak and West Malaysia is a Must (2nd August 2020) - <https://www.bersih.org/postal-voting-for-sabahans-residing-in-sarawak-and-west-malaysia-is-a-must2-august-2020/>

(2) Benarkan Pengundi Sabah di Sarawak dan Semenanjung Malaysia Untuk Mengundi Pos -

<https://bit.ly/UndiPos4Sabah>

(3) <https://www.thestar.com.my/news/nation/2018/05/06/over-200000-malaysians-eligible-for-postal-voting-in-ge14>