



PARLIMEN MALAYSIA



BILL

Local Government Elections 1960

D.R.6/1960

14

ACT No. OF 1960

2. A person shall be disqualified for being a Councillor if—
- (a) he is and has been found or declared to be of unsound mind; or
 - (b) he is an undischarged bankrupt; or
 - (c) he has been convicted of an offence under the Election Offences Ordinance, 1954, or has in proceedings relating to any election in the Federation been proved guilty of an act constituting such offence; or
 - (d) having been nominated for election to either House of Parliament or the Legislative Assembly of a State or a local authority, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required; or
 - (e) he has been convicted of an offence by a court of law in the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars and has not received a free pardon; or
 - (f) he has voluntarily acquired citizenship of, or exercised rights of citizenship in a foreign country or has made a declaration of allegiance to a foreign country; or
 - (g) in the case of an elected Councillor, he holds any whole-time office in any public service in the Federation; or
 - (h) without the written permission of the Ruler or Governor of the State he is concerned or interested in any contract or work made with or done for the local authority:

Provided that—

- (i) a person shall not be deemed to be so concerned or interested merely by reason of his being a shareholder in or a director (other than the chairman or managing director) of a duly incorporated company which has a contract with or executes work for the local authority;
- (ii) this paragraph shall not apply to contracts made with a local authority for the supply to a Councillor of water, gas, electricity or other local authority services;
- (iii) this paragraph shall not apply to contracts the consideration for which does not exceed one hundred and fifty dollars; or
- (i) he is subject to such other disqualification as may be prescribed in the Constitution granted under Part II or the order made under Part III in respect of the local authority.

3. The disqualification of a person under sub-paragraph (d) or (e) of paragraph 2 may be removed by the Ruler or Governor of the State and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the return mentioned in the said sub-paragraph (d) was required to be lodged or, as the case may be, the date on which the person convicted as mentioned in the said sub-paragraph (e) was released from custody or the date on which the fine mentioned in the said sub-paragraph (e) was imposed on such person, and a person shall not be disqualified under sub-paragraph (f) of paragraph 2 by reason only of anything done by him before he became a citizen.

LOCAL GOVERNMENT ELECTIONS

15

4. In paragraph 2 "foreign country" does not include any part of the Commonwealth or the Republic of Ireland.

SECOND SCHEDULE

(Section 17)

QUALIFICATIONS OF ELECTOR

1. A citizen shall be entitled to vote in an electoral ward under section 17 if—

- (a) he has attained the age of twenty-one years on the qualifying date; and
- (b) he is resident within the electoral ward on the qualifying date or, if he is not so resident, if—
 - (i) he is the owner of immovable property within such ward with an assessed net annual value of at least sixty dollars or an improved value of at least five hundred dollars; and
 - (ii) he has paid such rates as have been assessed thereon and are payable thereon, in accordance with the provisions of any law relating to rating for the time being in force, for the year or half-year ending on December 31 of the year preceding such qualifying date; and
 - (iii) he has filed with the Election Commission within the registration or revision period notice in the prescribed form of his desire to have his name placed on or retained in the electoral roll for such ward, together with a certificate in the prescribed form that he has complied with the qualification specified in sub-paragraphs (i) and (ii) of this paragraph; and
- (c) he is not disqualified under paragraph 2 of this Schedule.

2. A citizen shall be disqualified for voting if—

- (a) on the qualifying date he is detained as a person of unsound mind or is serving a sentence of imprisonment; or
- (b) having before the qualifying date been convicted in any part of the Commonwealth of an offence and sentenced to death or imprisonment for a term exceeding twelve months, he remains liable on the qualifying date to suffer any punishment for that offence; or
- (c) he is disqualified under any law relating to offences committed in connection with elections.

3. In this Schedule—

"qualifying date" means the date by reference to which the electoral rolls are prepared or revised;

"registration period" or "revision period" means the period within which electors may apply for registration or within which the electoral rolls are revised, as the case may be.

16

ACT No. OF 1960

TABLE OF CONTENTS

PART I

PRELIMINARY

Section

1. Short title and operation.
2. Interpretation.

PART II

CONSTITUTIONS OF MUNICIPALITIES

3. Administration of municipalities.
4. Grant of Constitution of municipality.

PART III

TOWN AND RURAL BOARDS

5. Elections of members of Town and Rural Boards.

PART IV

COUNCILLORS

6. Qualifications of Councillor.
7. Provision against double membership.
8. Effect of disqualification, and prohibition of nomination or appointment without consent.
9. Resignation.
10. Absence of Councillor.
11. Decision as to disqualification.
12. Casual vacancies.
13. General election.

