

**Bersih to EC: Here's the proof!**  
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**Andrew Ong**

While Election Commission chairperson Abdul Rashid Abdul Rahman claims that his detractors have 'no proof' of the commission's faults, election reform movement Bersih said he had ignored the obvious.

Bersih, comprising 26 NGOs and five opposition political parties, today listed several recent glaring election irregularities:

- \* Releasing electoral rolls to candidates three days before polling
- \* Releasing electoral rolls to candidates that are starkly different from the ones held by EC officials at polling centres
- \* Not publishing electoral rolls for public scrutiny prior to the general elections
- \* Missing ballot papers in the Kuala Terengganu and Lumut parliamentary seats
- \* Existence of non-citizens in the electoral roll during the 2001 Likas by-election

**Judicial review**

Furthermore, Bersih pointed out that several allegations pertaining to the 2004 general elections brought up in a judicial review case initiated by Parti Keadilan Rakyat (PKR), also remains unanswered.

Among the issues raised in the case were:

- \* Use of several versions of electoral rolls by the EC
- \* Allowing pondok panas (campaign booths at polling centres) at the last minute in contravention of the law
- \* The extension of voting time in Selangor up to 7pm
- \* The practice of writing the voter's serial number on the counterfoil of the ballot paper
- \* Whether candidates could still run for elections if convicted but had an appeal pending

(The application for judicial review was struck out after the attorney-general, representing the EC, argued that all challenges pertaining to elections had to be made in form of an election petition according to Article 118 of the Federal Constitution)

**Insincere challenge**

On March 21, Abdul Rashid claimed that his critics did not furnish proof that the EC was not transparent in its actions and challenged them to take him and the commission to court.

At a press conference in Kuala Lumpur this morning, Bersih committee member and PKR vice-president Sivarasa Rasiah said the challenge was not sincere as Abdul Rashid was well aware that the public could not take the EC to court.

Sivarasa said the government with the consent of the EC had on June 2002, amended the Election Act 1954 making the electoral roll "final and binding" - effectively removing all legal avenues to challenge the credibility of the roll.

"When he was in part responsible for immunising the electoral roll from any challenge in an election petition, why is Abdul Rashid asking his critics to take him to court?" asked Sivarasa, a practising lawyer.

Quoting the judgement in the Likas by-election petition in 2001, Sivarasa said the Election Court then had found the electoral roll to be tainted but the EC-initiated legal amendments in 2002 no longer allowed proper public scrutiny of the roll.

### **See-through ballot boxes**

On claims by Abdul Rashid that the EC's hands were tied because it merely functions within the confines of the law, Sivarasa said the EC was still capable of formulating election regulations.

"If he wants to, he can make new regulations next week. The rules doesn't even need to be passed by Parliament. So please don't confuse the public by claiming that the EC cannot make election rules," he said.

Among the regulations which the EC have produced thus far include the Elections (Conduct of Elections) regulations 1981, Elections (Registration of Electors) Regulations and Elections (Postal Voting) Regulations 2003.

Among Bersih's core demands are the abolishment of postal voting, the use of indelible ink to mark voters who have cast their ballots and ensuring a 'clean' electoral rolls.

Bersih would be conducting its inaugural workshop on clean and fair elections on April 2 at Ceruk To' Kun and Skudai. The second leg of the workshop would be in Kota Bharu on April 7.

Other Bersih members who attended the press conference were PAS strategist Dr Dzulkifli Ahmad, Suaram secretariat member K Shan, PSM pro-tem secretary general S Arutchelvan and DAP NGO liaison chief Ronnie Liu.

Meanwhile, the EC today announced that see-through ballot boxes will be introduced at the next general elections.

These new boxes are one of the demands made by poll watchdog groups to ensure transparency and avoid possible cheating.