

Anwar has no right to vote in Permatang Pauh by-election, says EC
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By Mohd Farhan Darwis

Datuk Seri Anwar Ibrahim is not qualified to vote in the Permatang Pauh by-election on May 7, said Election Commission (EC) chairman Tan Sri Abdul Aziz Mohd Yusof.

Aziz said that the Federal Constitution did not allow for the jailed PKR de facto chief to cast his ballot, despite calls from the PKR to make good on Putrajaya's plan to allow prisoners to vote.

"(He is) not qualified according to Article 119(3)(a) of the Federal Constitution," Aziz told The Malaysian Insider in a Whatsapp message last night, when asked if Anwar could vote in the by-election.

Article 119(3)(a) of the Federal Constitution states that "a person is disqualified for being a elector in any election to the House of Representatives or the Legislative Assembly if on the qualifying date he is detained as a person of unsound mind or is serving a sentence of imprisonment".

Yesterday, Pakatan Rakyat proposed that Anwar be allowed to cast his ballot this May 7, as part of the government's proposed plans since 2013 to allow convicts to exercise their right to vote in elections.

PKR vice-president Nurul Izzah Anwar said in June 2013, the Home Ministry had planned to create a mechanism to allow those in jail to vote.

She also said that Home Minister Datuk Seri Ahmad Zahid Hamidi had previously said ongoing discussions were being held with the relevant authorities like the police and Election Commission to enable inmates to vote.

"I welcome such a move and I suggest that the Permatang Pauh by-election be made the pilot project, allowing the number one political prisoner of Malaysia, Datuk Seri Anwar Ibrahim, to vote.

"Isn't the more than one year period enough to find a legal mechanism that is in-line with the Prison Act and Federal Constitution?" she told a press conference at Yayasan Aman in Penanti yesterday.

But Zahid said yesterday that it was up to the EC to decide if Anwar can vote in the Permatang Pauh by-election.

"Maybe, SPR (EC) will look into clauses where an inmate could be given an opportunity to vote... but as far as I know, (an) inmate has no right to vote.

"If there is (a) clause to permit (an) inmate to vote, I'm sure SPR will provide the ballot paper to be sent to (the) Sungai Buloh (Prison) for the person to vote," he was

quoted as saying by national news agency Bernama.

Nurul Izzah's father Anwar, who was Permatang Pauh MP, is currently serving a five-year sentence in the Sungai Buloh prison for sodomy.

Her mother PKR president Datuk Seri Dr Wan Azizah Wan Ismail is now contesting in the by-election to defend the PKR stronghold from Barisan Nasional.

Nurul Izzah, who is Lembah Pantai MP, said the Prison Act allowed convicts to leave the prison premises on certain occasions, such as funerals, and allowing them to vote was also in-line with the Human Rights Commission of Malaysia's (Suhakam) recommendations as stated in Article 21 of the Constitution.

"In Malaysia, a citizen has the right to vote for a state representative or member of parliament in any election as provided under Article 119 of the Constitution," she said yesterday. – April 27, 2015.

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