PART V

SUPERVISION OF ELECTIONS

14. Appointment of Supervisor of Elections and other officers.
15. Powers of Supervisor of Elections.
16. Powers of Election Commission relating to wards, etc.

PART VI

ELECTIONS

17. Qualifications of electors.
18. Electoral rolls.
19. Elections.
20. Power of the Election Commission to make regulations for the registration of electors.
21. Powers of Election Commission to make regulations for the conduct of elections.

PART VII

GENERAL

22. Cesser of application of certain laws.
23. Special provision relating to orders under section 52 of the Local Authorities Elections Ordinance, 1950.
24. Saving concerning the Federal Capital.

LOCAL GOVERNMENT ELECTIONS

17

EXPLANATORY STATEMENT

At present the law relating to local government elections is in general contained in the Local Authorities Elections Ordinance, 1950, and, in the case of Penang, the Penang Conduct of Elections Authorisation Enactment, 1958. Orders and directions under the Ordinance of 1950 regulate the qualifications of elected members of local authorities, and of electors. Elections in the Federal Capital are regulated by the Federal Capital (Municipal Elections) Ordinance, 1958, which is excepted (*see clause 24*) from the scope of the Bill.

2. It is considered desirable that the conduct of local government elections throughout the Federation should be entrusted to the Election Commission, and it is the object of the above Bill to transfer this responsibility to the Commission, under Parts V and VI of the above Bill. At the same time it has become necessary, if the Election Commission is to conduct such elections with a minimum of administrative difficulty, to provide uniform qualifications for electors, and these are provided by *clause 17* and the *Second Schedule* to the Bill. These qualifications are related to those required of an elector in elections to Parliamentary and State Legislative Assembly constituencies and therefore, by *clause 18*, it is proposed that the electoral rolls for local government elections shall, unless the Election Commission determine otherwise, be combined with the rolls for Parliamentary and State elections.

3. The creation of uniform qualifications for local government electors throughout the Federation and the provisions for retirement of all Councillors every three years (*Clause 13*) will entail amendment of the various orders and directions regulating local authorities having elected members, promulgated under sections 3, 4 and 51 of the Local Authorities Elections Ordinance, 1950. Accordingly it is proposed that these provisions be re-enacted, with necessary amendments, in Parts II and III of the above Bill: the powers relating to the constitution of such authorities remaining in the hands of the State Authorities, that is to say, the Ruler in Council or Governor in Council of the State and also in relation to municipalities, the State Legislatures. At the same time it is proposed, by *clause 6* and the *First Schedule*, to prescribe the qualifications of members of local authorities: but these may be supplemented by disqualifications prescribed in any constitution granted under Part II or in any order made under Part III.

4. At present a number of local government elections are suspended by orders made under section 52 of the Local Authorities Elections Ordinance, 1950. It is proposed by *clause 23*, to provide that upon the cesser of any such order a general election shall be held in respect of all elected seats on the local authority concerned or, where appropriate, that fresh appointments should be made. Councillors so elected or appointed will, however, hold office only for a period of two years, in lieu of the standard term of three years proposed by *clause 13 (2)*: the reason for this shorter period lying in the fact that if the standard term were adopted for the first elections, the next following general elections to local authorities would probably occur in the same year as the Parliamentary and State elections. It is considered that this would put too heavy a burden upon the Election Commission at this stage, and in consequence a term of two years is proposed in the first instance.

18

ACT No. OF 1960

5. The Bill is introduced into Parliament in exercise of the powers conferred by Article 76 (4) of the Constitution, under which Parliament may, for the purpose only of ensuring uniformity of law and policy, make laws with respect to local government, a subject including local government elections.

[A.G. 2160.]



(Presented and read a first time and ordered to be printed, 22nd February, 1960).

A BILL
intituled

An Act for the purpose of ensuring uniformity of law and policy in respect of local government elections throughout the Federation and for matters incidental thereto.

[]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

PART I
PRELIMINARY

1. This Act may be cited as the Local Government Elections Act, 1960, and shall come into operation on the first day of June, 1960. Short title and operation.

