

Election Rules

(Adopted by Central Committee Meeting on 17/5/2008)

1. TIME

1.1 Election Time Decided By CWC

The periods for the Branch, Division, State Delegates' Conference and National Delegates' Conference to hold their elections in the year in which elections should be held shall be decided by the Central Working Committee with the approval of the Central Committee (Art. 43.1).

2. QUALIFICATIONS TO VOTE

2.1 Requirement To Be A Voter

A member is not entitled to vote in a party election unless he is listed in the list of "Eligible Voters" duly verified by the Secretary General or by either one of his Deputies (Art. 41.4) OR he has obtained approval in writing to do so from the Central Working Committee (Art. 13.2). An Eligible Voter for the relevant Branch, Division, State and National elections is defined as:

2.1.1 For the Branch Elections:

A voting member (Art. 42.3). A voting member is a member who on 1st January of the year in which an election is held has been a member of the party for 2 years or longer and has on or before the 30th June preceding the year of election paid his subscriptions for the years at least up to and including the year preceding the year of election (Art. 97.1).

2.1.2 For the Division Elections:

2.1.2.1 A delegate duly elected by the Branch to the Division (Art. 13.2 & Art. 42.3).

He is still a voting member (Art. 13.2 & Art. 42.3).

2.1.2.2 If he is a Branch Chairman elected to fill a vacancy of Branch Chairman, **as provided by Article 45.2.**

2.1.3 For the State Elections:

2.1.3.1 A delegate duly elected by the Branch or the Division (Art. 29.2) to the State Delegates' Conference. Provided also that he is still a voting member (Art. 13.2 & Art. 42.3).

2.1.3.2 If he is a Branch Chairman elected to fill a vacancy of Branch Chairman, as provided by Article 45.2.

2.1.4 For the National Elections:

A delegate duly elected by the Branch (Art. 35.1 (c)), the Division or the State Delegates' Conference (Art. 35.1 (b)) or an appointed delegate (Art. 23.4) or an existing member of the Central Committee (Art. 35.1 (a)). Provided also that

2.1.4.1 He is still a voting member (Art. 13.2 & Art. 42.3)

2.1.4.2 If he is a Branch Chairman elected to fill a vacancy of Branch Chairman, as provided by Article 45.2.

3. QUALIFICATIONS TO STAND AS CANDIDATES

3.1 Requirements To Be An Eligible Candidate

A member is not eligible to be nominated as a candidate for any post in a party election unless he is an eligible candidate as defined under Article 41 of the Party Constitution or unless he has obtained approval in writing to be so nominated from the Central Working Committee (Art.13.3) and his name appears in the list duly verified by the Secretary-General or one of his Deputies (Art.41.4).

3.2 Definition Of An Eligible Candidate

3.2.1 *An ELIGIBLE CANDIDATE as defined in Articles 13.3 and 41 is a voting member AND*

3.2.1.1 For Branch Election: Registered in the Branch (Art. 41.1).

3.2.1.2 Provided that: An elected Branch Chairman who has failed to attend 2 consecutive National Delegates' Conference is not eligible to be nominated as a candidate for the post of Chairman of a Branch unless he has obtained special permission to be so nominated from the Central Working Committee (Art. 41.1).

3.2.2 *For Division Election:*

3.2.2.1 A delegate to the Division elected by the Branch (Art. 13.2 & 41.2).

3.2.3 *For the State Elections:*

3.2.3.1 A delegate to the State Delegates' Conference elected by the Branch or Division (Art. 13.2 & 41.2).

3.2.4 *For the National Elections:*

3.2.4.1 A delegate to the National Delegates' Conference elected by the Branch (not appointed under Art. 23.4), Division or State or existing elected member of the Central Committee (not appointed under Art 36(c)(ii), (h), (i) and (j)(iii))(Art. 41.2).

3.3 Need To Be Proposed & Seconded

All eligible candidates for any elected post at any level must be proposed and seconded by other eligible voters (as defined in 2.1).

4. OTHER QUALIFICATIONS

4.1 Branch TO Have 50 Members Minimum

A Branch shall be eligible to elect its office bearers if and only if it has 50 or more voting members on its qualifying register of membership for election (Art. 23.5).

4.2 Division To Have 4 Branches Minimum

A Division shall be eligible to elect its office bearers if and only if the said Division has at least 4 valid Branches (i.e. with a minimum of 50 voting members in each Branch) (Art. 28.4).

4.3 Delegates To Be Certified

The qualifying register of membership for election for a Division, State or National Delegates' Conference shall be the register of eligible delegates certified by the Secretary General or any other person authorized by him.

