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LAWS OF MALAYSIA

REGISTRATION OF VOTERS

CHAPTER 2:03

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CHAPTER 2:03

REGISTRATION OF VOTERS
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CHAPTER 2:03

REGISTRATION OF VOTERS

27 of 1966
5 of 1971

An Act providing for the registration of voters for Presidential and Parliamentary Elections and for matters connected therewith

[6TH JULY, 1966]

PART I

PRELIMINARY

- Short title** 1. This Act may be cited as the Registration of Voters Act.
- Interpretation** 2. In this Act, unless the context otherwise requires -
- “age and residence certificate” means the certificate provided for under section 6;
- “authorized officer” means a person appointed by the registration supervisor under section 3 to issue age and residence certificates;
- “constituency” means an area delimited as such under section 8 of the Republic of Malawi (Constitution) Act, or under section 31 of the Constitution;
- “the Electoral Commission” means the Electoral Commission established by section 30 of the Constitution;
- “publication” means the publication in such manner as the registration supervisor or registration officer shall consider suitable to bring the matter to the attention of the persons concerned, and cognate expressions shall be construed accordingly;
- “registration district” or “registration sub-district” means a registration district or a registration sub-district established under section 4;
- “registration officer” means a person appointed as such under section 3 and includes an assistant registration officer;
- “registration supervisor” means a person appointed as such under section 3 and includes the deputy registration supervisor and any assistant registration supervisor.
- Appointments** 3.—(1) The Electoral Commission shall appoint a registration supervisor and may appoint a deputy registration supervisor and

assistant registration supervisors all of whom shall, in the exercise of their functions, be subject to the general and special directions of the Electoral Commission.

(2) The registration supervisor shall—

(a) exercise general direction and supervision over the administrative conduct of the registration of voters and shall enforce on the part of all registration officers and authorized officers fairness, impartiality and compliance with this Act;

(b) issue to registration officers and authorized officers such instructions as from time to time he may deem necessary to ensure effective execution of this Act; and

(c) perform all other functions which by or under this Act are assigned to him.

(3) Every District Commissioner shall be *ex officio* a registration officer and shall be responsible for the maintenance of voting registers for such constituencies as the registration supervisor may, by order which shall be published in the *Gazette*, assign to him.

(4) The registration supervisor may appoint such number of assistant registration officers in each registration district as he may deem necessary and an assistant registration officer so appointed may be appointed to be in charge of any one or more registration sub-districts.

(5) Subject to such directions as the registration officer may from time to time issue, an assistant registration officer may exercise and perform all the powers and duties of a registration officer.

(6) The registration supervisor may appoint such number of authorized officers in each registration district as he may deem necessary or may nominate any class or classes of persons as he may specify from which the registration officer in any area may appoint authorized officers for that area.

PART II

REGISTRATION OF VOTERS

4.—(1) Each constituency of Malawi shall be a registration district.

Registration districts and sub-districts

(2) The registration supervisor shall divide any registration district into such registration sub-districts as may be necessary for ease in administration and shall notify the appropriate registration officer accordingly.

Registration 5. Every person who is qualified under section 29 of the Constitution to be registered as a voter may apply at any time for registration as a voter in the registration district in which he either—

- (a) is ordinarily resident; or
- (b) was born; or
- (c) is employed or carries on a business.

Age and
residence
certificate

6.—(1) Every applicant for registration as a voter shall obtain from an authorized officer an age and residence certificate in the form set out in the First Schedule to this Act or in a form substantially to the like effect, and such form shall be completed by the authorized officer from information supplied by such applicant if the authorized officer is satisfied that such information is correct.

(2) After obtaining the certificate required in subsection (1), the applicant shall thereupon in person present it to the appropriate registration officer who shall, if he is satisfied that the applicant is qualified to be registered as a voter, enter the particulars stated on the certificate in a registration amendment list and shall endorse the certificate and return it to the applicant, who may be required to produce it when applying for a ballot paper at any subsequent election.

G.N.
255/1963

(3) An age and residence certificate issued under the National Assembly (Registration of Voters) Regulations 1963 (now revoked), shall be deemed to have been issued under this Act.

Publication
of new
voters list

7.—(1) The registration officer shall at intervals of not less than six months nor more than twelve months and at such other times as may be directed by the registration supervisor, publish in each registration district for which he is responsible a request for all qualified persons who are not then registered in any constituency to register as voters.

