

TindakMalaysia, Bersih to press PSC on polls reform
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David Ng

Times have indeed changed, and civil society is showing that they are very concerned with the way how the general election is conducted.

To prove that Malaysians are now more mature, they have gone beyond knowing their democratic rights to vote; instead, they have started to identify and point out the weaknesses in the electoral system to the Election Commission, the agency tasked with safeguarding a clean and fair election.

If the massive demonstration by some 50,000 Malaysians during Bersih 2.0 last July had not awoken the authorities that the people demand a clean and fair election, tomorrow's action by Bersih 2.0 Steering Committee will hopefully get some positive actions taken by the Prime Minister, Najib Abdul Razak who, just two days ago, apologised for the mistakes made by the ruling party in the past.

This time, enlisting the help of another civil society involved in voter education and polling agent training, both Bersih 2.0 Steering Committee and TindakMalaysia will be submitting a memorandum to the Parliamentary Select Committee chairman, Dr Maximus Ongkili on electoral reforms.

Realising that time is not on their side, and after watching how slowly reforms have taken place in the electoral laws and regulations, Bersih 2.0 Steering Committee member, Maria Chin Abdullah said that the fundamental basis of a democracy is that elections must be free and fair.

"The current election laws and regulations have many weaknesses that prevent the achievement of this ideal," she said. "We have worked together with TindakMalaysia and a team of lawyers and volunteers to draft the proposed changes to the electoral laws. Our primary objective in these proposals is to enhance public confidence in the Election Commission to carry out their constitutional duty to conduct elections freely and fairly."

The powers and functions of the EC are covered under the Constitution, the Election Laws and Regulations:

Constitution:

- * Composition of House of Representatives - Membership of Parliament, Articles 46 - 54,
- * Summoning, prorogation and dissolution of Parliament, Article 55
- * Elections, Articles 113 - 119
- * Delimitation of Constituencies, Thirteenth Schedule (Article 116)

Laws passed by Parliament:

- * Elections Act 1958 (Act 19)
- * Election Offences Act 1954 (Act 5)
- * Election Commission Act 1957 (Act 31) - Formation of Election Commission

Regulations drafted by EC

- * Elections (Conduct of Elections) Regulations 1981
- * Elections (Registration of Electors) Regulations 2002
- * Elections (Postal Voting) Regulations 2003

Throughout the years, TindakMalaysia's founder, Wong Piang Yow said he has noticed a number of irregularities even in the elections regulations drafted by the Election Commission, which could give rise to cheating in the electoral process.

"For example, it is clearly stated that one must put an `X' to the party logo for a vote to be counted as valid," he said. "However, the regulations drafted much later by the Election Commission has allowed for even a tiny dot on a party logo to be counted as a valid vote."

This, he added, gives rise to cheating. "Supposing a voter picks up a ballot slip which has a dot on a party logo ABC, but votes for party XYZ, his vote will be automatically counted as a spoilt vote because of the tiny dot," Wong explained.

Wong said that as a responsible civil society, TindakMalaysia and its volunteers have done the groundwork by producing the amendments to the Electoral laws and regulations given the time constraints.

"We do not want the Election Commission to give excuses that they will not be able to make the proposed changes on time for the next General Election," Wong said.

"We have come up with more than 70 proposals and more are on the way. Together with the proposals, we have drafted corresponding changes to the Election Laws and Regulations to make it easier for the Attorney-General's office to review them, given that there is a lot of public interest."

BERSIH 2.0 has put up eight demands to the Election Commission (EC).

They are:

1. Clean up voter roll, Automatic voter-registration,
2. Postal Votes,
3. Indelible ink,
4. Minimum campaign period of 21 days,
5. Free and fair access to media,
6. Strengthening public institutions,
7. Stop corruption,
8. Stopping dirty politics

Only three of these demands have been met partially.

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