5. OFFICE-BEARERS TO BE ELECTED (Art. 97.4)

5.1 Branch Level

A Branch shall elect from amongst its voting members:

5.1.1 *Branch Chairman*

A Chairman (Art. 20.1 (a))

5.1.2 *Branch Committee Members*

Six (6) Committee Members (Art. 20.1 (g) (iii))

5.1.3 *Branch Delegates To Division*

One (1) delegate for every complete twenty-five (25) voting members or part thereof with a minimum of three (3) and a maximum of ten (10) delegates to the Division as follows:-

75 voting members and below	3
76 - 100	4
101 - 125	5
126 - 150	6
151 - 175	7
176 - 200	8
201 - 225	9
226 and above	10

of which one delegate shall be the Branch Chairman (Art. 23.2).

5.1.4 *Branch Delegates To SDC*

Two (2) delegates to the State Delegates' Conference of which one delegate shall be the Branch Chairman (Art. 23.3).

5.1.5 *Branch Delegate/Representative To NDC*

One (1) delegate to the National Delegates' Conference who shall be the Branch Chairman. Provided that if an elected Branch Chairman is also an existing Central Committee member he may appoint another delegate from amongst his Branch Committee members to represent his Branch at the National Delegates' Conference (Art. 23.4).

5.2 Division Level

A Division shall elect from amongst its delegates (Art. 25.1):

5.2.1 *Division Chairman*

A Chairman (Art. 25.1 (a))

5.2.2 *Division Committee Members*

Six (6) Committee Members (Art. 25.1 (g) (iv))

5.2.3 *Division Delegate To SDC*

One (1) delegate to its State Delegates' Conference who shall be the Division Chairman unless he is already a delegate (Art. 28.2)

5.2.4 *Division Delegates To NDC*

Three (3) delegates to the National Delegates' Conference of which one delegate shall be the Division Chairman (Art 28.3)

5.3 State Level

A State Delegates' Conference shall elect members from amongst its delegates (Art. 30.1):

5.3.1 State Chairman

A Chairman (Art 30.1 (a))

5.3.2 State Committee Members

Six (6) Committee Members (Art. 30.1 (f) (iv))

5.3.3 State Delegates To NDC

Five (5) delegates to the National Delegates' Conference of which one delegate shall be the State Chairman (Art. 34.2)

5.4 National Level

The National Delegates' Conference shall elect from amongst its delegates (Art 35.1):

5.4.1 President

A President (Art. 36 (a))

5.4.2 Deputy-President

A Deputy President (Art. 36 (b))

5.4.3 Vice-Presidents

Three (3) Vice Presidents (Art. 36 (c) (i))

5.4.4 Central Committee Members

Eighteen (18) Committee Members (Art. 36 (j) (ii))

6. ACCESS TO ELIGIBLE VOTERS' LIST

6.1 Right To Inspect List

All candidates or their authorized representatives shall be allowed to inspect the relevant eligible voters' list on request in writing to the relevant Secretary at least 14 days in advance (Art. 18.5). No copy of the register or list shall be made therefrom.

6.2 14 Day's Notice Required

For the purpose of Party election, the eligible voters' list may also be inspected at the relevant Division, State or National Headquarters on request in writing to the Secretary General at least one day in advance.

7. NOTICE FOR MEETING

7.1 For Branch Election

A notice calling for a Branch election meeting shall be signed by the secretary of the Branch and despatched at least fourteen (14) days before the date of the meeting to all the voting members whose names and addresses appear on the qualifying register of membership which has been duly verified by the Secretary General or by one of his Deputies (Art. 71.1 (c)).

7.2 For Division Election

A notice calling for a Division meeting shall be signed by the secretary of the respective Division and shall be despatched to all the duly elected delegates pursuant to Section 4.3 to the relevant Division at least fourteen (14) days before the date of the Division meeting (Art. 71.1 (c)). For the purpose of Party election, the eligible voters' list may also be inspected at the relevant Division, State or National Headquarters on request in writing to the Secretary General at least one day in advance.

7.3 For State Election

A notice calling for a State Delegates' Conference shall be signed by the secretary of the State Liaison Committee and shall be despatched to all the duly elected delegates pursuant to Section 4.3 to the State Delegates' Conference at least twenty-one (21) days before the date of the State Delegates' Conference (Art. 71.1 (d)).

7.4 For National Election

A notice calling for a National Delegates' Conference shall be signed by the Secretary General and shall be despatched to all the eligible delegates to the National Delegates' Conference at least twenty-one (21) days before the date of the National Delegates' Conference (Art. 71.1 (d)).

