

More Electoral Reforms Needed for a More Democratic Malaysia

Electoral reforms were one of the many promises made by Pakatan Harapan (PH) to the people of Malaysia during the GE14 campaign period. These reforms continue to be promised after PH wrested Putrajaya from Barisan Nasional on 9th May 2018. The first step towards implementing these reforms took place via the appointment of Tuan Azhar Azizan Harun, a practising lawyer, as the new chairman of the Election Commission (EC). The EC now comprises of a law lecturer, former BERSIH 2.0 committee member, and other professionals – a deviation from having the EC as a ‘retirement plan’ of former civil servants. With this ‘dream team’ in place, there is hope in electoral reforms for Malaysia.

Re-delineation and cleaning up the electoral roll

A re-delineation exercise caused voter imbalance in constituencies, creating constituencies with disproportionately large amounts of constituents with only one parliamentary representative. For example, the Bangi parliamentary constituency has 180,000 constituents but only one parliamentary representative. This result in malapportionment, i.e. manipulation of electorate size that causes one person’s vote to be worth up to 3-4 times the votes of another person in a different constituency, and gerrymandering, the manipulation of the boundaries of an electoral constituency to favour a specific political party¹. The Federal Constitution prohibits gerrymandering and malapportionment, thus rendering the whole re-delineation exercise as unconstitutional². However, the government needs to acquire a two-third majority vote in Parliament to amend Article 46 (which concerns the composition of the House of Representatives) and Article 113 (which touches on the re-delineation schedule) of the Federal Constitution in order to conduct a new re-delineation exercise.³ The EC has stated that it is currently adhering to the current re-delineation exercise, with the next exercise set to take place in 2025, unless amendments are made at the parliamentary level as stated above.⁴

The EC has identified 73,000 voters in the age range from 90 to 150 years old and a large number of voters who haven’t informed the EC of changes in the voting addresses. A Royal Commission Inquiry also discovered a sizeable number of phantom voters in Sabah, where 36,000 dubious identification cards were found. The EC is currently collaborating with the United Nations Development Program (UNDP) to clean up the electoral roll.

¹ Hin, Ooi Kok. (2018, March 19). How Malaysia’s election is Being Rigged. *The New Naratif*. Retrieved from https://newnaratif.com/research/malaysias-election-rigged/#_ftn1

² Ibid.

³ Annuar, Azril. (2018, November 21). Redrawing election boundaries needs two-third ‘yes’ in Parliament, deputy minister says. *Malay Mail*.

Retrieved from <https://www.malaymail.com/news/malaysia/2019/03/23/regrets-not-good-enough-dap-mp-tells-najib-after-supporters-attack-on-stude/1735642>

⁴ No redelineation, at least not until 2025 (2018, November 1), *The Star Online*.

Retrieved from <https://www.thestar.com.my/news/nation/2018/11/01/no-redelineation-at-least-not-until-2025-ec-checks-to-be-done-on-most-recent-exercise-to-see-if-it-f/>

The EC is also working together with the Electoral Reform Commission (ERC) to:

- i. Increase the number of polling days for voters from rural areas in both East and Peninsular Malaysia to cast their ballots. This would allow greater participation from this voter demographic since they often face transport difficulties in reaching polling centres.
- ii. Expand the ban on campaigning after 11.59 pm on the eve of the polling date to social media.
- iii. Collaborate with the National Governance, Integrity and Anti-Corruption Commission (GIACC) to draft legislation on political funding, which will contain provisions on banning government-linked companies (GLCs) from funding political parties.
- iv. Create a more comprehensive code of conduct (COC) on the usage of government resources by government officials during election campaign periods. This is in light of criticisms from civil society and media organisations on the usage of government vehicles.
- v. Lower the voting age from 21 to 18 to encourage active participation from youth in the political process.

Government's will

While it is the responsibility of the EC and ERC to reform the electoral commission, it is crucial to remind the current government that they have to fully commit to a democratic Malaysia. The PH coalition had pledged to restore local democracy in their Buku Harapan manifesto. One way is to **restore local council elections**. However, this was mooted over the unfounded fear that outcomes from local council elections would cause racial strife due to the different racial makeup in rural and urban areas.⁵ PH should get its act together and fully commit to the idea of restoring local council elections.

The government also must introduce legislation that would **prohibit GLCs and statutory bodies from funding political parties**. This link to political funding exists since the Barisan Nasional administration.⁶ Prof. Dr Edmund Terence Gomez of Universiti Malaya claimed that 1MDB is a good example to explain GLC-political financing linkage, where this GLC had been funding the BN election campaign during GE13.⁷ If the government does not want a 1MDB-

⁵ No to local council elections which may cause racial strife, says Dr Mahathir (2018, December 10), *The Star Online*.

Retrieved from <https://www.thestar.com.my/news/nation/2018/12/10/no-to-local-council-elections-which-may-cause-racial-strife-says-dr-mahathir/>

⁶ Ho, Samantha., Zainul, Emir (2018, August 28). Transparency needed in political financing, GLC reforms. *The Edge Markets*.

Retrieved from <https://www.theedgemarkets.com/article/transparency-needed-political-financing-glc-reforms>

⁷ Ismail, Amir Ridzwan. (2018, October 7). Stop abusing GLCs for financing, don tells political parties. *The Edge Markets*.

Retrieved from <https://www.theedgemarkets.com/article/stop-abusing-glcs-financing-don-tells-political-parties>

like scandal to repeat itself, then they must fully commit to introducing legislation that requires the political financing of parties to be done in legitimate ways.

In addition, the PH government can show their support for a clean, fair election process by **refraining from promising projects and incentives to voters during campaign trails**. Such actions were committed by Pakatan candidates during the by-elections held at Cameron Highlands and Port Dickson.^{8,9} PH ministers and deputy ministers should avoid using government resources, such as official vehicles, during the election campaign period. The EC should create a Code of Conduct on the usage of official vehicles during campaign periods.

In conclusion, it takes the effort of all Malaysians to keep our institutions and government in check. Only then can the vision of a democratic Malaysia be fully realized.

⁸ Jun, Soo Wern. (2018, October 1). Anwar pledges 3 development projects for PD ahead of by-election. *Free Malaysia Today*.

Retrieved from <https://www.freemalaysiatoday.com/category/nation/2018/10/01/anwar-pledges-3-development-projects-for-pd-ahead-of-by-election/>

⁹ Guan Eng: More developments for Cameron Highlands in Pakatan wins (2019, January 19), *The Star Online*.

Retrieved from <https://www.thestar.com.my/news/nation/2019/01/17/guan-eng-more-development-for-cameron-highlands-if-pakatan-wins/>