

LAWS OF MALAYSIA

REPRINT

Act 31

ELECTION COMMISSION ACT 1957

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH MALAYAN LAW JOURNAL SDN BHD AND
PERCETAKAN NASIONAL MALAYSIA BHD
2006

ELECTION COMMISSION ACT 1957

First enacted 1957 (Ordinance No. 76
of 1957)

Revised 1970 (Act 31 w.e.f.
1 July 1971)

National language text
to be authoritative P.U.(B)501/1994

PREVIOUS REPRINTS

First Reprint 1993

Second Reprint 1999

Third Reprint 2004



PREPARED FOR PUBLICATION BY
MALAYAN LAW JOURNAL SDN BHD
AND PRINTED BY
PERCETAKAN NASIONAL MALAYSIA BERHAD
KUALA LUMPUR BRANCH
2006



LAWS OF MALAYSIA

Act 31

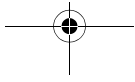
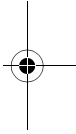
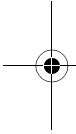
ELECTION COMMISSION ACT 1957

ARRANGEMENT OF SECTIONS

Section

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SCHEDULE



LAWS OF MALAYSIA**Act 31****ELECTION COMMISSION ACT 1957**

An Act to make provision for the remuneration, privileges and protection of members of the Election Commission, for the punishment of offences in connection with the Election Commission, and for other matters connected with it.

*[Peninsular Malaysia, Federal Territory of
Putrajaya*—31 August 1957, Ord. No. 76/1957;
Sabah, Federal Territory of Labuan**
—20 May 1965, L.N. 202/1965;
Sarawak—25 April 1966, P.U. 273/1966]*

Short title

1. This Act may be cited as the Election Commission Act 1957.

Remuneration

2. (1) The remuneration of members of the Election Commission shall consist of the salary or fixed allowance, allowances and privileges prescribed in the Schedule.

(2) The salary or fixed allowance of each member of the Election Commission shall—

- (a) commence from the date of his appointment;
- (b) accrue from day to day; and
- (c) be payable monthly on the last day of each month or on such other day as the Treasury may from time to time determine.

* NOTE—See section 6 of Act A1095.

** NOTE—See section 6 of Act A585.

Provision against double salary

3. A person to whom salary is payable under this Act or for whose salary as the holder of any other office provision is made by any other written law shall be entitled to receive only one such salary, but if he is the holder of two or more offices in respect of which salary is so payable and there is a difference in the salaries payable in respect of those offices, the office in respect of which salary is payable to him shall be that in respect of which the highest salary is payable.

Charge of salary

4. The sum required for the remuneration payable under this Act shall be charged on the Consolidated Fund.

Certain communications to be privileged

5. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication written or oral which has taken place between the Election Commission or any member of the Commission and the Government or any Minister or public officer or any communication between members of the Election Commission in exercise of or in connection with the exercise of the functions of the Commission unless the Yang di-Pertuan Agong shall in writing consent to such production or disclosure.

Protection of members

6. Every member of the Election Commission shall have the like protection and privileges in case of any action or suit brought against him for any act done or omitted to be done by him when acting in the execution of his office as is by law given to a Magistrate acting in the execution of his office.

Members, officers and servants of Commission deemed public servants

7. Every member, officer and servant of the Election Commission shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

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Giving false information to Commission

8. Any person who, in connection with the exercise by the Election Commission of any of its functions, wilfully gives to the Commission or to any member thereof or to any person or body of persons appointed by the Commission to assist in the exercise of its functions any information which is false or misleading in any material particular shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Unauthorized publication and disclosure of information

9. (1) No member of the Election Commission nor any other person shall, without the written permission of the Yang di-Pertuan Agong, publish or disclose to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duty as a member in respect of any matter relating to the exercise by the Commission of any of its functions, and any person who knowingly acts in contravention of this subsection shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of this section publishes or communicates the information to any person otherwise than for the purpose of a prosecution under this Act, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Influencing or attempting to influence Commission

10. Any person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Election Commission or any member thereof shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding two years or to both:

Provided that nothing in this section shall prohibit any person from supplying any information or assistance upon formal request made by the Commission.