(2) Not less than two weeks following the publication of such request, the registration officer shall publish in a registration amendment list the names of persons who have applied for registration since the last publication of such list, affording an opportunity for objection to be made.

(3) The registration officer shall allow a period of not less than two weeks following the publication of such amendment list during which time a person who believes his name wrongfully to have been omitted may object.

(4) A voter registered in a constituency may, within the period allowed under subsection (3), object to the inclusion in the register of the name of any person whose name appears in an

amendment list for that constituency published under subsection (2).

(5) An objection under this section shall be made in such manner as may be prescribed by the Electoral Commission or directed by the registration supervisor, and shall contain the grounds on which the objection is made.

8.—(1) The registration officer shall at intervals of not less than six months nor more than twelve months and at such other times as may be directed by the registration supervisor, publish in each registration district for which he is responsible a request for information of persons whose names should be struck off the voting register on the grounds of death or disqualification.

Deletion of names

(2) Not less than two weeks following the publication of such request the registration officer shall publish in a registration amendment list the names of persons he proposes to strike off the register, affording an opportunity for objections to any such proposal.

(3) The registration officer shall allow a period of not less than two weeks following the publication of such amendment list during which period a person whose name is proposed for deletion may object.

(4) An objection under this section shall be made in such manner as may be prescribed by the Electoral Commission or directed by the registration supervisor, and shall contain the grounds on which the objection is made.

9.—(1) A voter who is registered in a constituency and who is qualified by residence, birth, employment or business to be registered in any other constituency, may make application on the prescribed form set out in the Second Schedule to transfer his name to the register for such other constituency.

Transfer of registration

(2) An application made under subsection (1) shall be duly completed and signed by the voter and sent to the registration officer of the constituency to which the voter's name is to be transferred.

(3) If the registration officer is satisfied that the voter is entitled to transfer, he shall forward the application to the registration supervisor, who shall, subject to section 11, cause the voter's name to be removed from the register on which it is registered and to be entered on the register for the constituency in which the voter has become qualified for registration.

9A. Where, by reason of an alteration of boundaries made by the Electoral Commission pursuant to section 31 of the Constitution, the place of birth, residence or work, as the case may be, of any registered voter is no longer within the boundaries of the constituency in which such voter is registered, such registration

Effect of alteration of boundaries 5 of 1971

shall not be avoided by reason of such alteration of boundaries but shall be deemed for the purposes of this Act to be registration within the constituency in which such place of birth, residence or work is actually situate.

Duties of
registration
officers on
alteration of
boundaries
5 of 1971

9B. Where, by reason of an alteration of boundaries pursuant to section 31 of the Constitution, any area which previously formed part of any constituency becomes another constituency, or part thereof, the registration officer for the original constituency shall, as soon as practicable, remove from the register for such original constituency the entries attributable to the area aforesaid and shall transmit particulars of such entries to the registration officer for such other constituency who shall forthwith cause the same to be included among the entries in the register of voters for his constituency.

Certification
of new
register

10.—(1) At any time directed by the registration supervisor but at periods of not less than five years, registration officers shall prepare and certify a final register in respect of the registration districts required by the registration supervisor, taking into account any registration amendment lists prepared under section 6, 7 or 8 since the last such certified register, and showing therein the name of every voter registered as such in respect of each such registration district:

Provided that the registration officer may certify any register in accordance with this section pending the hearing of any appeal brought under section 14 but shall thereafter insert or delete from the register the name of any person in accordance with the determination of such appeal.

(2) When such final register has been certified the registration officer shall give notice, in such manner as the registration supervisor may determine, that such certified register or a copy thereof is open for inspection at such place or places and during such hours as may be specified in such notice.

G.N.
255/1963

(3) The register last certified in every constituency under the National Assembly (Registration of Voters) Regulations, 1963 (now revoked), shall be deemed to have been prepared and certified under this Act.

Cessation of
registration

11. Registration under sections 6, 7, 8 and 9 shall cease in such constituencies and for such period after certification of a register as may from time to time be directed by the registration supervisor:

Provided that the register may be altered for the correction of any obvious mistake or omission or for any adjustment resulting from the determination of an appeal.

