

Submission to the Parliamentary Select Committee on Electoral Reforms

Automatic Voter Registration and Reduction of the Voting Age

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Kuching**

1. Automatic Registration of Voters and Reduction in Voting Age

- 1.1 Currently, there is no automatic registration of voters in Malaysia. This is unacceptable since it defeats the process of equal participation and democratic choice in the electoral process. It disenfranchises over 3.7 million eligible voters in the country who are not registered.
- 1.2 The current registration process of the Election Commission (EC/SPR) relies on registration of a voter on an official form. This is cumbersome and lengthy (taking over three months to process) and reflects poorly on bureaucratic efficiency in the era of electronic government.
- 1.3 It defies all logic that in the era of efficient, electronic government the Election Commission (EC/SPR) cannot link its computer system with that of the National Registration Department (NRD). It is entirely possible to automatically and systematically capture new voter registration when citizens renew their ICs at age 21; and also to delete voters from the electoral roll on registration of deaths with the NRD. The internet era not only allows for this, it can facilitate this in a seamless fashion – provided there is the political will to do this.
- 1.4 Furthermore, maintaining the current age of voting at 21 is illogical. Individuals in Malaysia can marry and legally enter into contracts by the age of 18. This means that Malaysian law recognises all individuals as being capable of mature judgment once they reach the age of 18. Hence, if someone can decide whom he/she wants as a life partner and if someone can decide what legal contract they wish to enter into on a long or short term basis, it defies logic that they cannot be allowed to exercise sound judgment and vote for their choice of government when they reach the age of 18.
- 1.5 The voting age in all Southeast Asian countries is 18 years except for Indonesia and East Timor (17 years). Only Singapore and Malaysia maintain an outdated mindset in maintaining the voting age at 21 with no substantive reasons for doing so.

2. Recommendations

- 2.1 That the PSC recommends the lowering of the voting age to that of 18 immediately.
- 2.2 That the PSC recommends the EC/SPR link up its computer system with that of the NRD to facilitate automatic registration of voters at age 18 and automatic deletion of voters on registration of their death.

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Duration of Campaign Period and Free, Fair and Equal Access to the Media

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1. Campaign Duration

- 1.1 Currently, the usual eight-day duration of campaigning during elections is too short. This very brief campaign period undermines a key basis of a democracy namely that voters make informed choices about whom they want as their elected representatives and which party they wish to represent them in government.
- 1.2 The current time frame of eight days is insufficient since it does not allow for any substantial discussion of the real campaign issues and no robust evaluation of party manifestos and the candidates contesting the election. The performance of power holders is seldom scrutinised. The quality of the opposition is seldom evaluated.
- 1.3 Consequently, election campaigns in Sarawak often end up being ethnic, religious or developmental 'beauty contests' in which contesting parties attempt to outdo their competitors by showing how good they are in relation to how bad their competitors are! There is too much ridicule and disparaging of the competition by all parties involved given the short election period. There is no discussion of issues, little debate and still less comparison of candidates and party platforms.
- 1.4 As well, the brevity of election campaigns often sees candidates distributing money and all sorts of developmental goodies to voters to solicit their support instead of sharing their well-thought out ideas and party manifestos in support of good governance and democracy to solicit support.

2. Lack of Equal and Fair Access to the Media

- 2.1 Presently, the structure of the Malaysian media industry is such that most mainstream media is owned by the government or interests closely aligned to or linked to political parties and individuals in government.
- 2.2 During elections, the mainstream media have consistently acted as the unvarnished propaganda arm of the governing political party. This has been eloquently documented in numerous articles, the key ones being Zaharom Nain (2002), Mustafa Anuar (2002), various issues of the Aliran Monthly and the work of the Centre for Independent Journalism (CIJ).¹
- 2.3 In the interest of freely and fairly informing the electorate about the key electoral issues, party manifestos, candidates, their positions on issues, etc. and to allow for a critical evaluation of past performance and future commitments/pledges, the mainstream media

¹ Zaharom Nain, 'The Structure of the Media Industry. Implications for Democracy' and Mustafa K. Anuar, 'Defining Democratic Discourses. The Mainstream Press'. Both articles were published in an edited volume by Francis Loh Kok Wah and Khoo Boo Teik (2002), *Democracy in Malaysia. Discourses and Practices*, Surrey: Curzon Press. Aliran Monthly monitors and regularly comments on the health of the mainstream press in its publications and website www.aliran.com. Similarly CIJ at their website: <http://cijmalaysia.org/>.

has a key role to play in strengthening democracy and informed choice. But for this, there needs to be fair access to the media for all. As well, there is a need for the media to report truthfully and without bias on all issues and all parties contesting an election.

