



Pemuda DAP (**DAPSY**) Negeri Johor

SUBMISSION TO THE
PARLIAMENTARY SELECT
COMMITTEE FOR ELECTORAL
REFORM

12 January 2012
Johor Bahru

Overview

Electoral System will never exist in static but in a dynamic form where reforms should always take place from time to time to ensure the electoral system in Malaysia will always meet the needs of our multi-racial, multi-cultural society. This is not applicable only to Malaysia but also happen in United Kingdom, the origin of our electoral system where debates about reforms on the electoral system has been always one of the hot topics among the politicians as well as the public. Thus, we should not restrict ourselves in the discussion to reform or improve our electoral system to ensure that our electoral system will always dynamic and meet the need of the society.

Reliability of Election Commission to Be Improved

As the sole independent body to conduct the General Election, EC should have carried out its duties impartially and non-partisan. According to our study on the electoral roll bought from the EC, DAPSY Johor reaffirmed that numerous cases where the voters are found suspicious in terms of their citizenship status and the complicity of information provided by the EC. From the study, we found there are cases that PR became voters, voter's address is incomplete, voters' MyKad ID not found in NRD database, MyKad ID without name appear in NRD database. So far EC still maintain their "catch me if you can" attitude and waiting for the opposition parties to expose all these errors before they can be erased from their database. EC started to computerize voters' database since 2002. Why was it that Pakatan Rakyat had managed to develop a software to detect these mistake in half a year and started its validation operation within 2 months' time but at the same time EC had done nothing since its database computerisation on 2002? (Refer to [YB Er Teck Hwa's official statement in Appendix I](#) for further information)

The validity or the accuracy of the electorate is another issue that needs to be resolved in order to ensure fair election. In other words, the electorate data that is provided by SPR should be checked by independent parties or at least be validated by data from JPN. Meaning that, partial JPN's data that is relevant should be opened for access in order to let the parties involved or candidates to counter check the accuracy of the electorate. For example, it is suggested that JPN releases data such as name, ic, address and nationality status.

Fixed-term Election

Parliament could be dissolved by dissolved by the Yang di-Pertuan Agong on the advice of the Prime Minister. As we know, the monarch is normally acted only on the advice of the Prime Minister, so the Prime Ministers of Malaysia had the *de facto* power to dissolve Parliament and call a new general election at a time of their choosing.

In our opinion, the timing of general elections should not be a plaything of governments. Prime Ministers should **NOT** have the power to advise the Yang di-Pertuan Agong to call an early election as a political tactic or go to the polls at a time of their own choosing. By making the fixed-term legislation on this issue, there will be greater stability in our political system and people will know exactly how long a parliament can be expected to last.

Therefore, Parliament should enact a new act to fix the date of all the future General Election, and provides for five-year fixed terms. And it shall include provisions to allow the Prime Minister to alter the date, but not more than two months later. There are also two ways in which an election could be triggered before the end of the five-year term:

1. If a motion of no confidence is passed and no alternative government is found
2. Or if a motion for an early general election is agreed either by at least two-thirds of the Dewan Rakyat.

For The 13th Malaysian general election, must be held on March 8, 2013 since the last general election was held on March 8, 2008. There may be exceptional circumstances in which it would not be appropriate for Parliament to continue to run for its full term. When there is a need to seek an earlier dissolution, which will be for the House – not the Government – to decide.

This will be a huge change in our system, and it will be a good one, it would provide a strong and stable government for Malaysians. For reference, the Parliament of the United Kingdom has already passed the Fixed-term Parliaments Bill 2010-11 (**Appendix II**), which has the exactly same advantages like above-mentioned.

Enactment of Political Parties Act

Political parties play several critical roles, parties help aggregate interests in diverse societies; parties help develop compromise and consensus on national policies and legislation; and parties literally help form governments and legislatures.

Different from civil society organizations (CSO), to regulate political parties, an enactment of Political Parties Act is necessary. In our opinion, this act will bring positive politics to Malaysia and a great move on democracy movement. Under Political Parties Act,

- Registration of political parties should handled by Election Commission instead of with the Registrar of Societies (ROS).
- Internal party elections can be regulated.
- Candidates from every party should elected by delegates through internal elections.
- Empower the EC to carry out investigations and verify financial reports submitted by political parties and candidates.
- Prevent organizations linked to political parties from being used as conduits for political funding.
- Companies with accumulated losses are prohibited to make political donations.
- Tobacco and gambling companies are strictly prohibited to make political donations (Ideally, companies should be prohibited from making political donations).
- Impose a limit on contributions by individuals to political parties.
- Prohibit political parties from receiving foreign donations.
- Impose an expenditure limit on the electoral activities of political parties.
- Prohibit parties from directly or indirectly owning or being involved in business.
- Introduce state funding for political parties to finance their electoral and non-electoral activities.
- Prohibit ownership of media by political parties.

