

Move for Pakatan states to file suit on local polls
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Penang is planning to invite the other three Pakatan Rakyat states to join it in a suit to determine whether they have the constitutional right to hold local government elections.

State exco member for local government, traffic management and environment Chow Kon Yeow said Penang, Kedah, Kelantan and Selangor can gain strength from one another's efforts in the matter by filing a joint suit.

NONE "We can file this suit straight to the Federal Court, bypassing the lower courts in compliance with Article 128 (of the federal constitution) which allows us to do so," said Chow (left).

However, this effort could lead to two possibilities, added Chow during his speech at the forum Rakyat Demands Electoral Reform organised by civil society organisations as part of the state's Local Democracy Week.

If the Federal Court rules against the suit, legal opinion is it that the state can choose to opt out of certain sections of the Local Government Act (LGA) which it does not want, he explained.

"Section 1(4) of the LGA says we can opt out of sections that we do not want to apply to us, but that is, of course, another legal battle to go through," he cautioned.

"However, if the ruling is for us, then we will direct the Election Commission to hold local government elections in Penang and other Pakatan states."

The initiative to file a suit came in the wake of the position of the Penang state legal adviser, who in conformity with the Election Commission and attorney-general, holds that the state has no power to conduct local elections.

The state has already invited the Election Commission to jointly file a similar suit. However, it is almost certain that the commission will not agree to do so.

As the state legal adviser is unable to represent Penang in the suit, the state has appointed its own panel of lawyers, headed by former Bar Council chairperson Yeoh Yang Poh, to follow up on the matter.

'Pakatan's commitment to restore elections'

Meanwhile, Chow revealed that before the last general election, the three Pakatan parties had different views about local elections.

However, during the first Pakatan convention in 2008, PAS was "persuaded" to accept the DAP and PKR views on the matter.

Chow said PAS was eventually willing to accept local council elections as this was a commitment that the parties made to the electorate during the 2008 election.

"We have to see this through despite all the legal impediments that we have to face," he said.

Other than the Pakatan document that endorses local government elections, the recent summit between the Pakatan heads of governments agreed to pursue the matter.

"Now, it is not only the DAP's or PKR's commitment but Pakatan's as a whole to restore this election; and since I am one of the leading figures in this matter, I have been asked, during a workshop for exco members from the various Pakatan states, to coordinate with the other states on the issue," he said.

On a related development, Chow said the state appreciated the initiative of local NGOs, which recently organised a mock-election to elect 10 nominees for the Penang and Seberang Perai municipal councils.

However, he added, he was still waiting for the list of nominees from the organisers so that these people could be considered for the NGO quota for the two municipal councils.

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