



PARTI TINDAKAN DEMOKRATIK

(JAWATANKUASA NEGERI SARAWAK)

民主行动党 (砂州委员会)

DEMOCRATIC ACTION PARTY

(SARAWAK STATE COMMITTEE)

TO: The Parliamentary Select Committee (PSC) on Electoral Reform
Parliament House
Kuala Lumpur
(Holden in Kuching)

Memorandum on Electoral Reform in Sarawak

Election is a sacrosanct process. It ensures that citizens exercise their rights to vote for the destiny of the country. It is therefore essential that there must be clean and fair elections and voters are at liberty to cast their votes freely. Voters are more prepared to get involved in electoral process when they are confident that the elections are clean and fair.

DAP Sarawak welcomes the recommendations to improve the election process contained in the Interim Report of PSC presented in Parliament on 1st December, 2011. We congratulate the PSC for a job well done. We do not intend to repeat the recommendations in this Memorandum. Suffice it is to say that we welcome and accept, among others:

- (a) the proposals to use indelible ink in order to avoid multiple voting by a single person;
- (b) advance voting by security personnel such as the armed forces and police, members of the Election Commission and media;
- (c) overseas voting - whereby Malaysians may be able to vote in centres arranged by the Election Commission instead of having to return to the home constituencies;
- (d) clean-up of electoral roll;
- (e) 14 day-period to check on new voters without having to pay objection fees;
- (f) revised voting process - whereby there will be no serial numbers on the ballot papers but only on counterfoils, recount is allowed when the vote differences between two candidates is less than 2% instead of the former 4%;
- (g) improvement to nomination process – whereby the objection to nomination is abolished and the 3-day cooling off period is removed.

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DAP Sarawak hopes that these recommendations by the PSC will be implemented and incorporated into the election system before the coming 13th General Elections. Otherwise, the effort of the PSC will be wasted.

DAP Sarawak also feels that there are other areas which the PSC should look into in order to improve the electoral process. We present our humble views as follows:

(1) *Fair Representation by Sarawak/Sabah*

In accordance with the spirit of the Malaysia Agreement, 34% of parliamentary seats must be from Sarawak and Sabah but it has now been reduced to a mere 25%.

The voters of Sarawak and Sabah have thereby lost their rightful and proportionate representation in Parliament.

Instead of enhancing the spirit of the Malaysia Agreement, the present representation in the lower house of Parliament is skewed in favour of Peninsula Malaysia. This is because the Election Commission had re-delineated constituencies which reduced the representation by Sarawak and Sabah in Parliament.

Before Sarawak and Sabah joined to form the Federation of Malaysia, it was clearly and carefully stated in the Cobbold Commission Report and the Malaysia Agreement that the number of parliamentary seats in Peninsula Malaysia must not be more than 2/3 of the total parliamentary seats. This is in order to ensure that Parliament shall not be able to amend the Constitution willy nilly. In so doing, the special rights and safeguards of the Borneo states are protected. Any amendment thereof would require the support from the Borneo states. During those days, of the 155 Parliamentary seats, Peninsula Malaysia was allocated 104 seats, Singapore 15 seats, Sabah 16 seats and Sarawak 20 seats. Peninsula Malaysia had therefore 67% of the parliamentary seats. However, after re-delineation in 1974, Peninsula Malaysia had an additional 10 seats, while there was no increment for Sarawak and Sabah. With the withdrawal of Singapore from the Federation, Peninsula Malaysia is able to secure a two-third majority without the support of Sarawak and Sabah.

The representation by Sarawak and Sabah has been further eroded recently when Peninsula Malaysia has 166 parliamentary seats. That represents 75% of the total 222 seats. With a total of 56 seats, Sarawak and Sabah has a mere 25% representation in Parliament.

The imbalance is unjustified because it violates the spirit of the Malaysia Agreement. It violates the sanctity of the federation that Sarawak and Sabah actually joined to form the Federation of Malaysia as equal partners. Further, the re-delineation by the Election Commission apparently failed to consider the geographical sizes of Peninsula Malaysia (166 seats for land size of 131,598 sq km), Sarawak (31 seats for land size of 124,450 sq km) and Sabah (25 seats for land size of 73,631 sq km).

To rectify the imbalance, the Election Commission should reinstate the spirit of the Malaysia Agreement, and re-delineate and increase the Parliamentary seats for Sarawak and Sabah.

For Sarawak, the average population per constituency is around 30,000.00. However, pursuant to the electoral roll as at June 2011 there are 7 constituencies with less than 20,000 voters. These are P200 Batang Sadong (17,898), P.203 Lubok Antu (18,334), P.206 Tanjong Manis (17,754), P.207 Igan (16,193), P.210 Kanowit (18,135), P.216 Hulu Rajang (19,900) and P.222 Lawas (17,217).

