

EC: Section 9A needed to prevent election delays

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By Koh Jun Lin

Section 9A of the Election Act is needed to prevent people from stalling the electoral process by challenging the electoral roll, said Election Commission (EC) deputy chairperson Wan Ahmad Wan Omar.

ec wan ahmad wan omar in kuala besut "If we open the electoral roll to be challenged, then when can we hold elections?" he retorted, when asked at a press conference today.

He was responding to Bersih co-chairperson Ambiga Sreenevasan's challenge to open the electoral roll to court scrutiny if the EC "has nothing to hide".

Section 9A of the Election Act bars the court from scrutinising the electoral roll once gazetted.

It was enacted after one such successful legal challenge in the landmark 1999 Likas election petition in Sabah that saw the polls' results nullified over a problematic roll.

Courts have since used Section 9A to throw out any legal challenges to the electoral roll.

Electoral rolls already clean

Wan Omar lamented that this provision had resulted in "assumptions" that EC is attempting to hide something from public knowledge, adding that these critics did not take the federal constitution into consideration.

He refers to a provision in the constitution that an election must be held within 60 days of the dissolution of parliament, state assembly, or a casual vacancy like the one in Kuala Besut.

"The court decides (on the challenge) but then the constitution says the election must be held within 60 days," he said.

Therefore, the constitution needs to be amended before Section 9A is repealed.

He added that the electoral roll has already gone through a legal process of display, objection, hearing and gazettification, which takes two months.

He claims that Malaysia's electoral roll is already very clean with the EC going to great lengths to ensure this.

As an example, he said about 50 voters have died between the last general election and the late Kuala Besut assemblyperson Dr A Rahman Mokhtar's death on June 26. These have already been removed from the electoral roll.

"That is what the EC has been doing," he said.

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