2. In this Act, unless the context otherwise requires— Interpretation.
“ballot paper” means any paper referred to in sub-section (2) of section 19;

“candidate” means a person who is nominated, in accordance with any regulations applicable to such nomination, as a candidate for election;

“Constitution” in relation to any municipality means the Constitution for the time being in force granted to such municipality;

“Councillor” means, in respect of—

- (a) a City Council, the Mayor, Deputy Mayor and any Councillor of such Council;
- (b) a Municipal Council, the President, Deputy President and any Councillor of such Council;
- (c) a Town Council or Rural District Council, the President, Deputy President and any Councillor or member of such Council;

“contested election” means an election at which more candidates have been nominated than there are vacancies to be filled;

“Deputy President” includes a Deputy Mayor or Deputy Chairman;

“election” means an election for the purpose of electing a Councillor;

2 ACT NO. OF 1960

"elector" means a person qualified as an elector in accordance with section 17 and entitled to be registered as an elector to vote at an election;

"electoral roll" means an electoral roll kept and maintained under regulations made under section 20;

"electoral ward" means a division of the local area made by the Election Commission under section 16;

"general election" means an election held pursuant to section 13 or 23;

"local area" means the area under the jurisdiction of a local authority;

"local authority" means the Council of any municipality to which a Constitution has been granted or any Town Board or Rural Board to which a direction has been given under the Local Authorities Elections Ordinance, 1950, or this Act, as the case may be;

"municipality" means a municipality created under the provisions of the Municipal Ordinance;

"Municipal Ordinance" means the Municipal Ordinance of the Straits Settlements in force in the States of Malacca and Penang and as applicable to the States of Johore, Kedah, Kelantan, Negri Sembilan, Pahang, Perak, Perlis, Selangor and Trengganu by the Municipal Ordinance (Extended Application) Ordinance, 1948;

"President" includes a Mayor or Chairman;

"registered elector" means in relation to any electoral ward or division an elector whose name at the date of the election appears on the electoral roll for such ward or division; and "registering officer", "revising officer", "returning officer" and "Supervisor of Elections" or "Supervisor" in relation to the local area or an electoral ward or division mean respectively a registering officer, a revising officer, a returning officer and the Supervisor of Elections appointed under section 14 in respect of the local area or an electoral ward or division of the local area;

"State Authority" means the Ruler or Governor of the State, as the case may require;

"voter" means a person who, whether his name does or does not appear in an electoral roll, applies to vote or votes at an election.

S2 of 1950.

*S.S. Cap.
133.*

*F.M. 3 of
1948.*

LOCAL GOVERNMENT ELECTIONS

3

PART II

CONSTITUTIONS OF MUNICIPALITIES

3. (1) Notwithstanding any provision of the Municipal Ordinance to the contrary the municipal affairs of every municipality in a State shall be administered by a Council consisting of a President and a Deputy President (if one be appointed) and such number of elected or of elected and of appointed Councillors as may be prescribed by the Constitution granted to such municipality.

Adminis-
tration of
municipali-
ties.

(2) Such Constitution may provide for the election of the President and of all the Councillors, and shall in all cases provide that—

- (a) the total number of Councillors (exclusive of the President) shall be not less than six and not more than twenty-four; and
- (b) the number of elected Councillors shall be at least a majority of the total number of Councillors (exclusive of the President).

4. (1) The State Authority shall, after consultation with the Election Commission in respect of the boundaries of the local area and the number of Councillors to be elected to such municipality, by order grant to each municipality created within the State under the provisions of the Municipal Ordinance at any time after the coming into operation of this Act, and within three months of the date of the notification creating such municipality, a Constitution under this Act.

Grant of
Constitu-
tion of
municipi-
pality.

(2) Subject to the provisions of sub-section (3), every Constitution granted under this Part may—

- (a) prescribe the total number of Councillors;
- (b) prescribe the number of Councillors to be elected and the number (if any) to be appointed;
- (c) prescribe the manner in which the President and Deputy President of the Council shall be appointed or elected;
- (d) prescribe the powers and duties of the Deputy President of the Council;
- (e) subject to the provisions of this Act, prescribe the disqualifications of Councillors and candidates for election as Councillors;
- (f) prescribe the manner in which appointed Councillors shall be appointed;

4

ACT No. OF 1960

- (g) subject to the provisions of this Act, prescribe the circumstances in which the seat of any Councillor shall become vacant and the manner in which such vacancy shall be filled;
- (h) prescribe the number of Councillors present at any meeting which shall constitute a quorum;
- (i) provide for the payment of a salary or allowance to the Councillor for the time being performing the duties of President or Deputy President;
- (j) regulate or authorise the making of rules by the Council of the municipality to regulate the procedure at meetings.