Prime Ministerial TV debate

Debates for countries' leadership (presidents, prime ministers, chancellors) have been held in many other countries. Swedish leaders' debates have occurred since 1948, the year of the first American primary debate. An Australian political debate was televised in 1958. Political campaign debates have been held in such countries as Australia, Canada, France, Germany, Greece, Holland, New Zealand, Scotland, South Korea, Sweden, Poland, Taiwan, and the Ukraine.

Debates provide voters an opportunity to compare the leading candidates for office discussing the same topics. Debates are longer than television spots, providing an extended opportunity to learn about candidates. Candidates may encounter unanticipated questions or criticism in a debate which could mean a more candid view of the candidates. The direct confrontation of the debate format offers an opportunity to correct misstatements from opponents.

"Firstly, televised debates are the best way of reaching a large audience of voters. . . . Secondly, there is an impressive body of data to indicate that televised debates have an educational impact. . . . Thirdly, televised debates help to equalize access to the mass media. . . . Fourthly, televised debates allow the public to come as close as they can to auditioning the candidates for national leadership. . . . Another advantage to the democratic process of television debates is that they force rivals to know each other's positions." -- Stephen Coleman, Meaningful Political Debate in the Age of the Soundbite in Televised Election Debates: International Perspectives

DAPSY Johor thinks it is timely that both the Top leadership from BN and PR sit at the same platform and justify their own stand. A fair and open Prime Ministerial TV Debates is right in time for Malaysian 13th General Election campaign. The leader of the nation shall advocate their views and policy in an open and neutral platform before they seek mandate from the people. Malaysians deserve better and there is no reason the candidate aspired to be Prime Minister hide himself behind the media but refuse to meet face to face. Research in other countries confirms effects from debates. For example, U.S. presidential debates create issue knowledge, influence perceptions of the candidates' character, and alter vote choice.

In our opinion, EC should establish a commission that consists of national civic leaders from a multitude of political orientations, to sponsor future general election prime ministerial TV debates. An advisory board that composed of NGOs is needed too, so it may broadly reflects the composition and concerns of the voters. Besides, this historical arrangement might helps in providing fair and equal coverage for all campaigning political parties during election campaign periods, one of the eight demands of BERSIH. All the public broadcasters in Malaysia, including RTM and BERNAMA, must take the responsibilities for broadcasting, so Malaysians will able to access themselves on all the major broadcast networks like TV, radio channels and print media.

Conclusion

Fighting corruption and dirty politics is high on the Malaysian's agenda. DAP Johor proposed reforms on **reliability of Election Commission, fixed-term General Election, enacting Political Parties Act and establishing prime ministerial TV debate** are supported by a wide cross-section of Malaysians and are crucial for the future of Malaysia. Besides, DAP Johor is fully supporting **BERSIH's** (The Coalition for Free and Fair Elections) 8 demands on electoral reforming and all their suggestions including the memorandum which **BERSIH's** chairwoman Datuk S Ambiga submitted on 12 November 2011. DAP Johor calls for the implementation of the proposed reforms, along with **BERSIH's** demands before the 13th General Election.

The ignorance of BN government on **BERSIH** is totally intolerable, The Parliamentary Select Committee for Electoral Reform should bear in mind.

Yours sincerely,



(TAN HONG PIN)

DAP Socialist Youth (**DAPSY**) Johor State Chairman

Appendices

BLOG RASMI

ER TECK HWA
Official Blog

AHLI PARLIMEN KAWASAN BAKRI
Member of Parliament for Bakri

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2011-09-09

Press Conference: DAP Electorate Validation Task Force has proven that EC and NRD online query is highly unreliable

preface

On March 2011, a team (DAP Electorate Validation Task Force) had been set up by DAP Bakri, Muar and Ledang Parliamentary Constituency Liason Committees. 17 mathematicians, programmers, system designers and networking engineers are voluntary involved in this project. The Team is currently led and funded by MP Bakri Er Teck Hwa. The main objective of this task force is to setup a software system capable of locating and validating every single voter and develop an analysis tool for voters' data from EC.

On July 2011, EC (Election Committee) decided to release its online query system for public to verify voter registration address. With this convenience at hand, The Team successfully develop a batch processing software that will extract the data from EC and NRD (National Registration Department) online query system in order to validate original voters' data purchased from EC.

The software (Voter Checking System, VCS) can be operated from a standalone computer with internet connected. More than 30 machines (monitoring station) had been equipped with this software and they are located nationwide. With reference to MyKad ID provided by EC's electoral roll, VCS can extract the data through both EC and NRD online query system simultaneously in 24 hours basis with minimum human-monitoring and the result will be saved into database.

Each monitoring station can be remotely controlled by the administrative supervisor and the master database update is done on a daily basis by downloading the data extracted from each monitoring station.

VCS fundamental framework is accomplished and workable model had been trial-ran since August 2011. The Team is currently making their best effort to continue develop and enhance VCS features with more sophisticated algorithm to detect suspicious voters from the electoral roll.