7.5 Language

A notice calling for election meetings at various levels must be in the National Language and may include a translation in English or Chinese or Tamil, or a language used by the majority of the voting members in the Branch or Division or State.

7.6 Signatory

In the event that anyone of the secretaries refuses or is unable to sign the notices or in the event of the non-availability of any secretary, any other Eligible Voter duly authorised by the Secretary General may do so in his stead.

7.7 Particulars of Meeting

A notice calling for an election meeting must include an announcement on when, where and how nominations may be filed (Art. 41.3). Meeting of the Party shall be held at its Registered Office addresses or at such other addresses for which notices have been given to the members.

7.8 Format

The notice should use the format prescribed in these election rules.

8. NOMINATION (ART. 41.3), APPEALS, WITHDRAWAL

8.1 Nomination Form

8.1.1 Prescribed Forms To Be Used

All nominations should be in the prescribed forms, proposed and seconded by Eligible Voters and with the consent of the candidate.

8.1.2 Duplicate Filing

A completed nomination form should be filed in duplicate within the prescribed nomination period in person by the candidate or by his representative at the place and with the authorised representative named in the relevant election notice who shall acknowledge receipt of the nomination by endorsing on the duplicate copy of the nomination form and returning it to the submitting person.

If the form is not filed in duplicate, no acknowledgement of receipt will be given.

8.2 Nomination Period

The nomination shall be for two (2) hours on the day fixed for nomination which shall be at least seven (7) days before the date fixed for the relevant election meeting.

8.3 Inspection of Nomination Papers

For half an hour following the close of nominations, the candidates or their authorised representatives shall be allowed to inspect all nomination papers received and give their objections thereat in writing, if any.

8.4 Validation of Nomination

At the expiry of the time for the inspection of the nomination papers, the relevant Election Supervisory Committee shall meet and decide on the validity of the nominations, taking into consideration the objections received, if any.

8.5 Order of Names on Ballot Paper

8.5.1 Order Of Names

The order of names on ballot papers shall be drawn immediately after the close of nominations irrespective of whether there are appeals against the nomination or not. The candidates or their representatives shall be entitled to witness the same.

8.5.2 Non-contesting Candidates' Numbers

Numbers drawn for disqualified or withdrawn candidates shall be omitted from the ballot papers. The numbers drawn by other valid candidates shall remain unchanged.

8.6 Withdrawals

8.6.1 Withdrawal of Candidate

All withdrawals of nominations made in writing by the nominated candidates concerned at any time before the voting in any election will be accepted and in the event of only two candidates contesting for a post, such withdrawal of any one of the candidates will result in the relevant post being won by the other candidate. No voting will be required to be carried out.

8.6.2 Withdrawal of Proposer/Seconder

Withdrawal of any proposer or seconder in an accepted nomination after the closing time of nomination will not affect the validity of the said nomination.

9. ELECTION AGENT

9.1 Right To Appoint Agent

Each candidate shall be allowed to appoint an election agent to ensure that the poll is conducted in accordance with the relevant rules and regulations. The agent shall also be allowed to witness the counting of votes.

9.2 Eligibility & Appointment Procedure

The election agent to be appointed must be an Eligible Voter of the election concerned. His name, identity card and membership numbers must be submitted to the relevant supervisory committee at least 24 hour before the time of polling.

10. ELECTION CAMPAIGN

10.1 Period of Campaign

The period of campaign shall be between the day of nomination and the polling day.

10.2 Campaigning Rules

During the period of campaign, the candidates or their agents shall not act or speak in a manner prejudicial to the interest of the Party and shall not offer any inducement in order to win votes.

11. COLOUR OF BALLOT PAPERS

11.1 Branch, Division & State Elections

The colour of ballot papers shall be as follows:-

11.1.1	Chairman	: <i>White</i>
11.1.2	Committee	: <i>Yellow</i>
11.1.3	Division Delegate	: <i>Blue</i>
11.1.4	State Delegate	: <i>Pink</i>
11.1.5	National Delegate	: <i>Green</i>

Note: The colour can be changed if the relevant colour paper is not available.

11.2 National Election

The colour of the ballot papers shall be as follows:

11.2.1	President	: <i>White</i>
11.2.2	Deputy President	: <i>Blue</i>
11.2.3	Vice-President	: <i>Green</i>
11.2.4	Committee	: <i>Yellow</i>

12. VOTING PROCEDURE (Articles 41.3 & 42.9)

12.1 Vote Exact Number

Voting shall be by secret ballot only (Art. 42.1) and the voter must vote for the exact number of posts to be elected, no more and no less, otherwise the ballot shall be treated as invalid.

