

persons and to provide at each polling centre reasonable facilities for electors to mark and cast their votes in privacy. Every ballot paper is numbered in the form prescribed by law and consists of a list of candidates arranged in an order determined by lot by the returning officer, together with any party symbol assigned to each candidate.

The law requires that every ballot box be so constructed that the ballot paper can be put in but cannot be taken out other than by unlocking the box. Immediately before commencement of the poll the presiding officer at the polling centre shows each ballot box to the polling agents and other persons lawfully present so that they may see it is empty. The presiding officer then locks up the ballot box and affixes upon it his seal and those of the candidates or their agents wishing to affix their own seals, and the box shall not again be opened until after the close of the poll. The ballot box remains in the custody of the presiding officer until it is despatched and delivered to the returning officer.

Postal Ballots

These ballots for use by members of the armed forces, police, public servants and students abroad are issued from the office of the returning officer in each district. The ballot papers are issued in special envelopes to ensure security and privacy accompanied by declaration forms for execution by the electors as to their identity and to maintain secrecy in the voting process. They are issued in advance of polling day usually by special courier, with instructions that they are returned in time for the official count. The issuing of ballot papers and their opening on return are checked and witnessed by candidates and their agents. There is postal voting in almost every state. A total of 196,522 postal votes were issued in 1990 including 120,000 to military personnel and 72,000 to the police.

9. CONDUCT OF THE POLL

The conduct of the poll marks the climax of the election process. This single event, perhaps more than any other, usually attracts final judgment on whether the election was free and fair, and on the quality of the services delivered to the electors. It is also this occasion that provides an opportunity for public scrutiny of election officers by the voting public, which will have the chance to assess their competence and integrity. The proper training of election officers and candidates' agents usually serves to enhance the confidence of these officers and hence the quality of the service offered voters at the polling stations.

An observer of the conduct of the poll on election day would be interested in many aspects of the election process at each polling station, namely, the prompt opening of the polling station; the presence of agents of the political parties or independent candidates at the commencement of polling; the

application of the procedures to be followed to ensure that ballot papers are in good order; the rate of the flow of voters through the polling station; the identification process of voters, when required; the measures to be taken to ensure and safeguard the secrecy of the ballot; the procedures to be followed when dealing with disabled or other disadvantaged electors; the physical facilities available at the polling station; the siting of the polling station; the length of the queue at the polling station; the general orderliness or otherwise in the precincts of the station; and the restrictions on persons who may enter the premises without permission from the proper authority.

The closing of the poll is also of considerable interest to an observer. There are strict procedural rules which the election officer presiding over the business of the station has to follow when counting the valid ballots cast as well as the spoiled and tendered ballots (if any) and the observer will wish to see how these rules are executed.

Against this background, we visited over 200 polling stations spread across the country. We organised ourselves in five teams which were deployed at five centres, namely, Kuala Lumpur, Penang, Kota Bharu, Kuching and Kota Kinabalu, from which each of the respective teams travelled to surrounding districts to observe the conduct of the poll. (A checklist of some aspects of the electoral process for observation before and during polling day is attached at **Annex X**.) Prior to the deployment of the teams in the regions, we had sought and received the permission of the Election Commission to enter polling stations. A letter from the Chairman of the Group to the Chairman of the Election Commission seeking written authorisation to enter polling stations and counting centres is attached as **Annex XI**. Our findings are set out below as follows:

The team based in Kuala Lumpur which comprised the Chairman of the Group, HE Mr D. Thompson, Baroness Hollis and Mr Carl Dundas of the Support Staff, visited eight polling centres in constituencies in the States in and around Kuala Lumpur. They noted that the voters were orderly and that the election officers were generally efficient. They noted that at most of the centres visited, several voters turned up to vote and their names were not on the list and hence were not allowed to vote at those respective stations.

The Penang-based team, Sir Peter Kenilorea, Mr David Daubney, Mr N. K. Mmono and Mr R. Nzerem of the Support Staff, visited over 70 polling stations. They were of the view that the voting proceedings observed were efficiently executed. They did not encounter any untoward incidents and so they concluded that the taking of the poll at the centres visited was conducted in a free and fair manner.

The team which went to Sabah comprised Mr Gordon Fairweather, Mr Mark Robinson and Mr Dominic Sankey of the Support Staff. The team observed 24 polling stations in 5 constituencies and was impressed with the efficiency of the election officers and with the general conduct of the proceedings at the polling stations visited. They concluded

that the polling observed was free and fair.

The team which covered the Kelantan and Terengganu consisted of Sir Carlisle Burton, Mr Sourahata Semega-Janneh, Mr Henry Veratau and Mr Neroni Slade of the Support Staff. They visited some 70 polling stations. They were impressed with the performance of the election officers. No incident was witnessed at the stations visited. The team concluded that the observed polling in these centres were free and fair.

The team based in Sarawak consisted of Mr Eustace Seignoret, Mr Inder Jit and Mr Nestor Rweyemamu of the Support Staff, they observed 22 polling stations in 4 constituencies. In all these stations, polling was orderly and peaceful; the arrangements were properly planned and executed. The team concluded that the polling observed was free and fair.

General Observations

These reports all pointed to the fact that the election officers had been well-trained and performed efficiently at the polling centres visited. The voters formed long queues early on polling day in many areas and were orderly and cheerful.

Many electors, however, were disappointed in not being able to vote because their names were not on the voters' roll. This was a particularly frequent occurrence at the centres visited by the Observer team based in Kuala Lumpur.

In all the polling stations we visited, we were impressed by the competence and courtesy of polling staff, returning officers, presiding officers and counting clerks, who were scrupulous in carrying out their duties.

10. COUNTING THE VOTES

The counting of the votes, though a routine exercise, is a key event in the election process. This should be done promptly and efficiently in the presence of the parties' and/or the candidates' agents.

On occasion, the counting officers are faced with the difficult task of deciding whether or not a ballot is valid or spoiled. In discharging this function, counting officers are usually guided by instruction booklets prepared for the purpose. In order to maintain the confidence of all the parties and candidates in the counting process, strict procedures are usually stipulated for the counting officer to follow.

In Malaysia, the votes cast at each polling station are counted by the presiding officer at the close of the poll. Counting takes place under the supervision of the presiding officer in the presence of the candidates or their election agents or counting agents. At the end of the counting of the votes the presiding officer announces the number of votes given