The following validated data is based on the electoral roll purchased from EC on June 2011 for Bakri Parliamentary Constituency (P145):

Till June 2011, Bakri Constituency was recorded to have 61101 voters.

Permanent Residents become voters

2 PR whose names appeared in the electoral roll.

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中文



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MyKad ID:

481020715055
530801016052 (fig 1 & 2)



Figure 1



Figure 2

DAP Johor reaffirmed that numerous cases where PR became voters indicated that the government had a very serious issue on our National Security and also being the laughing stock for the international community. So far EC still maintain their "catch me if you can" attitude and waiting for the opposition parties to expose all these errors before they can be erased from their database. EC started to computerize voters' database since 2002. Why was it that Pakatan Rakyat had managed to develop a software to detect these mistake in half a year and started its validation operation within 2 months' time but at the same time EC had done nothing since its database computerisation on 2002?

EC is being funded from the Federal Government and they have sufficient full-time workers to do this job. Does it imply that EC is not capable of doing their job or they simply ignore their mistake?

Voter's address is incomplete

Form June 2011 till today, 309 voters were removed from P145 (Bakri) Parliamentary Constituency. After subtraction from these figures, there remains 60792 voters in the list. And:

9111 voters (14.98%) do not have any address record in EC database (Figure 3).



Figure 3

34332 voters (54.47%) do not have complete addresses recored in EC database (Figure 4, note: "ALAMAT" column shown imcomplete address, the addresses were extracted from EC online query system)

SEMAK DAFTAR
PEMILIK DI SINI



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- The Malaysian Insider
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- Agenda Daily
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- Melay Mail
- NST
- The Star

TINGGALKAN MESEJ ANDA DISINI

行动党YB的blog-roll: 欢迎浏览 2 Jan 12, 03:23

乐乐: 有那, 马华市议员基金和冯妮琪真具备领袖的风范? 连环保影片都不想坐下来看, 只紧张自己的cd而以, 对爱护环境环保影片志无动于衷?? 这不是造作是什么?? 还值得鼓励?? 23 Dec 11, 09:41

育彬: YB国会成员你好, 吴金发和冯妮琪两个马华人, 强逼你播放马华影片确实不对, 但值得佩服的是这两个马华市议员的确有他们的胆识和勇气面对群众和面对问题, 总比马华的其他领袖来得好, 他们具备领袖的风范, 也不造作, 值得鼓励 23 Dec 11, 20:44

巴口村民: YB! 拉曼山的事件你回应也没有, 不会像马华的白粉村长当起缩头龟吧? 6 Dec 11, 18:27

巴口村民: yb德华, 你不能和马华的那些党混一样, 巴口及拉曼事件已拖很久了, 南雄和白粉村长都只是晒晒戏罢了, 你一定要为巴口人撑回柯芳大抱所答应搬迁的承诺! 当他到巴口是给他压力! 你拉布条我们支持你 2 Dec 11, 20:28

[Switchnode] 29 Nov 11 22:54 refresh

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MY BLOG LIST

Anwar Ibrahim
Jemputan Media Untuk Konvensyen
Pakatan Rakyat Kali Ketiga -
JEMPUTAN MEDIA Tarikh: 11hb,
Januari 2012 JEMPUTAN MEDIA
UNTUK MEMBUAT LIPUTAN
SEPANJANG KONVENSYEN PAKATAN
RAKYAT KALI KETIGA Merujuk
kepada perkara...
2 hours ago

PERJUANGAN ADALAH
PERLAKSANAAN KATA-KATA
Keputusan Kes Liwat : Najib dan
Peguan Negara harus letak
jawatan - 10 Januari 2012
Kenyataan Terbuka SAMM *Terima

NO	NAMA	ALAMAT	NO. TELEFON	NO. MYKAD	STATUS
1	ABDULLAH BIN ABU BAKAR	11, JALAN...	019-3333333	123456789	VALID
2	ABU BAKAR BIN ABDULLAH	12, JALAN...	019-3333333	123456789	INVALID
3	ABU BAKAR BIN ABDULLAH	13, JALAN...	019-3333333	123456789	INVALID

Figure 4

Furthermore the record does not show any address or incomplete address, they all can be categorized as "uncontactable voter". Under this category, it represents 43443 voters (9111+34332) or 71.46% of the total voters in the Bakri Parliamentery Constituency.

According to the statistics shown above, EC does not have complete mailing addresses for 2/3 of the local voters. In other words, neither does the election candidate nor EC will be able to approach these voters since the voters' physical living addresses are unknown. The Team has done some survey and realise that some voters did fill-in their address when they registered as a voter (mainly before year 2000). Nevertheless, it never appeared on the EC online query system when they did the checking.

It is reasonable to believe that is due to negligence of EC Registrar or officers when they do the data input to the database system. Or else, if EC database do have valid address for voters, we can justify that EC has two sets of datas with them and the data that open for public query had been manipulated, and there are no original data.