(3) Every Constitution granted under this section shall be laid on the table of the Legislative Assembly of the State concerned and shall not come into operation until it has been approved, with or without amendment, by a resolution of such Legislative Assembly.

(4) Upon a Constitution being approved under sub-section (3) it shall, together with any amendments so approved, be published in the *Gazette* of the State within which the municipality is situate.

(5) Every Constitution published under sub-section (4) shall have the force of law and shall have effect notwithstanding any provision in the Municipal Ordinance to the contrary; and on and after the date of the coming into operation of any such Constitution any reference in any written law to the President or Deputy President or to the Municipal Commissioners or to the Municipal Commissioner or Commissioners of a municipality to which such Constitution refers shall be deemed to be a reference to the President or to the Deputy President or to the Municipal Councillor or Councillors respectively appointed or elected under the provisions of such Constitution; and such Councillors shall be deemed to be the successors of any Commissioners appointed for such municipality under the Municipal Ordinance without any break in such succession, as if such Councillors had been duly appointed under the provisions of such Ordinance.

(6) Subject to the provisions of Article 76 of the Constitution, no Constitution in operation under this Act shall be amended, modified or repealed otherwise than by a law passed by the Legislature of a State.

LOCAL GOVERNMENT ELECTIONS

5

PART III

TOWN AND RURAL BOARDS

5. (1) Notwithstanding anything to the contrary contained in the provisions of any written law which relates to Town Boards or Rural Boards in force in any State, the State Authority may, after consultation with the Election Commission in respect of the boundaries of the local area and the number of Councillors to be elected to the Town Council, Town Board or Rural Board having jurisdiction in such area, by order published in the *Gazette* of the State direct that the whole or a majority of the members of a Town Council, Town Board or Rural Board established in the State under the provisions of any such written law shall be elected instead of appointed or nominated by the State Authority; and where any such order is made in respect of a Town Board or Rural Board such Board shall thereupon be called a Town Council or Rural District Council, as the case may be, and every member thereof shall be styled a Councillor.

Elections of
members of
Town and
Rural
Boards.

(2) Subject to the provisions of sub-section (3) every order made under this Part may—

- (a) prescribe the total number of Councillors;
- (b) prescribe the number of Councillors to be elected and the number (if any) to be appointed;
- (c) prescribe the manner in which the President and Deputy President of the Council shall be appointed or elected;
- (d) prescribe the powers and duties of the Deputy President of the Council;
- (e) subject to the provisions of this Act, prescribe the disqualifications of Councillors and candidates for election as Councillors;
- (f) prescribe the manner in which appointed Councillors shall be appointed;
- (g) subject to the provisions of this Act, prescribe the circumstances in which the seat of any Councillor shall become vacant and the manner in which such vacancy shall be filled.

(3) The State Authority may at any time amend, modify or repeal any order made under this section.

PART IV

COUNCILLORS

6. Every person with the qualifications specified in the First Schedule is qualified to be a Councillor unless he is disqualified under the said Schedule.

Qualifica-
tions of
Councillor.

6

ACT No. OF 1960

Provision
against
double
membership.

7. A person shall not be elected as a Councillor for more than one electoral ward, nor be both an elected and appointed Councillor.

Effect of
disquali-
fication, and
prohibition
of nomina-
tion or
appoint-
ment with-
out consent.

8. (1) If a Councillor becomes disqualified for membership of a local authority, or dies, his seat shall become vacant.

(2) If a person disqualified for being a Councillor is elected or appointed to a local authority, or if an election or appointment is contrary to section 7, the election or appointment shall be void.

(3) If the election of any person would or might be void under sub-section (2) his nomination for the election shall be void.

(4) A person cannot be validly nominated for election or appointed as a Councillor without his consent.

Resignation.

9. (1) A Councillor may resign his office by writing under his hand addressed to the President of the local authority.

(2) Any Councillor so resigning shall, subject to the provisions of this Part, be eligible for re-election or re-appointment.

Absence of
Councillor.

10. If a Councillor is without leave of the President of the local authority absent from three consecutive ordinary meetings of the local authority or fails during a period of three consecutive months to attend at least one meeting of any standing committee to which he may have been appointed the local authority may by resolution declare his seat vacant.