Consent of Public Prosecutor to prosecutions

11. A prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor.

Schedule may be amended by regulations

12. The Yang di-Pertuan Agong may by regulations amend the Schedule.

SCHEDULE

[Section 2]

1. SALARY:

Chairman	RM9,039.80 per month
Deputy Chairman	RM7,672.50 per month

FIXED ALLOWANCE:

Members	RM5,547.51 per month
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ACTING ALLOWANCE:

- (a) In the event of the Deputy Chairman or any member performing the functions of the Chairman or Deputy Chairman during a period exceeding twenty-eight days, he shall be entitled to an acting allowance, equivalent to the difference between his salary or fixed allowance, as the case may be, and the salary of the position he is acting in.
- (b) The Deputy Chairman or any member who has been asked to perform the functions of the Chairman for the second or subsequent time shall be entitled to an acting allowance, if he performs the functions for a period exceeding fourteen days, including public holidays.

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2. SUBSISTENCE ALLOWANCES (DOMESTIC):

(a) on outstation duty for a period of twenty-four hours and above:

Chairman	equivalent to a member of the public service in Premier/Special Grade “A” and above on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003* or as may be determined by the Treasury from time to time.
Deputy Chairman and members	equivalent to a member of the public service in category I with a salary of RM4794.02 to Premier/Special Grade “B” on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 or as may be determined by the Treasury from time to time.

(b) on outstation duty for a period exceeding eight hours but less than twenty-four hours the rates shall be half the rates in subparagraph (a).

3. HOTEL ACCOMMODATION EXPENSES AND LODGING (DOMESTIC):

Chairman	equivalent to a member of the public service in Premier/Special Grade “A” and above on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 or as may be determined by the Treasury from time to time.
Deputy Chairman and members	equivalent to a member of the public service in category I with a salary of RM4794.02 to Premier/Special Grade “B” on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 or as may be determined by the Treasury from time to time.

**4. ALLOWANCE FOR TRAVELLING USING OWN VEHICLE:
(travelling from house to office and *vice versa* excepted)**

A member of the Commission using his own vehicle to carry out his official duty outside the headquarters is entitled to claim travelling allowance on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.

*NOTE—This Treasury Circular has replaced Treasury Circular No. 2 Of 1992.

5. MEDICAL FACILITIES:

Free outpatient treatment for the Chairman, Deputy Chairman and members, their spouses and children but in case of hospitalization daily ward charges are payable according to rates chargeable for Division I officers except where hospitalization is as a result of injuries sustained in the course of duty. Where the Chairman, Deputy Chairman or member is a pensioner he may opt for the medical facilities available to pensioners. "Child" means any dependant child below 21 years of age of the Chairman, Deputy Chairman, or member, or any dependant child pursuing a first degree in an institution of higher learning and includes a child who is mentally retarded or physically handicapped in which case the age limit shall not apply. It shall also include a stepchild or a child adopted under any recognized law or custom.

6. LEAVE:

- (a) Thirty days vacation leave in respect of each completed year of service with the Commission shall be granted;
- (b) a member may carry forward the vacation leave which he is unable to finish on that particular year to the next succeeding year of his term of office; and
- (c) a member may apply for special leave to perform the Haj on condition that he has not used this privilege while in the public service and subject to other terms and conditions as may be determined by the Government from time to time.

7. MONTHLY HOUSING ALLOWANCE:

Furnished Class "B" or "C" quarters shall be provided free of charge or if not living in quarters housing allowance at the following rates shall be payable:

Chairman	RM2,000
Deputy Chairman	RM1,300
Members	RM900

8. GRATUITY:

A gratuity at the rate of $17\frac{1}{2}\%$ —12% Employees Provident Fund (EPF) contribution x number of completed months of service x the last month's basic salary after deducting the employer's contribution to the EPF shall be paid—

- (a) on the expiry of the term of appointment of the member but where a member is appointed for more than one term he may opt either to be paid at the end of each term or until he has completed all the terms (in either case he is entitled to exemption from income tax only once); or
- (b) to such of his dependants as may be determined by the Yang di-Pertuan Agong or if there are no dependants, to his personal representative, if he dies while holding office.