Voters' MyKad ID not found in NRD database

Besides that, 5800 voters (9.54% of total voters) were detected with their MyKad status shown "no application/invalid data"(Tiada permohonan / No yang dimasukkan tidak sah)(Fig 5). Same circumstance also happen in P144 (Ledang) Parliamentary Constituency. In Ledang, 6524 voters' MyKad showed "no application" status in NRD online query system. The said statistics had been published in the media on 4th July 2011.



Figure 5

This abnormal phenomena had been detected since 6 weeks ago. Repeated test had been carried out to verify voters' MyKad number through EC and NRD online query system simutaneously. Nevertheless, the same result had been obtained. The Team members have done some random checking for these MyKad numbers and have identified that some of them are valid Malaysian citizens. But their data cannot be found from the NRD online query system.

NDR's online query service only opens for the public during office hours. The service is closed during the weekends. This approach is considered inappropriate and it violates the operating principle of computer database. The Internet is to bring convenience to the public so that users can use the service every time they want 24 hours a day and throughout 365 days a year.

And NRD is now only open the service for query during office hours and this is against what the Internet is designed for. For instance, what will happen to other nations' users if Goggle search engine only opens for service during United States' working hours? Furthermore, if data updating and backup is involved, technically, the updating or backup procedure will not involve in shutting down the whole service. If they have to do that, it can be done during low traffic time. It is totally unacceptable to shut down the whole service during the whole off-office hours i.e. from 5 PM to next morning 8 AM.

baik keputusan tetapi tidak bermaksud institusi kehakiman bebas* * * Seperti yang dipertegaskan dari awal d...
1 day ago

Blog Rasmi Pemuda UMNO Bakri TAZKIRAH JUMAAT - * * *
*Assalamualaikum w.b.t. Salam Penghulu segala hari... Salam Jumaat. Hari ini admin ingin berkongsi satu tazkirah Jumaat yang bertajuk 7 cara bersahaba...
3 weeks ago

::: LAMAN RASMI ADUN SG ABONG :::
Salam Ma'al Hijrah 1433 H - Share |
1 month ago

LAMAN RASMI ADUN MAHARANI Assalamualaikum Muhammad.Sekali lagi tahniah darip... -
Assalamualaikum Muhammad.Sekali lagi tahniah daripada seluruh keluarga di Muar.Moga Allah makbulkan cita-cita dan dipermudahkan segala urusan.
Amin.
8 months ago

Laman Web ADUN Bukit Naning - Bertempat di Surau An Nur Bt 19 satu MAJLIS TAZKIRAH RAMADHAN anjuran Belia 4b Cawangan Bukit Naning. Dalam masa yang sama Yb Datuk Abdullah ...
2 years ago

Under Construction

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 - Masalah Bekalan Air di Mukim Air Hitam, Bakri Sema...
 - 1,824 in Johor's Ledang electoral roll not in EC, ...
 - Kenyataan : Bangsa yang tidak menghargai sejarah s...

For the same reason, if MoHA (Ministry of Home Affairs) which is handling the national security can do such thing, should "1Malaysia Email" only open for users during working hours and nobody can use any email service after working hours?

The team also discovered that when a confirmed valid MyKad number is entered into NRD query system, the server return with the status indicate that "no application/invalid data" or a "empty" status. At the same time, The Team use SMS query system provided by NRD to check if the same number is valid and they receive a SMS with the same result. Occasionally, the same valid MyKad number returns with "The Card had been corrected"(Kad telah diambil) status. (Fig 6)



Figure 6

MyKad ID without name appear in NRD database

Within 61101 MyKad ID from the electoral roll of P145 (Bakri) Parliamenetry Constituency, there are 155 MyKad ID without the name recorded in NRD database:

21 ID without name and "Kad telah diambil" status in blue color background (note: last check on 0310 hour 9th July 2011, the ID status became empty instead of "Kad telah diambil")

59 ID without name and "No Application" status with blue color background

74 ID without name and status in purple color background

1 ID without name and "Sila rujuk cawangan JPN yang berdekatan" status with blue color background (note: last check on 0310 hour 9th July 2011, the ID status became empty instead of "Sila rujuk cawangan JPN yang berdekatan")



Figure 7.1 for MyKad ID without name and with status "Kad telah diambil"



Figure 7.2 for MyKad ID without name and status

All 155 MyKad IDs were listed in EC's original electoral roll of P145 (Bakri) Constituency. The same IDs had been verified and confirmed that they have been removed from the EC database.

On 3rd Oct 2011, 2288 voters from P144 (Ledang) Parliamentary Constituency which had been detected as their MyKad IDs without name and status is empty in NRD online query system. On 1500 hour 8th Oct 2011, VCS log file shown that all 2288 voters record are now available with

- ▶ August (4)
- ▶ July (3)
- ▶ June (23)
- ▶ May (6)
- ▶ April (4)
- ▶ March (16)
- ▶ February (11)
- ▶ January (1)

- ▶ 2010 (173)
- ▶ 2009 (3)
- ▶ 2008 (9)

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their name intacted in NRD online query system.