Decision as
to disquali-
fication.

11. If any question arises whether a Councillor has become disqualified for membership of a local authority, the decision of the local authority shall be taken by resolution, and such resolution, when approved by the State Authority, shall be final.

Casual
vacancies.

12. (1) Whenever there is a casual vacancy among the Councillors of a local authority it shall, subject to the provisions of this section, be filled within sixty days from the date on which it occurs, and an election shall be held or an appointment made accordingly.

(2) Whenever a casual vacancy among the elected Councillors of a local authority occurs within six months before the date of the next general election, an election shall not be held to fill the vacancy but the vacancy shall be filled at such general election:

Provided that if upon a vacancy or a number of simultaneous vacancies so occurring more than three months before the date of the next general election the total number

LOCAL GOVERNMENT ELECTIONS

7

of unfilled vacancies exceeds one-third of the total number of elected Councillors this sub-section shall not apply and a Councillor shall be elected to fill each of such vacancies.

(3) A person elected to fill a casual vacancy in the seat of an elected Councillor shall hold office until the date upon which the Councillor in whose place he is elected would regularly have retired.

(4) Notwithstanding the preceding provisions of this section, if at any time within three months before the date of the next general election the number of seats of the elected Councillors of a local authority which are vacant from any cause whatever exceeds one-half of the total number of seats of such elected Councillors the State Authority may if he shall think it necessary for the due discharge of the functions of the authority, appoint persons to fill all or any of such vacant seats:

Provided that every such appointment shall determine upon the date of the next general election following the appointment.

13. (1) The Councillors elected at each general election to a local authority shall, subject to the provisions of this Act, hold office for a period of three years from the date of such election. General election.

(2) A general election in respect of all the elected seats of a local authority shall be held within sixty days of the expiration of the period of three years referred to in sub-section (1), and the local authority shall meet on such date, being not later than thirty days from the date of such general election, as the State Authority may appoint.

(3) The Councillors elected or appointed to any local authority who are members of such authority immediately prior to the expiration of the three years prescribed in sub-section (1) may continue in office until the day preceding the date appointed under sub-section (2).

PART V

SUPERVISION OF ELECTIONS

14. (1) The Election Commission may appoint in respect of each local authority a Supervisor of Elections and such registering, revising and returning officers, assistant returning officers and other election officers for the local area as may be necessary. Appointment of Supervisor of Elections and other officers.

(2) The Election Commission may, from time to time, appoint such number of clerks and interpreters as may be necessary for the purposes of this Act.

8

ACT No. OF 1960

Powers of
Supervisor
of Elections.

15. The Supervisor of Election shall, subject to the general direction and control of the Election Commission, in regard to the local authority—

- (a) have general direction and supervision over the administrative conduct of elections of Councillors and enforce on the part of all registering, revising and returning officers, presiding officers and other election officers fairness, impartiality and compliance with the provisions of this Act and of any regulations made thereunder applicable to such elections;
- (b) have power to issue to registering, revising and returning officers, presiding officers, and other election officers such directions as he may deem necessary to ensure effective execution of the provisions of this Act or of any regulations made thereunder applicable thereto;
- (c) have power to administer any oaths required to be taken under this Act or under any regulations made thereunder;
- (d) exercise and perform all other powers and duties which are conferred and imposed upon him by this Act or by any regulations made thereunder.

Powers of
Election
Commission
relating to
wards, etc.

16. The Election Commission shall by notification in the *Gazette* of the State concerned, in respect of each local area—

- (a) divide the local area into electoral wards and such other divisions as the Commission may consider necessary or expedient for election purposes;
- (b) specify the names of the wards and other divisions of the local area and assign a distinguishing letter or letters to each such ward and division;
- (c) appoint a place and, where the Commission considers it necessary or expedient so to do in the special circumstances of the case two or more places as the polling station or stations for each ward and division.

PART VI ELECTIONS

Qualifica-
tions of
electors.

17. (1) Every citizen with the qualifications specified in the Second Schedule is entitled to vote in an electoral ward in any election to a local authority unless he is disqualified under the said Schedule.

LOCAL GOVERNMENT ELECTIONS

9

(2) No person shall in the same election to any local authority vote in more than one electoral ward.

(3) If a person is in an electoral ward by reason only of being a patient in an establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or of being detained in custody he shall for the purposes of sub-section (1) be deemed not to be resident in that ward.