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12. Subject to section 11, the certified final register of voters in respect of each constituency shall be conclusive evidence for the purposes of determining whether a person is or is not entitled to vote in the election next following the certification of the register in that registration district:

Register to be conclusive evidence

Provided that no female voter shall be disqualified from voting under the name appearing in the register solely by reason of her having changed her name upon marriage.

13. At any time after the certification of the register in accordance with section 10, the registration supervisor may order the registration officer in any registration district or sub-district to open a supplementary register and to invite persons to apply for registration in the manner provided in sections 6, 7 and 8:

Supplementary registers

Provided that no person whose name is registered on a supplementary register shall be eligible to vote at an election until such supplementary register has been certified and exhibited as provided in section 10.

PART III

APPEALS

14.—(1) Any person aggrieved because an authorized officer Appeals refuses to furnish him with the certificate referred to in section 6 (1), or furnishes him with such a certificate containing particulars other than those which that person desires to be entered thereon, may appeal to the registration officer who, after making such inquiries as he may deem necessary, may—

- (a) confirm the refusal of the certificate;
- (b) decline to alter any certificate issued; or
- (c) issue a certificate containing such particulars as he may think proper.

(2) Any person who—

- (a) is aggrieved by a refusal to include his name in a registration amendment list under section 6 (2);
- (b) is dissatisfied with a decision of a registration officer under subsection (1); or
- (c) having had his name entered in a registration amendment list under section 6 (2), is aggrieved by the absence of his name on a register certified under section 10 or 13,

may, in accordance with rules made by the Chief Justice, appeal to a judge of the High Court or any magistrate nominated in that behalf by the Chief Justice.

(3) The decision of a judge or magistrate nominated under subsection (2) shall be final and conclusive and shall not be the subject matter of any further appeal.

PART IV

MISCELLANEOUS

15. If solely through accident, inadvertence or oversight, any- Rectification
of omissions thing required by law to be done in the preparation or amendment of any register or copy thereof is omitted to be done, the registration supervisor may order such steps to be taken as may, in his opinion, be necessary to rectify the omission.

16.—(1) In the performance of his duties under this Act, the registration supervisor, any registration officer or any authorized officer shall have power to request from any person any information Power to
request
information necessary to enable him to ascertain what persons are qualified to be registered as voters, or to identify any person for the purposes of this Act, or to ascertain whether any person is dead or is qualified for, or disqualified from, registration as a voter.

(2) Any person who, upon request being made to him under this section, wilfully refuses to give any such information as he possesses or unreasonably delays in giving the same, shall be liable to a fine of £10.

Inaccurate
description
of persons
or places

17. Inaccuracy in description of any person or place shall not affect the operation of this Act in respect of that person or place if that person or place is so described as to be identifiable.

Defacement
of notices

18. Any person who without lawful authority destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act or any document which is made available for inspection in accordance with this Act, shall be guilty of an offence and shall be liable to a fine of £50 and to imprisonment for six months.

Translation
of forms

19. The registration supervisor shall be responsible for the production of accurate translations into such languages as he deems necessary of such forms as he thinks are required.

General
offences and
penalties

20. Any person who—

(a) makes any false statement of fact in respect of any application for registration as a voter, knowing the statement to be false, or not believing it to be true;

(b) after a request made upon him under section 16, furnishes any false information knowing the same to be false, or not believing it to be true;

(c) in the name of any other person, whether living, dead or fictitious, makes application to be registered as a voter;

(d) by himself for any other person procures or attempts to procure the registration of himself or any other person in any registration district knowing that he or such other person is not entitled to be registered therein or is already registered therein;

(e) by any other person procures, or attempts to procure, or takes part in procuring the registration of a fictitious person;
or

(f) knowingly applies to have his name entered on the register of a registration district or registration sub-district while his name is registered on the register of another registration district or registration sub-district or who, having applied and not having withdrawn his application to have his name entered on the register of a registration district or sub-district, applies to have his name entered on the register of another registration district or registration sub-district.

shall be liable to a fine of £100 and to imprisonment for one year.

Sale of
copies of
register

21. The registration supervisor may prescribe fees for the sale of copies of any certified register or a part thereof and shall pay any sums realized from such sales into the Consolidated Fund.

Regulations

22. The Electoral Commission may make regulations for carrying this Act into effect.

FIRST SCHEDULE

s. 6

No.