Highly unreliable service

All these facts indicate that NRD onlien query service is highly unreliable and unstable. In spite of that, NRD yet collects 35 sen for each SMS query. After all, If service provided by NRD is unstable, why do they collect money for such servcie?

MyKad query system is the official online query system provided by NRD for public to validate their MyKad status, the data have to be accurate and stable, After an analysis made by The Team, 9.54% and 15.17% respectively from Bakri and Ledang total voters do not have their record from IRD database. And these are all valid MyKad ID. Does similar situations happen in other constituencies as well? Does this imply that NRD are moving MyKad data on a large scale? and what is the purpose for doing that?

For above questions, EC and MoHA must answer to the public.

Er Teck Hwa
MP for Bakri
09.09.2011

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Fixed-term Parliaments Act 2011

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Fixed-term Parliaments Act 2011

2011 CHAPTER 14

An Act to make provision about the dissolution of Parliament and the determination of polling days for parliamentary general elections; and for connected purposes. [15th September 2011]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Polling days for parliamentary general elections

- (1) This section applies for the purposes of the Timetable in rule 1 in Schedule 1 to the Representation of the People Act 1983 and is subject to section 2.
- (2) The polling day for the next parliamentary general election after the passing of this Act is to be 7 May 2015.
- (3) The polling day for each subsequent parliamentary general election is to be the first Thursday in May in the fifth calendar year following that in which the polling day for the previous parliamentary general election fell.
- (4) But, if the polling day for the previous parliamentary general election—
 - (a) was appointed under section 2(7), and
 - (b) in the calendar year in which it fell, fell before the first Thursday in May,subsection (3) has effect as if for “fifth” there were substituted “fourth”.
- (5) The Prime Minister may by order made by statutory instrument provide that the polling day for a parliamentary general election in a specified calendar year is to be later than the day determined under subsection (2) or (3), but not more than two months later.
- (6) A statutory instrument containing an order under subsection (5) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

- (7) The draft laid before Parliament must be accompanied by a statement setting out the Prime Minister's reasons for proposing the change in the polling day.

2 Early parliamentary general elections

- (1) An early parliamentary general election is to take place if—
 - (a) the House of Commons passes a motion in the form set out in subsection (2), and
 - (b) if the motion is passed on a division, the number of members who vote in favour of the motion is a number equal to or greater than two thirds of the number of seats in the House (including vacant seats).
- (2) The form of motion for the purposes of subsection (1)(a) is—

“That there shall be an early parliamentary general election.”
- (3) An early parliamentary general election is also to take place if—
 - (a) the House of Commons passes a motion in the form set out in subsection (4), and
 - (b) the period of 14 days after the day on which that motion is passed ends without the House passing a motion in the form set out in subsection (5).
- (4) The form of motion for the purposes of subsection (3)(a) is—

“That this House has no confidence in Her Majesty's Government.”
- (5) The form of motion for the purposes of subsection (3)(b) is—

“That this House has confidence in Her Majesty's Government.”
- (6) Subsection (7) applies for the purposes of the Timetable in rule 1 in Schedule 1 to the Representation of the People Act 1983.
- (7) If a parliamentary general election is to take place as provided for by subsection (1) or (3), the polling day for the election is to be the day appointed by Her Majesty by proclamation on the recommendation of the Prime Minister (and, accordingly, the appointed day replaces the day which would otherwise have been the polling day for the next election determined under section 1).

3 Dissolution of Parliament

- (1) The Parliament then in existence dissolves at the beginning of the 17th working day before the polling day for the next parliamentary general election as determined under section 1 or appointed under section 2(7).
- (2) Parliament cannot otherwise be dissolved.
- (3) Once Parliament dissolves, the Lord Chancellor and, in relation to Northern Ireland, the Secretary of State have the authority to have the writs for the election sealed and issued (see rule 3 in Schedule 1 to the Representation of the People Act 1983).
- (4) Once Parliament dissolves, Her Majesty may issue the proclamation summoning the new Parliament which may—
 - (a) appoint the day for the first meeting of the new Parliament;

(b) deal with any other matter which was normally dealt with before the passing of this Act by proclamations summoning new Parliaments (except a matter dealt with by subsection (1) or (3)).

(5) In this section “working day” means any day other than—

- (a) a Saturday or Sunday;
- (b) a Christmas Eve, Christmas Day or Good Friday;
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom;
- (d) a day appointed for public thanksgiving or mourning.

(6) But, if—

- (a) on a day (“the relevant day”) one or more working days are fixed or appointed as bank holidays or days for public thanksgiving or mourning, and
- (b) as a result, the day for the dissolution of a Parliament would (apart from this subsection) be brought forward from what it was immediately before the relevant day to a day that is earlier than 30 days after the relevant day,

the day or days in question are to continue to be treated as working days (even if the polling day is subsequently changed).

