

### **Voting Is A Constitutional Right That Cannot Be Denied Even During A Pandemic**

The Coalition for Clean and Fair Elections (Bersih 2.0) is appalled with the statement by Defence Minister Ismail Sabri that those who are confirmed COVID-19 positive would not be allowed to vote in the Sabah State Election this coming Saturday while others who have symptoms like fever and coughing and those quarantined will be allowed to vote.

A citizen's right to vote is enshrined in the Federal Constitution and no one can arbitrarily take that right away, not even a government minister or a special cabinet.

Article 119(1) states that "every citizen is entitled to vote in that constituency in any election to the House of Representatives or the Legislative Assembly unless he is disqualified under Clause (3) or under any law relating to offences committed in connection with elections." Clause (3) disqualify those who are of unsound mind and those serving imprisonment of more than 12 months.

The Election Commission (EC) is duty-bound to facilitate the casting of votes but those who are found to be COVID-19 positive during this Sabah State Election by making special arrangement for these patients to vote from the safety of hospital wards with the assistance of trained medical staff. This would be in compliance with the Guidelines for Prevention of COVID-19

## **BERSIH - Voting is a Constitutional Right...**

Written by admin  
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During Elections (1), issued by the EC where it states that COVID-19 positive patients are NOT ALLOWED to leave the hospital to cast their votes.

We are fortunate to have a highly competent Health Director-General and professional healthcare workers who are at the frontline to keep us safe. We are confident that with their support, the several hundred cases of COVID-19 patients in Sabah who are eligible to vote can do so safely.

Bersih 2.0 is of the view that if the EC fails to facilitate voting for COVID-19 positive patients in Sabah this coming Saturday, they would be liable to legal actions for failing to fulfill their obligation to voters. Further, any person or election officers who willfully prevents any person who is entitled to vote from voting, would have committed an offence under Section 4(d) or Section 9 of the Election Offences Act 1954.

Bersih 2.0 stands ready to provide legal assistance to any COVID-19 positive patients who are prevented from exercising their right to vote this Saturday. They should contact us by email at [info@bersih.org](mailto:info@bersih.org) soon after 26th September 2020.

We call on the EC to fulfill its duty and rise to the challenge of conducting elections safely even during a health crisis and demonstrate to the Malaysian public the importance of voting and the value of every single vote.

**Statement issued by:**

**The Steering Committee of Bersih 2.0**

(1) [https://www.spr.gov.my/sites/default/files/GP%20PENGEHAHAN%20COVID-19%20PELAKSANAAN%20PILIHAN%20RAYA\\_kemaskini%20pada%2011%20September%202020.pdf](https://www.spr.gov.my/sites/default/files/GP%20PENGEHAHAN%20COVID-19%20PELAKSANAAN%20PILIHAN%20RAYA_kemaskini%20pada%2011%20September%202020.pdf)

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