Absentee Voting Proposal

Why do we need absentee voting?

1. It is a basic right of all Malaysians to vote for their government. Sabahans and Sarawakians who move to West Malaysia retain strong ties to their hometown in East Malaysia. They still consider their state as their home and have stronger ties to their home constituency than they do to their place of residence in the Peninsula. The high costs of flying back to East Malaysia and the time it takes are big impediments to these voters.
2. Sabah and Sarawak were the two states with the lowest voter turnout in the country in GE13 with 79% and 75% respectively[1]. According to our estimates, there are at least 150,000 registered voters in Sabah and Sarawak living in West Malaysia. Bersih believes absentee voting will significantly boost voter turnout in these states.

What are the possible problems with advance or absentee voting?

1. Transportation of ballots
2. Storage of ballots
3. Observation processes and restricted locations
4. Double voting
5. Allocations of polling stations

How do we overcome these problems?

<u>1. Transportation of ballots</u>

Countries like Canada have absentee votes posted directly to a central office in Ottawa[2]. In Australia, interstate votes are counted in the two weeks after election day after being transported by an approved courier to the different constituencies.

This is what the ACE Project lists these possible methods for the counting of absentee votes:

a. Counts take place in the voting station at which absentee ballots were issued;
b. Absentee ballots from all voting locations returned to a central point for counting;
c. Absentee ballots from all voting locations dispatched to the voting station where each absentee voter appears on the normal voters list;
d. Absentee ballots from all voting locations returned to a central point in each electoral district for counting.

---

[1] *One-third of Seats Were Won by Bare 5% or Less in GE13*, The Malaysian Insider, (17 Aug. 2013) Accessed on 30 Nov. 2015, http://www.themalaysianinsider.com/malaysia/article/barisan-needs-to-do-more-to-keep-support-votes-for-ge14
[2] Section 239(2)(b), *Canada Elections Act S.C. 2000 c.9*.

Option A removes the risks involved in the transportation and storage of ballots. One potential issue with counting of ballots in the voting station is the low number of ballots cast could reduce vote secrecy. However, there are instances in the US where the number of absentee ballots counted has been as low as two.[3] In addition, it is important to weigh up the benefits of voter fraud with the small possibility of vote secrecy being compromised.

One important requirement of this option is the pre-registration of absentee voting by voters. As ACE Project highlights:

> *"Where special absentee voters' lists are compiled and used at a limited number of locations, counting at absentee voting locations can be more feasible. Where absentee votes are issued without the requirement for prior special registration or certification of the voter's eligibility, checking voter eligibility and counts would not be feasible at voting stations, and would be better undertaken at regional or central locations."*

2. Storing of ballots

We have to remove any instances ballot boxes are unobserved by the polling agents. Some countries, like the US, put multiple locks on the ballot boxes, with different keys held by all the polling agents and officials[4]. Other countries, like Australia, put their faith in the integrity of the election officials to safeguard the ballots. Many countries allow multiple days for absentee voting and count the votes at the end of each day, with the vote counts remaining strictly confidential. However, absentee voting on election day itself is not unusual, especially if the voters apply beforehand for absentee voting. For the purposes of absentee voters from Sabah and Sarawak, this method is more easily implemented as they will know far in advance if they want to apply to be an absentee voter. Special voting stations for absentee voters will also remove the strain on standard polling stations, if absentee voting is in place for general elections.

3. Observation Process and restricted locations

The most common process is to use normal voting procedures, with polling agents present and public buildings designated as the polling stations. As Malaysia is already familiar with these processes for normal election day, they should be maintained for absentee voting. Additional schools or SPR offices should be used for absentee voting to take place.

4. Double Voting

In countries where absentee ballots are sent back to the constituencies, such as Australia, the ballots are checked against the voter list to see if a person has

---

[3] Margaret Rosenfield, "Early Voting", *Innovations in Election Administration* (Washington DC: National Clearinghouse on Election Administration, 1994), 62.
[4] Ibid. 25.

already voted in the constituency. However, this method allows for people to disqualify absentee voters by voting for them at their constituency. It also requires the absentee ballots to be transported back to the constituency for checking against the voter list.

Countries like the UK, however, require registration for absentee ballots. The names of absentee voters are removed from the electoral roll at their constituency polling station and added to the absentee electoral roll. In the UK, absentee voting applications must be received 11 working days before election day[5]; in Canada, it is 6 days before election day[6]; in Thailand, it was 30 days before election day[7].

Absentee voter registration carries a risk, due to some anecdotal evidence in Malaysia of people being disqualified from voting due to others voting for them. Absentee voting registration runs the risk of people being removed from the normal electoral roll and classified as 'absentee voters' without their consent. To avoid this problem, Bersih recommends letters be sent to the REGISTERED address of each applicant, notifying them that they are now registered as an absentee voter. The electoral roll online should also be updated so voters can check if they are registered as an absentee voter. Voters should also be given up to 7 days before the election to object to their absentee voting status.

5. Allocation of polling stations

There are a number of considerations to take into account when allocating polling stations. These include:

a. The number of voters per constituency registered as an absentee voter.
b. The accessibility of absentee voting polling stations.
c. The costs of setting up numerous polling stations.

For this reason, polling stations should only be assigned once the absentee voting list has been finalised. Bersih proposes that five days before polling day, absentee voters be notified of their absentee voting polling station. This is determined by state and the number of absentee voters for their constituency. For example, if KL has over 10,000 interstate voters for Kota Kinabalu, voters will be allocated to a number of different polling stations/streams. If there are only 200 from Kinabatangan in KL, they will all be allocated a single saluran in a polling station.

---

[5] "Apply to Vote by Post", *About My Vote*, Accessed on 30 Nov. 2015, http://www.aboutmyvote.co.uk/register-to-vote/postal-vote-application.
[6] Section 232, *Canada Elections Act*.
[7] "Thailand Restoring Democracy: Elections to the House of Representatives December 2007", *Report by the International Election Observation Mission*, (Bangkok: ANFREL, 2008), 36.

Summary of Bersih's proposal

The proposal will be for same-day voting and counting at the polling stations in West Malaysia. The procedures would be as follows:

1. Voters apply to be an interstate voter at least 21 days before polling day. This application includes contact details, current address, email or telephone number.

2. Twenty days before an election, letters are sent to the REGISTERED address (not the absentee voting address) of each applicant notifying them of this change and the roll online should be updated accordingly.

3. Voters have up to 7 days before the election to object to their absentee voting status.

4. Five days before polling day, absentee voters are notified, through the contact details provided on the form and online, of their polling station. This is determined by state and number of interstate voters for their constituency.

5. On polling day, procedures are carried in exactly the same way as normal voting, with polling agents and counting agents. The only difference in voting procedure is that the individual ballots for each voter will be prepared beforehand. The voter will be given a ballot for their constituency, and an envelope, which indicates the name of their constituency. The ballots are all put into a single ballot box.

6. Before counting begins, the ballots are sorted into their constituencies. Counting procedures are the same as normal counting. Forms are filled and signed by PACA for each constituency.

7. The forms are faxed back to the central tallying centre for each constituency.