On the other hand, urban/semi urban centres show a concentration of voters. There are 7 constituencies with voters exceeding 40,000. These are P.194 Petra Jaya (44,741), P.195 Bandar Kuching (53,276), P.196 Stampin (76,494), P.211 Lanang (53,486), P.212 Sibu (60,284), P.217 Bintulu (54,821), P.219 Miri (62,147).

Considering the geographical vastness of Sarawak, it is acceptable to give certain weightage to rural constituencies, but the larger urban/semi-urban constituencies do provide justification to increase Parliamentary seats. Such re-delineation will ensure that there is "fairer" representation of urban/semi-urban folks in Parliament.

(2) Destiny of Sarawak be determined by Sarawakians

A fair election system should ensure that the fate of a country be determined by her own people. Similarly, the future destiny of Sarawak should be determined by those who are intimately connected to Sarawak and not by those who come from outside Sarawak state.

According to Parliament answer, as at 30th June 2011, there are 20,180 postal voters in Sarawak. We believe that the bulk of these are from the armed forces and police, and most of them are stationed in P.195 Bandar Kuching (2,142), P.196 Stampin (4,147), P.197 Kota Samarahan (4,259), P.212 Sibu (3,468) and P.219 Miri (1,359).

Much that there is nothing in the Constitution to prohibit security personnel and police from Peninsula Malaysia who are posted to Sarawak to vote in Sarawak, DAP Sarawak feels that it ought to be a public policy that only those who have genuine connection with Sarawak be permitted to vote in Sarawak, whether Parliament or state elections. Connections can be by marriage and not by short term posting to Sarawak. These security personnel and police should vote by post in elections of their own state of origin.

(3) Public Facilities Being Used

As soon as Parliament/Dewan Undangan Negeri is dissolved, the Government of the day becomes a care-taker Government. There is no reason why a care-taker Government is allowed to use public facilities such as Government vehicles, town halls, Dewan Suarah and such like for the purpose of enticing voters' support. The care-taker Government should not be allowed to dangle development projects as election bait. No money or monetary gratification should be distributed in the name of it being a "caring Government" in order to enhance support during the campaign time. The Election Commission should ensure that such unhealthy political and electoral maneuvering is stopped once Parliament/Dewan Undangan Negeri is dissolved.

(4) *Neutrality/Double Standard*

In order to gain public trust, the Election Commission should be truly independent and not beholden to any political party, especially the Government. No election officer or returning officer shall practice double standard. One example of double standard was recently practiced in Sibu. The same Returning Officer for the Sibu by-election had disallowed the winning DAP candidate from making a victory speech on 16th May 2010 but he allowed the BN/SUPP winning candidate of Bawang Assan to give a lengthy victory speech in the Sarawak state election of 16th April 2011. Such glaring double standard ought to be avoided.

The Election Commission should be legally enabled to not merely conduct elections but also have power to enforce and execute the law relating to elections.

(5) *Training of Returning Officers/Presiding Officers*

There are times when it is oddly clear that Returning Officers/Presiding Officers have not been adequately trained to conduct election. Many do not even know that counting agents are to be given tally sheets such as Borang 14 and Borang 15, duly signed by the Returning Officers/Presiding Officers and the counting agents of political parties.

Even more scary has been cases of unlawful restraint of candidates at the nomination centres until the objection time has expired. The candidates for Pelawan were restrained by the Returning Officers during nomination in the 2006 and 2011 state elections. The candidate for Padungan in the 2011 Sarawak state election was similarly restrained and disallowed to leave the nomination centre until after the objection time had expired. When candidates were at the mercy of the Returning Officers/Presiding Officers, unless they were prepared to risk being disqualified, they had no choice but to stay behind, though unlawfully restrained or wrongfully imprisoned by the Election Commission.

The Election Commission should ensure that all officers involved in election be adequately trained from nomination process to voting and counting.

While the PSC has recommended that only the "X" symbol on the ballot paper is the approved mark, DAP Sarawak feels that marking or signs such as a tick ought not to be rejected.

(6) *Let Living Dead vote*

While efforts to clean electoral rolls are necessary and welcome, the Election Commission should not consciously deny eligible voters their right to vote. The Election Commission had excluded some people their rights to vote on the ground that they are already dead. One such person is **TING KIE ING (WNKP460711135305)**. He lost his right to vote since 2006. He had even been the proposer for DAP candidate in Bukit Assek in 1996 and 2001. His name was removed sometime before the 2006 state election on the ground that he had died in 1973. Why a voter who was allegedly dead in

1973 removed only in 2006 is a million dollar question. However, this Mr. TING is very much alive, and he presents himself before the PSC today. Since 2006, he had twice applied to be reinstated as a voter without success. It looks like Mr. Ting is not the only one denied of suffrage. The Election Commission should immediately reinstate the voter's eligibility in similar circumstances.

Dated this 8th day of December 2011



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Wong Ho Leng (Chairman)
For DAP Sarawak State Committee