

Local Government Elections Act 1960 (Revised 1991)

1Local Government Elections

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REPRINT

Act 473

LOCAL GOVERNMENT

ELECTIONS ACT 1960

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Act 473

LOCAL GOVERNMENT ELECTIONS ACT 1960

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LOCAL GOVERNMENT ELECTIONS ACT 1960

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

[Peninsular Malaysia--1 June 1960]

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

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Local Government Elections Act

1960. Interpretation

2. In this Act, unless the context otherwise requires-- "ballot paper" means any paper referred to in subsection 19(2); "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; 8 Laws of Malaysia ACT 473

"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, District Council or Rural District Council, the President, Deputy President and any Councillor or member of such Council;

(d) a Local Council, the Chairman, Deputy Chairman and any 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;

"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 [Ord. 52 of 1950], or this Act, or any Local Council to which a direction has been given under section 5A, as the case may be;

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"Local Council" means a Local Council established under section 4 of the Local Councils Ordinance 1952 [Ord. 36 of 1952]; "municipality" means a municipality created under the provisions of the Municipal Ordinance;

"Municipal Ordinance" means the Municipal Ordinance of the Straits Settlements [S. S. Cap. 133] in force in the States of Malacca and Penang and as applicable to the States of Johore, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor and Terengganu by the Municipal Ordinance (Extended Application) Ordinance 1948 [F.M. 3 of 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 Yang di-Pertua Negeri 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. PART II

CONSTITUTIONS OF MUNICIPALITIES

Administration 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 10 Laws of Malaysia ACT 473

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: Provided that nothing in this subsection shall prevent the Legislature of a State to provide in the Municipal Ordinance for the transfer of any of the functions of the Council relating to the municipal affairs of the municipality to any person, officer or authority for such period as the State Authority may deem necessary or desirable in the public interest.

(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).

Grant of Constitution of municipality

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 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. (2) Subject to subsection (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 this Act, prescribe the disqualifications of Councillors and candidates for election as Councillors; 11Local Government Elections

(f) prescribe the manner in which appointed Councillors shall be appointed and, subject to the provisions of this Act, the term of office of appointed Councillors;

(g) subject to 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 to Councillors of allowances and other privileges and of a salary or allowance to the Councillor for the time being performing the duties of the President or Deputy President;

(j) regulate or authorize 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 subsection (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 subsection (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 the Deputy President or to the Municipal Councillor or Councillors respectively appointed or elected under 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 such Ordinance:

Provided that where the State Authority pursuant to any power in the Municipal Ordinance transfers any of the functions of the Council relating to the municipal affairs of a municipality to any person, officer or authority the Constitution aforesaid (or so much 12 Laws of Malaysia ACT 473

of the provisions thereof as may be specified in the order effecting such transfer) shall during the period of the transfer be deemed to be suspended and shall cease to have the force of law and shall cease to have effect.

(6) Subject to 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. PART III

TOWN AND RURAL BOARDS

Elections of members of Town and Rural Boards

5. (1) Notwithstanding anything to the contrary contained in 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 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, District Council or Rural District Council, as the case may be, and every member thereof shall be styled a Councillor. (2) Subject to subsection (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 this Act, prescribe the disqualifications of Councillors and candidates for election as Councillors; 13Local Government Elections
 - (f) prescribe the manner in which appointed Councillors shall be appointed and, subject to this Act, the term of office of appointed Councillors;
 - (g) subject to 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) provide for the payment to Councillors of allowances and other privileges.
- (3) The State Authority may at any time amend, modify or repeal any order made under this section.

PART IIIA

LOCAL COUNCILS

Elections of members of Local Councils

5A. (1) Notwithstanding anything to the contrary contained in the provisions of any written law which relates to Local Councils 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 Local Council 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 Local Council shall be elected under this Act.

(2) Subject to subsection (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) provide for a Chairman and Deputy Chairman of the Council and prescribe the manner in which they shall be appointed or elected;
- (d) prescribe the powers and duties of the Chairman and Deputy Chairman of the Council;

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- (e) subject to this Act, prescribe the disqualification of Councillors and candidates for election as Councillors, and provide that, notwithstanding section 6, paragraph 2(g) of the First Schedule shall not apply to such class or description of officer in any public service in Malaysia as the State Authority may by notification in the Gazette prescribe;
 - (f) prescribe the manner in which appointed Councillors shall be appointed and, subject to this Act, the term of office of appointed Councillors;
 - (g) subject to 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) provide for the payment to Councillors of allowances and other privileges;
 - (i) prescribe the form of any declaration of acceptance of office as a Councillor;
 - (j) provide for the procedure, quorum and meetings of the Local Council.
- (3) The State Authority may at any time amend, modify or repeal any order made under this section.