18. The electoral rolls shall, unless the Election Commission shall otherwise direct, be combined with the register for Parliamentary electors and State electors maintained under the Elections Ordinance, 1958.

Electoral
rolls.

33 of 1958.

19. (1) Subject to the provisions of the Election Offences Ordinance, 1954, the candidate for an electoral ward who polls the greatest number of valid votes cast by the registered electors of such ward shall be deemed to be the elected Councillor for such ward:

Elections.
9 of 1954.

Provided that if more than one Councillor is required to be elected for such ward, candidates shall be deemed to be elected Councillors in accordance with the relative number of such valid votes polled by them.

(2) In any poll in a contested election the vote of each voter shall be given by means of a paper marked by the voter to indicate his vote, which shall be inserted by the voter in a closed ballot box provided for the purpose in such manner that the vote given by such voter shall be secret:

Provided that if any voter is unable to read, his vote may be given in any such manner as may be prescribed.

(3) No person shall be entitled to more than one vote at any election:

Provided that if more than one Councillor is required to be elected for an electoral ward each voter shall be entitled to a vote in respect of each vacancy to be filled at such election.

20. (1) The Election Commission may make regulations for the registration of electors and for all matters incidental thereto.

Power of
the Election
Commission
to make
regulations
for the
registration
of electors.

(2) Without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribe the keeping and maintenance of electoral rolls in the local area or in any electoral ward or division of the local area and the form of such rolls;

10

ACT No. OF 1960

- (b) prescribe the procedure to be followed in the preparation and publication of electoral rolls therein;
- (c) prescribe the time at which any electoral rolls shall be revised and the procedure to be followed in making such revision;
- (d) prescribe the procedure to be followed in the preparation and publication of new electoral rolls of any electoral ward or division where the boundaries of such ward or division have been altered or where such ward or division has been created after the preparation of electoral rolls;
- (e) prescribe the procedure to be followed in the making and determination of claims to have any name inserted in an electoral roll or in a new or revised electoral roll and of objections to the insertion or inclusion of any name therein;
- (f) provide for the payment of compensation, not exceeding fifty dollars, to any person aggrieved by the making without reasonable cause of an objection to the insertion or inclusion of his name in any electoral roll;
- (g) prescribe any form of application, notice or other document which it may be necessary or desirable to use in connection with any of the matters dealt with in this section;
- (h) authorise any registering officer or revising officer, for the purpose of considering or determining any application, claim, objection or appeal which he is required to consider or determine under any regulations made under this section, to summon any person to appear before him and to give evidence on oath or affirmation and to administer any such oath or affirmation for such purpose and to order the production of any document relevant to any issue which such officer is required to consider and determine;
- (i) prescribe the fees to be paid upon any application, notice, claim or objection and the manner in which such fees shall be disposed of;
- (j) prescribe the manner in which any electoral roll or new or revised electoral roll shall be certified and provide that such electoral roll shall be conclusive evidence, in such manner and subject to such exceptions and limitations as may be so provided, of the right or non-existence of the

LOCAL GOVERNMENT ELECTIONS

11

right of any person to vote at any election in the electoral ward or division to which such roll relates;

- (k) provide for the correction of clerical errors in any electoral roll;
- (l) prescribe the form of notices and certificates to be used under the Second Schedule.

21. (1) Subject to the provisions of section 17, the Election Commission may make regulations for the conduct of elections and for all matters incidental thereto.

Powers of the Election Commission to make regulations for the conduct of elections.

(2) Without prejudice to the generality of the foregoing power such regulations may—

- (a) prescribe the date of the holding of any election and the manner in which notice of the holding of such election shall be given;
- (b) prescribe the procedure for the nomination of candidates and for the making of, and decision on, objections to any nomination;
- (c) prescribe the amount of any deposit, not exceeding two hundred and fifty dollars in each case, to be made by or on behalf of candidates and the circumstances in which such deposit may be forfeited;
- (d) provide for the publication of notice of the date on which a poll in the case of a contested election will be taken;
- (e) prescribe the facilities to be provided at polling stations, and the persons who may be admitted to polling stations on the date at which a poll is taken and provide for the appointment of presiding officers in respect of polling stations;
- (f) prescribe the manner in which votes may be cast and the construction and sealing of ballot boxes used in such elections and for the issue of ballot papers to electors;
- (g) provide for the manner in which, and the persons by whom, any question as to the identity of any person claiming to vote shall be determined;
- (h) prescribe the form of any ballot papers and counterfoils to be used in elections;
- (i) prescribe the manner in which ballot boxes, unused or spoilt ballot papers, marked copies of the register of electors, counterfoils of ballot papers, and other documents shall be dealt with upon the closing of the poll;