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9. ADVANCE TO PURCHASE MOTOR VEHICLES:

(payable within the term of office of the member during which the advance is given on such terms and conditions as stipulated in the Treasury Circular or Circular Letter for Advance To Purchase Motor Vehicles for members of the public services or as may be determined by the Treasury from time to time).

Chairman and Deputy Chairman	RM60,000
Members	RM55,000

10. DRIVER'S ALLOWANCE:

Chairman	provided with a driver or if the driver employed is not from the public service, the salary is based on Grade R10 of the New Remuneration System.
Deputy Chairman and members	equivalent to a member of the public service in category I with a salary of RM4794.02 to Special Grade "B" on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 or as may be determined by the Treasury from time to time.

11. AIR TRAVEL:

("domestic" means flights within and to and from Brunei, Kalimantan, Malaysia, Singapore and Thailand (from Phuket southwards)).

Chairman, Deputy Chairman and members	First Class (non-domestic and domestic)
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12. MONTHLY ENTERTAINMENT ALLOWANCE:

Chairman	RM4,000
Deputy Chairman	RM2,500
Members	RM800

13. OFFICIAL CAR:

The Chairman and Deputy Chairman shall be provided with an official car as may be determined by the Treasury from time to time.

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*Laws of Malaysia***ACT 31****14. TRAVELLING ELIGIBILITY WHEN REPORTING FOR DUTY:**

A member of the Commission is entitled to—

- (a) claim air fare based on his eligibility when travelling to report for duty;
- (b) air fare for the spouse and any child under the age of 21 years old; and
- (c) transfer allowance to his home state when his term of office expires.

15. SUBSTITUTION ALLOWANCE:

A member of the Commission is entitled to substitution allowance when using his own car for carrying out official functions outside headquarters subject to terms and conditions as may be determined by the Treasury from time to time.

16. ADVANCE:

When carrying out official functions outside headquarters, a member of the Commission is entitled to an advance subject to the terms and conditions as may be determined by the Treasury from time to time.

17. MISCELLANEOUS EXPENSES:

When travelling to carry out official functions, the following miscellaneous expenses incurred shall be reimbursed:

- (a) telephone, telegram or postal charges incurred in respect of the official functions;
- (b) laundry expenses (to be supported by receipts) incurred during hotel stay of more than three days; and
- (c) parking, toll and ferry charges (to be supported by receipts).

18. HOUSE UPKEEP ALLOWANCE:

Chairman	RM2,000 per year
Deputy Chairman	RM2,000 per year

19. SERVANTS' ALLOWANCE:

Chairman	RM500 per month
Deputy Chairman	RM500 per month

20. WATER AND ELECTRICITY CHARGES:

The Chairman shall be entitled to free water and electricity.

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21. OFFICIAL DUTY OUTSIDE MALAYSIA:*(a) Subsistence Allowances*

Chairman	equivalent to a member of the public service in Premier/Special Grade “A” and above on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.
Deputy Chairman and members	equivalent to a member of the public service in category I with a salary of RM4794.02 to Premier/ Special Grade “B” on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.

(b) Hotel Accommodation Expenses and Lodging

Chairman	equivalent to a member of the public service in Premier/Special Grade “A” and above on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.
Deputy Chairman and members	equivalent to a member of the public service in category I with a salary of RM4794.02 to Premier/ Special Grade “B” on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.

(c) Miscellaneous Expenses

When carrying out official duty outside Malaysia, a member of the Commission is entitled to claim miscellaneous expenses on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 or as may be determined by the Treasury from time to time.

(d) Warm Clothing Allowance

When required to carry out official duty in countries of temperate climate, a member of the Commission is eligible to claim Warm Clothing Allowance on such terms and conditions as stipulated in Treasury Circular No. 3 Of 2003 or as may be determined by the Treasury from time to time.