4 General election for Scottish Parliament not to fall on same date as parliamentary general election under section 1(2)

- (1) This section applies in relation to the ordinary general election for membership of the Scottish Parliament the poll for which would, apart from this section and disregarding sections 2(5) and 3(3) of the Scotland Act 1998, be held on 7 May 2015 (that is, the date specified in section 1(2) of this Act).
- (2) Section 2(2) of the 1998 Act has effect as if, instead of providing for the poll for that election to be held on that date, it provided (subject to sections 2(5) and 3(3) of that Act) for the poll to be held on 5 May 2016 (and section 2(2) has effect in relation to subsequent ordinary general elections accordingly).

5 General election for National Assembly for Wales not to fall on same date as parliamentary general election under section 1(2)

- (1) This section applies in relation to the ordinary general election for membership of the National Assembly for Wales the poll for which would, apart from this section and disregarding sections 4 and 5(5) of the Government of Wales Act 2006, be held on 7 May 2015 (that is, the date specified in section 1(2) of this Act).
- (2) Section 3(1) of the 2006 Act has effect as if, instead of providing for the poll for that election to be held on that date, it provided (subject to sections 4 and 5(5) of that Act) for the poll to be held on 5 May 2016 (and section 3(1) has effect in relation to subsequent ordinary general elections accordingly).

6 Supplementary provisions

- (1) This Act does not affect Her Majesty’s power to prorogue Parliament.
- (2) This Act does not affect the way in which the sealing of a proclamation summoning a new Parliament may be authorised; and the sealing of a

proclamation to be issued under section 2(7) may be authorised in the same way.

- (3) The Schedule (which contains consequential amendments etc) has effect.

7 Final provisions

- (1) This Act may be cited as the Fixed-term Parliaments Act 2011.
- (2) This Act comes into force on the day it is passed.
- (3) An amendment or repeal made by this Act has the same extent as the enactment or relevant part of the enactment to which the amendment or repeal relates.
- (4) The Prime Minister must make arrangements—
 - (a) for a committee to carry out a review of the operation of this Act and, if appropriate in consequence of its findings, to make recommendations for the repeal or amendment of this Act, and
 - (b) for the publication of the committee's findings and recommendations (if any).
- (5) A majority of the members of the committee are to be members of the House of Commons.
- (6) Arrangements under subsection (4)(a) are to be made no earlier than 1 June 2020 and no later than 30 November 2020.

SCHEDULE

Section 6

CONSEQUENTIAL AMENDMENTS ETC

Succession to the Crown Act 1707 (c. 41)

- 1 In section 7 of the Succession to the Crown Act 1707 omit “or dissolve”.

Septennial Act 1715 (c. 38)

- 2 The Septennial Act 1715 is repealed.

Representation of the People Act 1867 (c. 102)

- 3 In section 51 of the Representation of the People Act 1867 omit “or dissolved” where it occurs second.

Parliament Act 1911 (c. 13)

- 4 In the Parliament Act 1911 omit section 7.

Regency Act 1937 (c. 16)

- 5 In section 6(1) of the Regency Act 1937 omit the words from “to dissolve Parliament” to “telegraph), or”.

Representation of the People Act 1983 (c. 2)

- 6 The Representation of the People Act 1983 is amended as follows.
- 7 In section 76ZA(3)(a) after “during” insert “or after”.
- 8 In section 93(5)(a) omit the words from “or any earlier time” to the end.
- 9 In section 119(2) after “mourning” insert “(but, in relation to a parliamentary general election, excluding any day to which rule 2 of the parliamentary elections rules does not apply by virtue of rule 2(2A))”.
- 10 (1) Amend the Timetable in rule 1 in Schedule 1 as follows.
- (2) In the entry relating to “Issue of writ”, in column 2, for “issue of the proclamation summoning the new Parliament” substitute “dissolution of Parliament by section 3(1) of the Fixed-term Parliaments Act 2011”.
- (3) In the entry relating to “Delivery of nomination papers”, in column 2, for “proclamation summoning the new Parliament” substitute “dissolution of Parliament by section 3(1) of the Fixed-term Parliaments Act 2011”.
- (4) In the entry relating to “Polling”, in column 2, for “eleventh day after the last day for delivery of nomination papers” substitute “day determined under section 1 of the Fixed-term Parliaments Act 2011 or appointed under section 2(7) of that Act”.