12

ACT No. OF 1960

- (j) prescribe the procedure to be followed in the counting of votes and the circumstances in which votes may be rejected by a returning officer as invalid;
- (k) provide for the making and publication of returns by the returning officer and of a statement of the poll in regard to any election;
- (l) prescribe such forms as may be necessary or desirable to be used in connection with the matters dealt with in this section or any regulations made thereunder;
- (m) provide that certain acts are to be deemed illegal or corrupt practices for the purposes of the Election Offences Ordinance, 1954.

9 of 1954.

PART VII

GENERAL

*Cesser of application of certain laws.**52 of 1950.***22. (1) On the coming into operation of this Act—**

- (a) in any State other than the States of Penang and Johore, Parts I, II, III, IV, VII and VIII of the Local Authorities Elections Ordinance, 1950, shall, subject to the provisions of this Part, cease to apply to such State;

Penang 14 of 1958.

- (b) in the State of Penang, Parts I, II, VII and VIII of the Local Authorities Elections Ordinance, 1950, and the Penang Conduct of Elections Authorisation Enactment, 1958, shall, subject to the provisions of this Part, cease to apply to such State;

Johore 1 of 1959.

- (c) in the State of Johore, Parts I, II, VII and VIII of the Local Authorities Elections Ordinance, 1950, and the Johore Conduct of Town Council Elections Enactment, 1959, shall, subject to the provisions of this Part, cease to apply to such State,

M.U. 7 of 1948.

and such cesser shall be deemed to be a repeal for the purposes of the Interpretation and General Clauses Ordinance, 1948.

(2) All orders, directions, appointments, notifications and regulations made under the provisions of the laws referred to in sub-section (1) and still subsisting or in force immediately before the coming into operation of this Act in any State shall, insofar as they apply to the State and are not inconsistent with the provisions of this Act, be deemed to have been made under this Act and shall continue in

LOCAL GOVERNMENT ELECTIONS

13

force until other provision shall be made under this Act or until the date upon which they expire.

(3) Within three months of the coming into operation of this Act the State Authority shall, after consultation with the Election Commission in respect of the boundaries of the local area and the number of Councillors to be elected to such municipality, by order grant to each municipality created within the State under the provisions of the Municipal Ordinance and in respect of which an order under section 4 of the Local Authorities Elections Ordinance, 1950, is in force immediately before the coming into operation of this Act a constitution under this Act; and the provisions of Part II (other than sub-section (1) of section 4) shall apply to every such Constitution as if it were a Constitution granted under that Part.

52 of 1950.

23. (1) Upon the expiry of any order made under section 52 of the Local Authorities Elections Ordinance, 1950, and in force in any State in relation to any local authority in the State immediately before the date of the coming into operation of this Act the term of office of all Councillors of such authority shall determine and a general election shall be held in respect of the vacancies in the seats of such Councillors or, in the case of appointed Councillors, appointments thereto shall be made, within sixty days from the date of such determination, and the local authority shall meet on such date, being not later than thirty days from the date of such general election, as the State Authority may appoint.

Special provision relating to orders under section 52 of the Local Authorities Elections Ordinance, 1950.

(2) Notwithstanding the provisions of sub-section (1) of section 13, the Councillors elected or appointed under sub-section (1) shall, subject to the other provisions of this Act, hold office for a period of two years from the date of the general election referred to in sub-section (1); and the provisions of sub-section (3) of section 13 shall have effect as if for the reference to the three years contained therein there were a reference to a period of two years.

24. Nothing in this Act shall affect the provisions of the Constitution of the Municipality of Kuala Lumpur, as from time to time amended, or the Federal Capital (Municipal Elections) Ordinance, 1958.

Saving concerning the Federal Capital.

Sel. G.N. 351/51. 32 of 1958.

FIRST SCHEDULE
(Section 6)

QUALIFICATIONS OF COUNCILLOR

1. A person shall be qualified to be a Councillor under section 6 if—
 - (a) he is not less than twenty-one years old;
 - (b) in the case of an elected Councillor, he is a citizen; and
 - (c) he is not disqualified under paragraph 2 of this Schedule.