

Court Strikes Out Petition To Nullify Tawau General Election Result
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KOTA KINABALU, Sept 12 (Bernama) -- The Election Court here Thursday dismissed with costs a petition brought by a Parti Keadilan Rakyat (PKR) candidate to nullify the outcome of the 13th General Election for the Tawau parliamentary seat won by Barisan Nasional (BN).

Judge Supang Lian ruled that the petition filed by Datuk Kong Hong Ming of PKR could not challenge uncertified or recertified electoral rolls in the court of law under Section 9A of the Elections Act.

She said the petitioner should have made an objection on the matter during the objection period after the electoral roll was gazetted.

She also said the petitioner's claim that unqualified electors had ensured BN's win in the Tawau parliamentary constituency was based on information obtained from the ongoing proceedings of the Royal Commission of Inquiry to investigate the problem of illegal immigrants in Sabah and therefore, had no conclusive evidence.

Supang ordered Kong to pay a total of RM30,000 to the first three respondents and RM30,000 to the fourth respondent.

In his petition, he named the Election Commission and the Sabah state election officer as the first and second respondents respectively.

He also named the returning officer and Tawau MP Datuk Mary Yap Kain Ching as the third and fourth respondents respectively.

Kong filed the petition on June 12 at the High Court in Tawau alleging that the election of Yap, who is now Education deputy minister, was not in accordance with the principles requiring the first and second respondents and their officers to carry out due and proper registration of voters and to maintain an electoral roll containing only qualified voters.

He further alleged that the electoral roll was tainted with fraud and that the election was conducted in an unconstitutional manner.

Yap won the Tawau parliamentary seat in a four-way fight, securing 21,331 votes over Kong's 16,352 votes.

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