- 11 (1) Amend rule 2 in Schedule 1 as follows.
- (2) In paragraph (1) omit the words from “, and any such day” to the end.
- (3) After paragraph (1) insert—
- “(1A) In relation to a general election, any day within paragraph (1)(a) to (c) shall not be treated as a day for the purpose of any proceedings in the Timetable before the polling day.
- (1B) In relation to a by-election, any day within paragraph (1)(a) to (c) shall not be treated as a day for the purpose of any proceedings in the Timetable up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.”
- (4) Omit paragraph (2)(ii) and the “and” before it.
- (5) After paragraph (2) insert—
- “(2A) In relation to a general election, this rule does not apply to a day which is a bank holiday or a day appointed for public thanksgiving or mourning if—
- (a) the day was not fixed or appointed as such before the dissolution of Parliament by section 3(1) of the Fixed-term Parliaments Act 2011, or
- (b) the day is one that is treated as a working day by section 3(6) of that Act.
- But, in relation to any proceedings commenced afresh by reason of a candidate’s death, this paragraph is to be ignored.”
- 12 In rule 6A(4) in Schedule 1 after “rule 2(1)” insert “(subject to rule 2(2A))”.
- 13 In the form of writ in the Appendix of Forms at the end of Schedule 1 for the words from “the advice” to “next” substitute “section 3(1) of the Fixed-term Parliaments Act 2011 Parliament has dissolved”.

Representation of the People Act 1985 (c. 50)

- 14 The Representation of the People Act 1985 is amended as follows.
- 15 (1) Amend section 15 as follows.
- (2) After subsection (3) insert—
- “(3A) Where the polls at an election of the Northern Ireland Assembly are to be taken on the same date as the polls at one or more elections of the kind mentioned in subsection (1), the Chief Electoral Officer for Northern Ireland may direct that the polls at the election of the Assembly are to be taken together with the polls at the other election or elections.”
- (3) After subsection (5A) insert—
- “(5B) The power under subsection (5) above to make provision in connection with the combining of polls under subsection (3A) includes power to modify—

- (a) Part 2 or 3 of the Schedule to the Elections Act 2001 (in addition to the power conferred by paragraph 32 of that Schedule);
- (b) any provision made under section 34(4) or 84(1) of the Northern Ireland Act 1998 or section 38(1)(a) of the Northern Ireland Constitution Act 1973 (see section 95(1) of the 1998 Act);
- (c) any provision made by or under Northern Ireland legislation relating to local elections.”

16 For section 20 substitute—

“20 Demise of the Crown and parliamentary elections etc

- (1) Subject to what follows, the demise of the Crown does not affect any proclamation summoning a new Parliament issued before the demise (see section 3(4) of the Fixed-term Parliaments Act 2011) (or any other matter relating to a parliamentary election or the summoning of a new Parliament).
- (2) Subsections (3) to (6) apply if the demise occurs—
 - (a) on the day of the dissolution of a Parliament by section 3(1) of the 2011 Act, or
 - (b) after that day but before the polling day for the next parliamentary general election after the dissolution as determined under section 1 of the 2011 Act or appointed under section 2(7) of the 2011 Act (“the current election”);and any relevant writ, notice or other document is to be issued or, if already issued, read accordingly.
- (3) In relation to the current election, for the purposes of the timetable in rule 1 in Schedule 1 to the principal Act—
 - (a) the polling day shall be—
 - (i) the 14th day after the day which would otherwise have been the polling day, or
 - (ii) if the 14th day is not a working day, the next working day after the 14th day;
 - (b) any working day within the period of 13 days beginning with the day after the demise—
 - (i) shall be disregarded in computing any period of time, and
 - (ii) shall not be treated as a day for the purpose of any proceedings before the polling day.
- (4) If the polling day for the current election was appointed under section 2(7) of the 2011 Act, the reference to the polling day in section 1(4) of the 2011 Act is to be read, in relation to the current election, as a reference to the new polling day under subsection (3)(a).
- (5) Section 76 of the principal Act shall have effect in relation to any candidate at the current election as if the maximum amount specified in subsection (2)(a) of that section were increased by one half.
- (6) If the proclamation summoning the new Parliament after the current election was issued before the demise, the meeting of the new

Parliament shall (subject to any prorogation subsequent to the demise) take place—

- (a) on the 14th day after the day appointed in the proclamation for the meeting, or
 - (b) if the 14th day is not a working day, the next working day after the 14th day.
- (7) If the demise occurs within the period of seven days before the day of the dissolution of a Parliament by section 3(1) of the 2011 Act, subsections (2) to (6) have effect as if the demise occurred on that day.
- (8) In this section “working day” means any day other than one to which rule 2 in Schedule 1 to the principal Act applies in relation to the current election (or would have applied had it fallen before the polling day).”

Parliamentary Constituencies Act 1986 (c. 56)

- 17 In section 4(6) of the Parliamentary Constituencies Act 1986 for the words from the first “until” to “affect” substitute “or”.