12.2 One Vote Per Office-Bearer

An Eligible Voter, shall have only one vote for the election of each office bearer (Art. 42.4).

12.3 Equality Of Votes & Casting

In the event of candidates receiving an equal number of votes the Presiding Chairman shall have a casting vote (Art. 42.5). Provided that if the Presiding Chairman is not the Chairman elected to the relevant Branch, Division, State or Central Committee, it will be decided by the casting of lots.

12.4 Identification Of Voter

Every Eligible Voter must produce his identity card for purposes of identification.

12.5 Election of Supervisor & Scrutineers

Two or more eligible voters in the election may be elected at the election meeting to be scrutineers at the counting of votes cast under the supervision of a Supervisor who shall be similarly elected (Art. 42.6).

12.6 Submission Of Election Returns

The Supervisor of an election shall submit to the Election Supervisory Committee a return of election in the prescribed election return form, with a copy to the Secretary General, within seven (7) days from the date of each election. The return shall be certified by the Supervisor and countersigned by the Presiding Chairman.

12.7 Safe-Keeping OF Ballot Papers

All ballot papers shall be sealed in an envelope or box by the Supervisor and kept by the Chairman of the relevant State or National Election Supervisory Committee for a period of six (6) months.

12.8 Voting Time Span Of One Hour

A time span of a maximum of one hour or a time span long enough for all the Eligible Voters to cast their votes in an election, whichever is shorter, must be provided for voting in the elections at various levels. The period of voting can be shortened by the unanimous decisions of all the candidates in the relevant election or after all the Eligible Voters have voted in the relevant election.

12.9 Voting Beyond One Hour

The period of voting shall be lengthened by the supervisor of an election if there are eligible voting members who have registered their presence within the said one hour but have not cast their votes due to a long queue or a large turn out of Eligible Voters.

13. QUORUM

13.1 Fifty Or One-Quarter

The quorum shall be at least 50 or one-quarter (1/4) whichever is the lesser, of the number of Eligible Voters (Art. 75).

13.2 Insufficient Quorum & Procedures There-of

If half an hour after the time appointed for an election meeting a quorum is not present, the meeting shall be adjourned for another half an hour; and if there are still not enough members to constitute a quorum at the end of the second half hour, the Eligible Voters present at the election meeting shall have the power to proceed with the election and the business of the day, the results of which shall be deemed as valid (Art. 76).

14. ELECTION SUPERVISORY COMMITTEES

14.1 Division Election Supervisory Committee (DESC)

All elections in the Branches of a Division are to be carried out under the direction and supervision of the Division Election Supervisory Committee consisting of the Chairman of the Division, his secretary and three (3) other Eligible Voters appointed by the Division Committee of the same Division in which the Branches are formed.

14.2 State Election Supervisory Committee (SESC)

All elections in Divisions in a State are to be carried out under the direction and supervision of the State Election Supervisory Committee consisting of the Chairman of the State Liaison Committee, his secretary and three (3) other Eligible Voters appointed by the State Liaison Committee of the State in which the Divisions are formed.

14.3 National Election Supervisory Committee (NESC)

A National Election Supervisory Committee shall be formed by the Central Working Committee whose duties are:-

14.3.1 Supervise State & National Elections

To supervise all State and National Elections. The NESC's decision regarding these elections may be appealed to the Central Working Committee whose decision shall be final and binding.

14.3.2 Decide On Appeals / Election Matters

To decide on appeals against the decision of the Division or State Election Supervisory Committee or on any other matters related to the party elections. The NESC's decision shall be final and binding.

14.3.3 Interpret Rules

To decide on any dispute in the interpretation of the election rules. The NESC's Decision shall be final and binding.

15. Appeal Procedure

15.1 Against DESC & SESC Decisions

An appeal against the decision of

(a) The Division Election Supervisory Committee, and/or

(b) The State Election Supervisory Committee in respect of the Branch or Division nomination or election may be made by an aggrieved party to the National Election Supervisory Committee whose decision shall be final and binding.

15.2 Against NESC Decision

An appeal against the decision of the National Election Supervisory Committee in respect of State or National nomination or election may be made by an aggrieved party to the Central Working Committee whose decision shall be final and binding.

15.3 Time Condition

Any appeal must be made within twenty-four (24) hours from the time of the announcement of the nomination or election.

16. PLURALITY AND GENDER

16.1 Inclusivity

Words in the singular include plural and words in the masculine gender include the feminine gender where the context so admits (Art. 97.6).