

EC told to implement Undi18 by Dec 2021

Kuching High Court allows judicial review by five Sarawakian youths against federal govt's delay in implementing Undi18

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KUCHING: The government and the Election Commission (EC) must expedite the implementation of the lowering the voting age from 21 to 18, the latest by this Dec 31.

The mandamus order was passed when Kuching High Court judicial commissioner Alexander Siew yesterday allowed the judicial review application filed by five Sarawakian students, aged between 19 and 20, against the federal government's decision of delaying the implementation of 'Undi18' to next year.

The applicants Ivan Alexander Ong, Sharifah Maheerah Syed Haizir, Chang Swee Ern, Tiffany Wee Ke Ying and Viviyen Desi George named the Government of Malaysia, the Prime Minister and the Election Commission (EC) as respondents.

In allowing the application, Siew ordered for the quashing of the EC and government's decision of delaying the implementation of Undi18 until after September 2022, and also for the EC and the government to take all the necessary steps for the constitutional amendment, which included Undi18, to 'come into effect as soon as possible and in any event by Dec 31, 2021'.

On May 4 this year, the five students said to representing the 'Undi Sarawak' campaign group, filed a judicial review application at the Kuching High Court, seeking declarations

that the government's action in delaying the implementation of lowering the voting age from 21 to 18 was 'irrational, illegal, disproportionate and amounting to voters' suppression' and, 'that 18 to 20-year-olds do have legitimate expectation that they have the right to vote in next elections'.

The applicants were also seeking to quash the government's decision to delay the implementation of Undi18.

The students were represented by counsels Simon Siah and Clarice Chan, while the respondents by counsels ShamsulBolhassan, AzizanMd Arshad and Jessica Lee.

According to Undi Sarawak press statement dated May 4, the right of those in the 19-20 age group to vote would affect approximately 125,000 to 135,000 Sarawakian youths as the Sarawak State Legislative Assembly (DUN) had passed a Bill lowering the minimum standing age from 21 to 18 in December last year.

Hence, they also sought to compel the named parties to immediately bring into operation Section 3 (a) of the Constitutional (Amendment) Act 2019 or, in any event, on or before July 2021.

Following the EC's address on the implementation of the 'Undi18 Bill' on March 25 this year, Undi Sarawak had continued to urge the immediate execution of the lowering of the voting age from 21 to 18.

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'Youths are owed their constitutional right to vote'

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EC chairman Datuk Abdul Ghani Salleh then had stated that both the Automatic Voter Registration (AVR) and the lowering of the voting age would only be implemented after Sept 1 next year, due to various constraints and issues faced by the commission, said to include the ongoing developments in the Covid-19 situation.

The Undi18 Bill covers the amendments to Article 119 of the Federal Constitution as set out in the Constitution (Amendment) Act 2019.

Section 3 (a) of the Constitution (Amendment) Act 2019 seeks to lower the voting age from 21 to 18, whereas Section 3(b) provides removes any legal obstacle for implementing AVR.

"We also take note of the most recent statement made by (then-

defacto Law Minister) Datuk Seri Takiyuddin Hassan on April 29, 2021, as well as his subsequent remarks on May 2, 2021, regarding the implementation of the Undi18 Bill.

"While we welcome the Malaysian Cabinet's renewed commitment in implementing the Undi18 by July 2021, it remains to be seen whether there's a fixed course of action and timeline to do so," said Undi Sarawak in its May 4 press statement.

The group held firm to its belief that youths between the ages of 18 to 20 were owed their constitutional right to vote and this was made more pertinent for approximately 125,000 to 135,000 Sarawakians aged 18 to 20 as the Sarawak state election ought to be held once the State of Emergency had ended and also, to ensure young Sarawakians could exercise their rights as first-time voters.