MALAWI AGE AND RESIDENCE CERTIFICATE

To the best of my knowledge and belief—

(USE BLOCK LETTERS).....
(Surname) (First Names) (Sex)

..... Village, Chief

- (a) is a citizen of Malawi;
- (b) has attained the age of 21 years;
- (c) is ordinarily resident in Malawi and has been ordinarily resident in Malawi at some time for a continuous period of two years; and
- (d) either—
 - () is ordinarily resident in the village/township of.....
 - () was born in the village/township of; or
 - () is employed/carries on a business in the village/township of

Date.....(Signature)

Authorized Officer

SECOND SCHEDULE

s. 9

APPLICATION FOR TRANSFER OF REGISTRATION

Serial No.....

To: the Registration Officer,
Constituency of.....

(USE BLOCK LETTERS).....
(Surname) (First Names) (Sex)

..... Village, Chief.....

I DECLARE THAT—

- (i) I am registered on the register for the Constituency of..... as registered voter No.
- (ii) I am ordinarily resident/was born/am employed/am carrying on a business* in the Constituency of.....
- (iii) My address is.....

THEREFORE APPLY to have my name withdrawn from the register for the Constituency of.....and transferred to the register for the Constituency of

Date..... Signature or thumbprint.....

*Delete as appropriate

[Subsidiary]

Registration of Voters Regulations

SUBSIDIARY LEGISLATION

REGISTRATION OF VOTERS REGULATIONS

G.N.
182/1967
188/1970

under s. 22

PART I

PRELIMINARY

Citation and
application

1. These Regulations may be cited as the Registration of Voters Regulations and shall apply in respect of the registration of voters for Presidential and Parliamentary Elections.

Appoint-
ments

2. The Electoral Commission shall appoint a Registration Supervisor and may appoint a Deputy Registration Supervisor and Assistant Registration Supervisors.

PART II

REGISTRATION OF VOTERS

Categories
of voters

3. A person will be qualified to register as a voter if he is qualified under section 29 of the Constitution.

Registration
districts and
sub-districts

4. The Registration Supervisor shall divide each registration district into such registration sub-districts as he may think necessary for ease in administration and shall notify the appropriate registration officer accordingly, and shall publish in the *Gazette* and in such other places and manner as he thinks necessary a notice specifying such registration sub-districts.

Period of
registrationG.N.
188/1970

5.—(1) As soon as may be convenient after the publication of the notice provided for in regulation 4, the Registration Supervisor shall, by notice published in the *Gazette*, notify the period, being a period of not less than two weeks (hereinafter referred to as "the registration period") during which registration shall take place or such greater period as may be determined by the Registration Supervisor, provided that the Registration Supervisor may extend such period in respect of any registration district or sub-district by further notice published in the *Gazette* if, in his opinion, the circumstances warrant such extension.

(2) Upon the publication of the notice provided for in paragraph (1) the Registration Officer shall forthwith publish notices in each registration district in such terms and in such manner as he thinks fit inviting every person who is qualified to vote either as having been:

(a) ordinarily resident; or
 (b) born; or
 (c) employed or carrying on business within
 the Electoral District in respect of which the notice is published.

6. On the expiration of the registration period, the Registration Supervisor shall, when each register is completed, give notice in the *Gazette* and in such other manner as he may in his discretion determine that the register or a copy thereof is open for inspection at such place or places within the registration area covered and during such hours as may be specified in such notice.

Register to
be open for
inspection

PART III

CLOSING OF REGISTERS AND PREPARATION OF FINAL REGISTERS

7. At the end of the registration period the registers shall be closed and shall not be altered except for adjustments resulting from the determination of appeals:

Closing of
Registers

Provided that any register may be altered at any time by the Registration Supervisor or by a Registration Officer acting under the directions of the Registration Supervisor for the purpose of:

- (a) correcting any obvious mistake or omission;
- (b) striking out the name of any dead person;
- (c) striking out the name of any person who has become disqualified as a voter.

8. All additions and alterations to a register of voters pursuant to these Regulations shall be made by the Registration Officer in accordance with these Regulations or with such directions as he shall receive from the Registration Supervisor.

Amendment
of Registers

PART IV

MISCELLANEOUS

9. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document, whatsoever, prepared or issued under or for the purposes of these Regulations, shall in any way affect the operation of the Regulations as respects that person or place, if that person or place is so designated in such register, notice or document as to be identifiable.

Inaccurate
description
of places
and persons