

Voter roll must be open to legal scrutiny, says polls group
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PETALING JAYA, March 30 — The government must abolish a clause in the Election Act 1958 which disallows the electoral roll from being challenged in court, a polls reform group said today.

The National Institute for Democracy and Electoral Integrity (NIEI) said section 9A of the Act was “a bigger problem” than discrepancies in the roll as it meant errors which were discovered could not be legally challenged once gazetted.

File photo of voters patiently waiting to cast their ballots at a polling station in Kuching during the Sarawak state elections last year. A polls reform group wants the law amended to allow the electoral roll to be challenged in court. — Picture by Choo Choy May
Section 9A was introduced in 2002, soon after the High Court declared the 1999 election for the Likas state seat in Sabah null and void on the grounds that the electoral roll used contained phantom voters, including foreign nationals.

The clause states that the roll, once certified and gazetted, is “final and binding” and may not “be questioned or appealed against in, or reviewed, quashed or set aside by, any court”.

NIEI acting chairman K. Shan said the judiciary must have a role in scrutinising the voter list and not just be limited to handling election petitions, which could only be made after the fact.

He also dismissed calls by other polls reform groups for a royal commission of inquiry (RCI) into the electoral roll, stressing that “extrajudicial” processes would not help in the long term.

“The judiciary needs to get involved here,” he said after unveiling the 2011 National Voter Registration Audit by NIEI and the Merdeka Center at Hotel Singgahsana here.

The government formed a parliamentary select committee five months ago after public anger towards the nation’s “unfair” electoral process spilled out onto the streets during the Bersih 2.0 rally last year.

Thousands of people choked the capital’s streets during the July 9 rally to demand free and fair elections despite the widespread lockdown by the Najib administration before the tumultuous event took place.

Critics allege that thousands of phantom voters, including non-citizens, have been entered into the electoral roll, and have urged the prime minister not to call elections before the select committee’s recommendations are fully implemented.

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