Political Parties, Elections and Referendums Act 2000 (c. 41)

- 18 The Political Parties, Elections and Referendums Act 2000 is amended as follows.
- 19 In section 22(2A) after “1983” insert “(subject to rule 2(2A))”.
- 20 In section 63(6)(a) for the words from “Her Majesty’s” to “forthcoming” substitute “Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for a”.
- 21 (1) Amend Schedule 9 as follows.
- (2) In paragraph 1(3)(a) for the words from “Her Majesty’s” to “forthcoming” substitute “Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for a”.
 - (3) In paragraph 9(6)(b) for the words from “Her Majesty’s” to “with” substitute “Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for”.
- 22 (1) Amend Schedule 10 as follows.
- (2) In paragraph 1(2)(a) for the words from “Her Majesty’s” to “forthcoming” substitute “Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for a”.
 - (3) In paragraph 9(6)(b) for the words from “Her Majesty’s” to “with” substitute “Parliament is dissolved by section 3(1) of the Fixed-term Parliaments Act 2011 for”.



2

Ruj Tuan :
Ruj Kami : MP-120111-01-SPR-01
Tarikh : 11hb JAN 2012

YB Datuk Seri Panglima Dr. Maximus Johnity Ongkili
Jawatankuasa Pilihan Khas Berhubung Dengan Penambahbaikan
Proses Pilihan Raya

Datuk,

**MAKLUM BALAS MENGENAI ISU-ISU INDEK PEMILIH PENDAFTAR DI
KAWASAN BAKRI (P.145)**

Saya ingin mengambil kesempatan ini untuk memberikan beberapa maklum balas mengenai isu-siu yang berkaitan dengan indek pemilik di Kawasan Bakri.

1. Menurut siasatan yang kami menjalankan melalui sistem pangkalan data pemilih SPR, terdapat 9111 pemilik tidak mempunyai maklumat alamat. Angka ini terbentuk 14.98% daripada jumlah pemilih di kawasan bakri. Selain itu, terdapat 34332 pemilih atau 54.47% daripada jumlah pemilih tidak mempunyai alamat lengkap.
2. Indek pemilih yang kami beri dari SPR dikeluarkan pada bulan Jun tahun lepas. Dalam indek nama ini, alamat telah dipadamkan, termasuk juga butiran kaum dan agama tidak ditunjuk. Saya minta SPR membekalkan satu indek nama yang lengkap dengan alamat, kaum dan agama seperti saya sebut tadi.
3. Saya ingin menekankan disini bahawa indek nama pemilih ini bukan diberi percuma tetapi dengan yuran yang ditetapkan oleh SPR. Maka, SPR mempunyai tanggungjawab untuk membekalkan satu indek nama terkini kepada pelanggannya.
4. Saya juga ingin mencadangkan supaya SPR mempercepatkan proses penyelarasan sistem pangkalan data SPR dengan JPN.
5. Sejauh mana yang diketahui, orang umum, termasuk parti politik pembangkang tidak dapat mengesahkan data-data yang berada di indek nama pemilih yang dibekalkan oleh SPR. Pangkalan maklumat jpn merupakan rujukan secara rasmi yang boelh digunakan oleh orang umum.
6. Malangnya, pangkalan maklumat jpn merupakan satu sistem yang tidak stabil dan tidak transparen. Selepas SPR membuka pangkalan maklumat untuk pemilih menyemakan alamat pendaftaran, PAS dan DAP, termasuk pasukan khas telah ditubuhkan untuk tujuan tersebut.



ER TECK HWA 余德华
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Satu laporan telah dikelurakan oleh DAP MUAR pada 9hb september 2011. Satu jam selepas laporan tersebut dipamalkan oleh malaysiakini pada hari yang sama pada pukul 3 petang, pasukan khas mendapati pangkalan maklumat jpn telah tiba-tiba tertutup. JPN berhentikan pangkalan maklumat tersebut selama 7 hari dan buka semula seminggu kemudian.

7. Apa yang disyaki ialah, selepas pangkalan maklumat tersebut dibuka semula, kebanyakan maklumat-maklumat pemilih tidak dapat disemakkan dengan mesej "kad ini tidak wujud".
8. Saya telah menulis beberapa surat kepada pengerusi SPR, Pengerusi Jawatan kuasa Pilihan Khas Berhubung Dengan Penambahbaikan Proses Pilihan Raya dan sebagainya. Namun sehingga hari ini, tiada satu surat balasan diterima. Saya minta jawatan kuasa pilihan memberikan jawapan mengenai isu ini.
9. Menurut berita suratkhbar, adalah difahami bahawa SPR sedang berkerjasama dengan JPN untuk berkongsi mklumat pemilih. Soalan saya ialah, bagaimana SPR boleh memastikan satu sistem pemantauan yang neutral boleh diadakan supaya indek nama ini tidak mengandungi kesalahan.
10. Memandang hak privasi, saya setuju bahawa maklumat peribadi tidak seharusnya didedahkan dalam laman web dengan sewenang-wenangnya. disini saya mencadangkan supaya JPN sekurang-kurangkan mempamalkan kawsan kediaman seseorang warga-nagara di pangkalan maklumat JPN apabila SPR mengadakan penyelarasan pangkalan maklumat dengan JPN.

BERKHIDMAT UNTUK RAKYAT

Yang Benar,

.....
(ER TECK HWA)

Ahli Parlimen Kawasan Bakri

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