22. EX-GRATIA SCHEME FOR WORK DISASTER:

A member of the Commission involved in an accident or injured while on official duty is entitled to receive benefit on such terms and conditions as stipulated in Treasury Circular No. 7 Of 2001 or as may be determined by the Treasury from time to time.

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Act 31
ELECTION COMMISSION ACT 1957

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A150	Election Commission (Amendment) Act 1972	01-01-1972
Act A165	Election Commission (Amendment) Act 1973	01-01-1972
Act A214	Election Commission (Amendment) (No. 2) Act 1973	31-08-1973
Act A469	Election Commission (Amendment) Act 1979	01-07-1977
P.U.(A)97/1981	Election Commission (Amendment of Second Schedule) Regulations 1981	01-07-1980
Act A510	Election Commission (Amendment) Act 1981	01-07-1980
Act A524	Election Commission (Amendment) Act 1981	15-05-1981
P.U.(A)314/1981	Election Commission (Amendment of Schedule) Regulations 1981	15-05-1981
P.U.(A)427/1989	Election Commission (Amendment of Schedule) Regulations 1989	01-10-1988
P.U.(A)365/1991	Election Commission (Amendment of Schedule) Regulations 1991	Para. 2(a): 01-01-1991; Para. 2(b) & (c): 01-03-1991

Amending law	Short title	In force from
P.U.(A)79/1992	Election Commission (Amendment of Schedule) Regulations 1992	Subreg. 2(1): 01-01-1989; Subreg. 3(1): 01-01-1992
P.U.(A)331/1996	Election Commission (Amendment of Schedule) Regulations 1996	01-01-1994
P.U.(A)599/1996	Election Commission (Amendment of Schedule) (No. 2) Regulations 1996	01-01-1995
P.U.(A)231/1998	Election Commission (Amendment of Schedule) Regulations 1998	19-06-1998
P.U.(A)222/2000	Election Commission (Amendment of Schedule) Regulations 2000	01-08-1999
P.U.(A)408/2000	Election Commission (Amendment of Schedule) (No.2) Regulations 2000	01-01-2000
P.U.(A)243/2001	Election Commission (Amendment of Schedule) Regulations 2001	01-03-2001
P.U.(A)163/2002	Election Commission (Amendment of Schedule) Regulations 2002	01-01-2002
P.U.(A)32/2003	Election Commission (Amendment of Schedule) Regulations 2003	02-10-2002
P.U.(A)229/2004	Election Commission (Amendment of Schedule) Regulations 2001 Corrigendum	
P.U.(A)19/2005	Election Commission (Amendment of Schedule) Regulations 2005	01-11-2002
P.U.(A)24/2005	Election Commission (Amendment of Schedule) (No.2) Regulations 2005	01-10-2003

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A150	01-01-1972
	Act A469	01-07-1977
	Act A524	15-05-1981
12	Act A469	01-07-1977
	Act A524	15-05-1981
	Act A150	01-01-1972
Schedule	Act A165	01-01-1972
	Act A214	31-08-1973
	Act A469	01-07-1977
	Act A510	01-07-1980
	P.U.(A)97/1981	01-07-1980
	Act A524	15-05-1981
	P.U.(A)314/1981	15-05-1981
	P.U.(A)427/1989	01-10-1988
	P.U.(A)365/1991	01-01-1991; 01-03-1991
	P.U.(A)79/1992	01-01-1989; 01-01-1992
	P.U.(A)331/1996	01-01-1994
	P.U.(A)599/1996	01-01-1995
	P.U.(A)231/1998	19-06-1998

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Section	Amending authority	In force from
	P.U.(A)222/2000	01-08-1999
	P.U.(A)408/2000	01-01-2000
	P.U.(A)243/2001	01-03-2001
	P.U.(A)163/2002	01-01-2002
	P.U.(A)32/2003	02-10-2002
	P.U.(A)19/2005	01-11-2002
	P.U.(A)24/2005	01-10-2003