

Election amendment Bill a fraudster's charter

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On April 19, the last day of the parliamentary session, the government tabled eight Bills for debate that day. It became a marathon session testing the stamina and resolve of the opposition.

The first was the Election Offences (Amendment) Bill 2012 which started at 10am and the last was the Printing Presses and Publications (Amendment) Bill 2012 which ended at 3.15 the next morning.

In between, the other Bills debated included Universities and University Colleges (Amendment) Bill 2012, Private Higher Educational Institutions (Amendment) Bill 2012, Educational Institutions (Discipline) (Amendment) Bill 2012, the Jasa Perkasa Persekutuan (Remembrance Allowance) Bill 2012, Pingat Tentera Udara (Remembrance Allowance) Bill 2012 and the Capital Markets and Services (Amendment) Bill 2012.

For comparison, the Dewan Rakyat took three days to debate the National Kenaf and Tobacco Board Bill 2008.

Although the replacement of tobacco planting with kenaf is important, it cannot be more important than the Bills to ensure free and fair elections; ensuring students are able to exercise their constitutional freedom of assembly; and citizens are entitled to the freedom of expression.

All these were to be debated in the Election Offences (Amendment) Bill 2012, Universities and University Colleges (Amendment) Bill 2012, Private Higher Educational Institutions (Amendment) Bill 2012, Educational Institutions (Discipline) (Amendment) Bill 2012 and the Printing Presses and Publications (Amendment) Bill 2012.

There is no doubt that the BN government wanted to bulldoze the Bills with the minimum debate to avoid public scrutiny and censure.

This is because the amendments were not designed to provide for greater democracy instead they provided for greater restrictions.

NONEThe transformation which is heralded by Prime Minister Najib Abdul Razak (left) in tabling the Bills is nothing more than an illusion.

Like David Copperfield's magic tricks, the smoke and mirror effect of the Bills cannot stand scrutiny in daylight. Hence the Bills were pushed through in the dead of the night.

The Election Offences (Amendment) Bill 2012 has been described by Ambiga Sreenevasan, co-chairperson of the Steering Committee for the Coalition for Clean and Fair Elections (Bersih 2.0), as "solely for the purpose of making the voting process less transparent".[1]

The Bill did not implement any of Bersih's eight demands for a clean and fair election or any of the 22 recommendations of the Parliamentary Select Committee (PSC) on election reform.

Observers not allowed

The Bill removed the candidate's right to have his agents monitor the process of voter identification to ensure that voters are at the proper polling centre and directed to the correct polling stream.

This is a crucial process because many voters will be denied their rights to vote if they are unable to

obtain confirmation that they are at the correct polling centre or their names are listed in the electoral roll.

There have been many incidents in previous elections where voters were sent on a wild goose chase to find their voting centres. Unable to do so, they eventually gave up and were thus deprived of their right to vote.

Pakatan Rakyat and the public have cause for concern that the 13th general election will be tainted by widespread electoral fraud.

NONE From December 2010 until September 2011, Pakatan Rakyat has found that 106,255 voters have been removed from the electoral roll without their knowledge.

The Election Commission (EC) has changed the voting centres for 31,294 persons without their knowledge or consent on the pretext of the EC correcting parliamentary boundaries.

This is illegal because any change in a parliamentary constituency requires the approval of two thirds majority in the Dewan Rakyat, which has not been obtained.

According to an audit by Mimos Berhad presented to the PSC, there are 200,000 voters whose registration is suspect:

- * There are 820 cases where there are 100 or more voters staying at one address.

- * There are 1,259 cases where there are between 51 and 100 voters at one address.

- * There are 3,254 cases where there are between 21 and 50 voters at one address.

- * There are 6,002 cases where there are between 11 and 20 voters at one address.

- * There are also 2,425,045 voters whose authenticity cannot be verified because the electoral roll only specifies their locality but not their addresses.

Parti Keadilan Rakyat has detected a trend where the seats it is contesting have registered a substantially higher number of new voters compared to those held by BN, for example: Subang 27,765 new voters; Kapar 21,606; Kuala Langat 17,172; Selayang 16,189; Gombak 15,467; Gelang Patah 17,356; Bukit Katil 16,206; and Hulu Selangor 16,481.

No points for civil liberties

The amendments to the Election Offences (Amendment) Bill 2012 by prohibiting the presence of observers will lead to reduced scrutiny and prevent electoral fraud.

The government has not provided any convincing argument to justify the reduced scrutiny.

Sivarasa Rasiah, the MP for Subang, has described the amendments as confirmation of BN's plans to steal the 13th general election.[2]

The amendment will not improve Malaysia's score for greater political rights and civil liberties.

The Asian Network for Free Elections recently released a chart assigning a score for political rights and civil liberties to 30 countries in Asia.[3]

It demonstrates that Malaysia still has a long way to go in pursuing greater political rights and civil autonomy to keep on par with the democratic development achieved by other countries such as Taiwan, Japan, South Korea, India and even our neighbour Indonesia.

In fact, the presence of observers, whether from non-governmental organisations or representing the election candidates is an inseparable aspect of voting process, particularly within a democratic system.

In the US - a country that is widely credited with its relatively complete and healthy democracy, any candidate is allowed to have as many observers to be present during the election and also during the counting of the ballot papers.

The presence of observers shall include every phase of an election, such as in the preparation and mailing of ballots, checking the eligibility of voters, and the opening and calculation of ballot papers and the like.

Such an amendment to rule out the presence of observers in the booth is conspicuously in conflict with the nature of democracy.

What more, this is overtly in contrast with the political transformation programme, which has been vigorously introduced and promoted by a PM who portrays himself as the icon of successful transformation while playing down systemic failures and crisis of political legitimacy faced by the BN-Umno regime.

The amendments have removed another one of the check-and-balance to ensure a clean and fair election.

The EC and the prime minister should have no fear of observers if the election is clean and fair. They would only have cause for fear if they intend to commit election fraud.

NONEThe people must therefore judge why the BN government did not allow sufficient time for the public to appreciate the significance of the amendments and what they forebode.

The people must question BN for pushing the amendments in the darkest hours of the night, and not in the light of day.

For those who prefer darkness over light, it has been said: "And this is the judgment: the light has come into the world, and people loved the darkness rather than the light because their works were evil.

"For everyone who does wicked things hates the light and does not come to the light, lest his works should be exposed.

"But whoever does what is true comes to the light, so that it may be clearly seen that his works have been carried out..."

BN was able to approve the amendments because of their majority in the Dewan Rakyat. The amendments would similarly be approved by the BN majority in the Dewan Negara.

Therefore, the only avenue left for the people to object is by attending Bersih 3.0.

And to quote James Bovard: "The first step in saving our liberty is to realize how much we have already lost, how we lost it, and how we will continue to lose it unless fundamental political changes occur."

