

**Election Commission acts against Pakatan's move to void GE13 results**  
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The Election Commission (EC) has challenged Pakatan Rakyat's civil suit to nullify the results of all 222 parliamentary seats in the 13th general election.

The EC filed an application to strike out the suit citing that the action by the opposition and several individuals who lost in the polls challenges the election results in a civil court when it should be through election petitions in the election court.

In the striking out application, the EC said that aggrieved parties could only file petitions to challenge election results once the outcome was gazetted under the Federal Constitution and the Election Offences Act.

Election judges are selected to hear petitions and dissatisfied parties have only one round of appeal before the Federal Court.

The EC filed the application to strike out the suit on August 29 in response to the action filed by the opposition and others.

It said the suit by way of writ was frivolous, vexatious and abuse of court process.

Judge Datuk Rosnaini Saub has given lawyers representing the opposition a month to file an affidavit in reply to the striking out application.

The EC would be given another month to reply to the opposition's affidavit.

On July 15, Pakatan Rakyat besides asking the court to set aside results of all 222 parliamentary seats, also urged that the current EC leadership be disbanded and fresh polls be conducted.

In the statement of claim, the opposition said this unprecedented move was necessary because of the indelible ink fiasco which caused massive cheating.

They also noted that some 30 parliamentary seats were lost by Pakatan Rakyat by fewer than 10% of the votes.

The opposition further claimed that even if the percentage of dishonest voters who voted twice was small, it was sufficient to affect the results in a significant number of seats.

In addition to zooming in on the many instances in which the indelible ink was washed away with relative ease, the plaintiffs - PKR, DAP and PAS - also trained their guns on seven members of the EC.

In addition to the three Pakatan Rakyat political parties, other plaintiffs to this action are opposition candidates Dzulkefly Ahmad, M. Manogaran, Saifuddin Nasution, Arifin Rahman and R. Rajoo, who all lost by narrow margins.

The plaintiff painted a picture of an EC whose partisanship and bias towards Prime Minister Datuk Seri Najib Razak and the Barisan Nasional in the run-up to the polls caused it to lose

public confidence and stray far away from its stated objectives, as laid out in the Constitution, namely, to be independent and impartial to all political parties.

The plaintiffs argued that the EC chairman Tan Sri Abdul Aziz Mohd Yusof and his deputy, Datuk Wan Ahmad Wan Omar, are accustomed to accepting instructions from the prime minister and members of the Cabinet, thereby shattering any semblance of neutrality.

Pakatan Rakyat also laid the blame squarely on the commission for the deliberate and fraudulent failure of the indelible ink that allowed voters to vote more than once.

The opposition also sought the following:

- all the EC members be removed from office because of their fraudulent behaviour;
- that until the results of a fresh general election are known, the Federal Government shall remain in office as a caretaker government;
- each of the defendants pay exemplary and general damages to the plaintiffs but without recourse to the Consolidated Fund. - September 3, 2013.

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