

Stern action must be taken against by Election violators - TI Malaysia

Astro Awani

14 January 2019

Media Statement

TRANSPARENCY International-Malaysia (TI-M) urges the Election Commission (EC), the Malaysian Anti-Corruption Commission (MACC) and the Royal Malaysian Police (RMP) to take stern action against any political party and its members who are found to be using inducement as a means to buy votes during the current Cameron Highlands parliamentary by-election.

Officials and personnel from these enforcement agencies should closely monitor the campaign activities of the candidates and their agents to ensure that no one violates the rules, regulations and ethics of election campaigning. Particular attention must be given to activities which are deemed vote-buying and action must be taken against any offender under the Election Offences Act 1954 (EOA), the MACC Act 2009 or the penal code.

Even before nomination date and the official campaign period started in Cameron Highlands, MACC has revealed that allegations of corruption have surfaced. They include holding events where food and drinks are provided and giving contributions which are offences under the EOA.

The change of government in May 2018 does not seem to have brought the expected changes to the way political parties conduct their election campaigning. In the recently concluded Port Dickson by-election, election monitoring group BERSIH observed 10 election offences committed by candidates. Election offences were also reported during the Sungai Kandis by-election in August and the Seri Setia and Balakong by-elections a few months back.

EC chairman Azhar Azizan Harun had previously lamented the commission's lack of powers to act against candidates who violate election laws. TI Malaysia is of the view that while our existing laws can be further strengthened, they have the necessary provisions for the EC and other enforcement agencies to take firm and prompt action where evidence exists.

For example, Under Section 15A of the EOA, a candidate must record all expenses incurred during an event, and that a candidate's spending limit is RM200, 000. Did all candidates comply with this limit based on information and evidence provided? Inducement is a violation of the law and under Section 10 of the EOA and can be deemed to be bribery under the MACC Act 2009. The offences amounting to corrupt practices is provided for under sections 8 (treating), 9 (undue influence), 10 (bribery) of the EOA. It

covers both direct and indirect acts committed to induce any person to vote or refrain from voting.

Under section 8 of the EOA, every candidate who corruptly provides treats such as food, drinks or refreshment, provision, money or tickets shall be guilty of the offence of treating.

Section 9 of the EOA refers to corrupt practices by placing undue influence on voters which is an offence which could invite serious consequences. Orang Asli Senator Bob Manolan Mohd's reported statements that Tok Batin in Cameron Highlands could lose their salaries and post if they did not support the federal government, if true may breach section 9 of the act.

With reference to section 10 of the EOA (bribery), a person is guilty of an offence if anyone commits direct or indirect vote-buying such as giving or offering money, gift, employment, office, place or loan before, during or after an election.

All of the above sections 8 (treating), 9 (under influence) and 10 (bribery) of EOA covers not only the candidate but anyone liable to commit these offences.

There should be zero tolerance of "money politics" from both sides of the political divide.

The above examples show that our laws especially against corrupt activities during election campaigning must be enforced and seen to be enforced diligently and fairly against all persons and parties practising such acts. Otherwise the credibility of our EC, enforcement agencies and by extension the election process will be seriously called into question.

The misuse of official power and machinery during the upcoming by elections by political parties should be totally banned.

TI-M calls on all candidates and their supporters to conduct their campaigning within the scope of our laws, and for all enforcement agencies to enforce our laws and protect our democratic process to allow for a free, clean, fair and credible Cameron Highlands by election. Otherwise our cry for a "Malaysia Baru" will surely ring hollow.

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Source: http://english.astroawani.com/politics-news/stern-action-must-be-taken-against-election-violators-ti-malaysia-195926?_ga=2.14851249.609118435.1547426423-699671994.1531959400