PART IV

COUNCILLORS

Qualifications of Councillor

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.

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.

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Effect of disqualification, and prohibition of nomination or appointment without 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) (Deleted by Act 20 of 1965).

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

(5) Subsection (4) shall not apply to any public officer who is appointed as an official or ex officio Councillor. 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 reappointment. 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 disqualifications

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: Provided that this section shall not be taken to prevent the practice of the local authority postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification).

Appointment and power of Secretaries in Town Councils 11A. (1) In relation to a Town Council, the President of which is an elected Councillor, and in respect of which the written law specified in column 1 of the Third Schedule applies, the State Authority may in the order made under section 5-- (a) provide for the appointment by the State Authority of a Secretary; and

(b) prescribe the tenure of office and the duties of the Secretary. (2) All the functions of a President of a Town Council aforesaid (other than the functions specified in the corresponding column 2 of the Third Schedule) shall on the appointment of a Secretary, be exercisable only by the Secretary.

Casual vacancies

12. (1) (Deleted by Act 49 of 1961). (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 of unfilled vacancies exceeds one-third of the total number of elected Councillors this subsection 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 17Local Government Elections

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. (5) For the purpose of this section and of section 13A a vacancy shall be treated as having occurred on the date on which it is established that there was a vacancy.

General election

13. (1) The Councillors elected at each general election to a local authority shall, subject to this Act, hold office for a period of three years from the date appointed by the State Authority pursuant to subsection (2).

(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 subsection (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 subsection (1) may continue in office until the day preceding the date appointed under subsection (2).

Filling of vacancies

13A. If for any reason--

(a) an election is not held on the day appointed for the election or within the appointed time;

(b) an election fails wholly or in part or becomes void; or (c) a casual vacancy occurs among the elected Councillors, the Election Commission shall within sixty days from the date on which it becomes aware of the facts contained in paragraph (a), (b) or (c), conduct an election.

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Election may be held after sixty days

13B. Notwithstanding subsection 13(2) and section 13A an election (whether a general election or an election to fill a casual vacancy) may be held after the expiration of the period of sixty days mentioned in the said subsection (2) or the said section 13A, where the Election Commission, upon representation in that behalf being made to it by a State Authority, is satisfied that the holding of such election within the period of sixty days aforesaid is impracticable or would not be in the interest of the public.

PART V

SUPERVISION OF ELECTIONS

Appointment of Supervisor of Elections and other officers

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. (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.

Powers of Supervisor of Elections

15. The Supervisor of Elections 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;

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(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. (1) 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 or number or both 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.

(2) The Election Commission may use free of charge as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by any Government in Malaysia.

(3) The Election Commission shall make good any damage done to, and defray any expenses incurred by the persons having control over any school or portion thereof by reason of its being used as a polling station under subsection (2).

PART VI

ELECTIONS

Qualifications 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. 20 Laws of Malaysia ACT 473

(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 subsection (1) be deemed not to be resident in that ward.

Electoral rolls

18. (1) 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 Election Act 1958 [Act 19].

(2) For the purpose of preparing the electoral rolls relating to the first general election to any Local Council held under this Act, the Election Commission may use such parts of the current electoral rolls relating to Parliamentary or State Constituencies as relate to any polling district situated within the local area of such Council. Elections

19. (1) Subject to the provisions of the Election Offences Act 1954 [Act 5], 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:

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.

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

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

(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 ringgit, 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; 22 Laws of Malaysia ACT 473

(h) authorize 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 right of any person to vote at any election in the electoral ward or division to which such roll relates; (k) provided 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.

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

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

(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;

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(c) prescribe the amount of any deposit, not exceeding two hundred and fifty ringgit 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;

(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 Act 1954.

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PART VII

GENERAL

Cesser of application of certain laws

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 this Part, cease to apply to such State;

(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 Authorization Enactment 1958 [Penang En. 14 of 1958], shall subject to this Part, cease to apply to such State;

(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

[Johore En. 1 of 1959], shall, subject to this Part, cease to apply to such State,

and such cesser shall be deemed to be a repeal for the purposes of the Interpretation Acts 1948 and 1967 [Act 388]. (2) All orders, directions, appointments, notifications and regulations made under the laws referred to in subsection (1) and still subsisting or in force immediately before the coming into operation of this Act in any State shall, in so far as they apply to the State and are not inconsistent with this Act, be deemed to have been made under this Act and shall continue in 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 Municipal Ordinance and in respect of which an order under section 4 of the Local Authorities Elections Ordinance 1950, is in force immediately 25Local Government Elections

before the coming into operation of this Act a constitution under this Act; and Part II (other than subsection 4(1)) shall apply to every such Constitution as if it were a Constitution granted under that Part.

