

**A point-by-point rebuttal to the PSC report**  
**MalaysiaKini.com**  
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COMMENT We are deeply concerned with the shallow treatment by the parliamentary select committee (PSC) on electoral reform to the flaws in the electoral system. In this statement we will address Bahagian II (Part II page 7 onwards) of the PSC's report, which was submitted to Parliament on April 3, 2012.

(2)(A) Pengundian Awal (Advance Voting):

The Election Commission (EC) is drafting the necessary amendments to the Regulations.

Recommendation: This should cover all postal and absent voters except for the following categories of voters who may not be able to vote through advance polling:

- a. A naval officer who is offshore.
- b. Army personnel guarding the borders.
- c. Air force officer in the air.
- d. Malaysians voters overseas who are issued a postal ballot.
- e. An additional category to cover those who are hospitalised under long-term medical care or incapacitated or unable to move about even with wheel-chairs, or old voters in nursing homes.

The numbers who cannot vote under advance voting and given postal votes should be very minimal, unless they are overseas. Indelible ink should be applied to advance voters.

(2)(B) Advance voting for doctors, nurses and journalists:

We are very surprised that the PSC has proposed this. Under what regulation is this proviso made? If anything, it is more critical that advance voting is offered to the election candidate and his team.

Recommendation: If the PSC insists on providing for doctors, nurses and journalists, it should be optional and only applicable for those on duty during polling day and if they are outstation. Those who are serving in the same constituency as their voting locality, can be given time off just like any voter.

Advance voting to be given to election candidates, election agents and all the agents that are recognised under the Election Laws and Regulations as part of an election campaign team, as their roles are critical during elections. They are candidate representatives in the enforcement team, polling agents, counting agents and booth observers. Indelible ink is applicable.

(3) Expand overseas absent voter category to cover all Malaysians who qualify:

The EC does not agree to this, giving the excuse of logistics and practical problems for the operations to be conducted in Malaysian embassies.

Recommendation: This excuse does not hold. If the EC is not competent to carry out this work, civil society can undertake it with adequate funding from the government.

(4) Distance voters (Pengundi luar kawasan):

The EC has not considered having this for PRU 13 because it affects Article 119 of the federal constitution concerning the issue of residency which is specified as one of the criteria as a voter.

Recommendation: Regulation 3(c) of the Postal Voters Regulations defines a member of the police force as a postal voter. The EC has decided that the police are to be given advance voting. Regulation (3)(f)

empowers the EC to designate a member of any category of persons as postal voters from time to time by notification in the gazette. Any proviso that the EC uses to allow doctors to be advance voters, can be used for distance voters.

(6)(A) Cleaning up of the electoral roll:

The EC has been continuously from time to time conducting cleaning up of the electoral rolls following the relevant laws and have received cooperation from the National Registration Department (NRD), police and armed forces and other responsible parties.

Recommendations: It is obvious that the EC's 'continuous' efforts are not good enough. This role should be taken from them and given to an independent body staffed by reputable members of the public whose selection are conducted in public hearings with participation from professional bodies and NGOs involved in election monitoring or reform.

(6)(B) Cooperation with Mimos to help in cleaning up the electoral roll.

Recommendation: The fact that Mimos has overlooked thousands of discrepancies and does not even have the ability to institute a more rigorous screen for dubious voters, indicates that they are not up to the job and should not be considered. In any case, any government-linked company is suspect as there is a conflict of interest.

This exercise should be conducted by professional audit firms selected through public hearings with participation from professional bodies and NGOs involved in election monitoring or reform.

(6)(C) Revalidate Sabah electoral roll:

The EC does not propose to revalidate the Sabah electoral roll.

Recommendation: This problem has been festering for more than 25 years! And yet the EC chooses to ignore it. However, we are not surprised as there is suspicion about their culpability. Take this duty from their responsibility and investigate the EC also.

(6)(D) Set up a RCI to investigate the charge that foreigners have been given citizenship and registered as electors, especially in Sabah:

The EC does not have the power to set up an RCI but they are ready to cooperate if such an RCI is formed.

Recommendation: Set up the royal commission of inquiry to investigate the electoral roll and the EC's role in this. This is a very serious matter and participants in this crime may be guilty of treason!

(7) Display of Supplementary Electoral Roll:

(A) Extend display period to 14 days: EC agrees.

Recommendation: We are puzzled why a supposedly independent body like the EC, does not agree to extend the display period for objection to 30 days. Surely, given the fact that they have been so careless in making so many mistakes, they would be more than keen to co-opt public help to ensure the electoral rolls are clean. Such behaviour gives rise to suspicions about their motives and cannot be helpful in regaining public confidence.

We strongly recommend that the EC display more willingness to cooperate with the rakyat who are their ultimate paymasters. Extend the display period to 30 days.

Furthermore, gazetting of the Supplementary Electoral Roll should not be held hostage to an objection by

any elector. The names that are objected to, can be kept aside for inclusion in the next Supplementary Electoral Roll, after resolution in a public hearing by the Adjudicator.

(B) Cancel RM 10 objection fee:

The EC does not agree to the cancellation.

Recommendation: Again this raises questions about the EC's motives. The EC should encourage the public to help them in ensuring a clean electoral roll. This is a very important way to gain public confidence. By placing financial obstacles towards legitimate objections, the public will be suspicious of the EC, more so when their reputation in the public eyes is at such a low ebb. Cancel this fee!

(C) Cancel upper limit that an individual can object to:

The EC agreed to raise it from 10 to 20.

Recommendation: The EC's motives are suspect. Why should there even be a question about this? Encourage the public to help the EC to maintain a clean electoral roll. Remove the limit.

(D) Objections to the Principle Electoral Roll:

The EC does not agree to this.

Recommendation: The issue is the integrity of the Electoral Roll. With so many hundreds of thousands of objections to the electoral roll and the glaring errors that have cropped up, we are appalled that the EC has the temerity to disagree. If they had any decency, they should apologise for their incompetence and resign! Open up the Principle Electoral Roll to objections!

In our next press release, we will address point 8 onwards which deals with election campaign issues.

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