Special provision relating to orders under section 52 of the Local Authorities Elections Ordinance 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: Provided that notwithstanding any such determination of the term of their office such Councillors may continue in office as if they had been elected or appointed, as the case may be, under this Act until the day preceding the date appointed under this subsection. (2) Notwithstanding subsection 13(1), the Councillors elected under subsection (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 subsection (1); and subsection 13(3) shall have effect as if for the reference to the three years contained therein there were a reference to a period of two years. Saving concerning the Federal Capital

24. Nothing in this Act shall affect the Constitution of the Municipality of Kuala Lumpur, as from time to time amended, or the Federal Capital (Municipal Elections) Ordinance 1958 [Selangor G.N. 351 of 1951; Ord. 32 of 1958].

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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.

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; (b) he is an undischarged bankrupt;

(c) he has been convicted of an offence under the Election Offences Act 1954, or has in proceedings relating to any election in Malaysia been proved guilty of an act constituting such offence; (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;

(e) in a court of law in Malaysia, there has been proved against him, or he has been convicted on, a charge in respect of-- (i) an offence involving fraud or dishonesty;

(ii) an offence under any law relating to corruption; or (iii) any other offence for which he is sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit and has not received a free pardon; (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;

(g) in the case of an elected Councillor, he holds any wholetime office in any public service in Malaysia;

(h) without the written permission of the Ruler or Yang di-Pertua Negeri 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;

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(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; or

(iii) this paragraph shall not apply to contracts the consideration for which does not exceed one hundred and fifty ringgit; (i) he has, during the period of five years preceding the election, been convicted of an offence under subsection 4(1) of the Sedition Act 1948 [Act 15] which is an offence by reason of paragraph 3(1) (f) of that Act; or

(j) 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 or Part IIIA in respect of the local authority.

3. The disqualification of a person under paragraph 2(c), (d) or (e) may be

removed by the Ruler or Yang di-Pertua Negeri 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 person convicted as mentioned in the said paragraph (c) was convicted or released from imprisonment or proved guilty, whichever shall be the later, or the date on which the return mentioned in the said subparagraph (d) was required to be lodged or, in the case of a person mentioned in the said subparagraph (e), the date on which the charge was proved against such person or the date on which he was convicted or the date on which the carrying out of any punishment (including the carrying out of the terms of any bond ordered to be executed as a consequence of a charge having been proved or a conviction having been had) imposed upon such person was completed, whichever of these dates shall be the later, and a person shall not be disqualified under paragraph 2(f) by reason only of anything done by him before he became a citizen.

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; (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 ringgit or an improved value of at least five hundred ringgit;

(ii) he has paid such rates as have been assessed thereon and are payable thereon, in accordance with 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

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(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 subparagraphs (i) and (ii);

(c) his name is on the current electoral roll relating to such ward in accordance with this Act and any regulations made thereunder; and (d) he is not disqualified under paragraph 2:

Provided that where a person who is not so resident is the owner of immovable property referred to in subparagraph (i) in more than one electoral ward of the local area, he shall be entitled as a non-resident voter, and on compliance with this paragraph, to only one vote in such local area, in respect of such electoral ward thereof as he may, in giving the notice required by subparagraph (iii), specify in such notice.

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;

(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.

4. The State Authority may by order notified in the Gazette direct that paragraph 1(b) shall not apply in relation to such local authority, or description of local authority, as may be specified in such order; and on the coming into force of any such order such subparagraph shall be deemed to be repealed in relation to such local authority, and replaced by the following subparagraph: "(b) he is resident within the electoral ward on the qualified date;". 29Local Government Elections

THIRD SCHEDULE

[Section 11A]

(1) (2)

Town Boards Enactment of the (1) The functions relating to meetings Federated

Malay States provided by Part II;

(F.M.S. Cap. 137)

Town Boards Enactment of (2) The functions provided by Johore (Enactment No. 118) subsection (iii) of section 44 and Parts V and VI."

Town Boards Enactment of

Trengganu (Enactment No. 12

of 1355)

?

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P.U. (A) 41/1971 Emergency (Essential Powers) 11-02-1971 Ordinance No. 71 1971

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4 Act 67/1966 26-01-1961

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