3. Recommendations

- 3.1 The PSC is thus urged to recommend that the EC/SPR set campaign duration of at least 21 days to allow all political parties and their candidates sufficient time to traverse their far-flung constituencies in Sarawak. This will also allow them enough time to communicate effectively with all voters about their party manifestos and campaign commitments. It will also allow the electorate to meet, to scrutinise and get to know critically the party platforms of their candidates and also their potential as elected representatives. Together with a free and fair press, this will also allow the electorate to be fully informed about the key issues in an election.
- 3.2 The PSC is also urged to recommend that the EC/SPR be given independent powers to monitor and discipline the mainstream media to ensure that they provide free, fair and unbiased coverage of all contesting parties in an election. Free airtime should be allocated to all contesting parties by the mainstream media. There should be provision for the right of reply to all parties in all mainstream media and there should be selected televised debates for all key party leaders. Together with a 21 day campaign period, this will allow the electorate to be fully informed about the key issues in an election.

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Mal-apportionment and Gerrymandering of Constituencies

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1. Mal-apportionment of Constituencies

- 1.1 A key principle of democracy is that of one person having one vote. In principle, every vote in a democracy has equal value. This means everyone's vote - irrespective of their constituency - has equal weightage in terms of its ability to influence electoral outcomes.
- 1.2 Historically, there has been some divergence in this principle especially between rural and urban constituencies whereby 'differences in constituency electorate sizes were limited to 15 percent above or below the average constituency electorate at the time of Merdeka' (Lim Hong Hai in Malaysiakini Comments, 3.12.11).
- 1.3 'These clear numerical limits were relaxed in 1962 and then removed in 1973 by constitutional amendments: the federal constitution now allows, rather imprecisely, "a measure of weightage" in favour of rural constituencies' ((Lim Hong Hai in Malaysiakini Comments, 3.12.11).
- 1.4 Consequently in Malaysia, this principle of every vote having equal value has been subverted by successive mal-apportionment of constituency sizes. By mal-apportionment, I mean that constituencies have been gerrymandered into sizes with vastly different total vote numbers which undermine the basic principle of one person having one vote of equal value and weightage to that of another person.
- 1.5 In Sarawak, there are 31 parliamentary and 71 state constituencies. All these constituencies suffer from the phenomenon of mal-apportionment. This is not a phenomenon that is unique to Sarawak. It also exists in all parts of the country.
- 1.6 Table 1 shows: (a) the total voters of all state constituencies and their mal-apportionment in terms of relative percentage differences between the smallest to the largest constituency, and (b) the relative percentage differences between all constituencies and what I consider to be a fair average total voter sized constituency. Table 2 shows the same but for parliamentary constituencies in Sarawak.
- 1.7 For state constituencies, a voter in Ba'kelalan (6958 voters) has a vote that is approximately five times more value in terms of weightage than that of a voter in Pending (29488 voters). For an urban comparison, a voter in Satok (10431 voters) has a vote with a weightage that is more than twice that of a neighbouring voter in Padungan (23576 voters).
- 1.8 For parliamentary constituencies (Table 2), a voter in Lawas (15717 voters) has a vote that is approximately five times more value in terms of weightage than a voter in Stampin (67257 voters). For a close semi-urban comparison, a voter in Petra Jäya (40533 voters) has a vote that is approximately 1.66 times more value in weightage than a voter in Stampin.

- 1.9 These figures suggest serious mal-apportionment of voters in the various state and parliamentary constituencies in Sarawak. They undermine the democratic principle of one person having a vote of equal value with that of another voter in another constituency.
- 1.10 To stay true to the democratic principle of one person one vote, a fairer apportionment of voters in Sarawak-based constituencies would see the Election Commission fix an average number of voters per constituency (take the total number of voters in Sarawak and divide by number of constituencies giving 13805 voters for each state constituency; 29808 voters for each parliamentary constituency). The EC/SPR should then delineate all constituencies in a fair way to ensure that constituencies do not deviate too far beyond the set average number of voters per constituency. Leeway should be given for extremely rural constituencies but the deviation should not exceed 20 percent of the set average since transport and telecommunication networks today in Sarawak are much better than what they used to be in 1963.¹

2. Recommendations

- 2.1 Given that this issue of mal-apportionment of constituencies and subsequent gerrymandering of constituency boundaries is an issue that affects the whole country and hence the health of the nation's democracy, I thus urge the PSC to recommend the setting up of a Royal Commission of Inquiry to investigate this issue of mal-apportionment of equal average voters among constituencies thoroughly. The mandate of such a RCI should examine (but not be confined to) current mal-apportionment and to draw up fairer rules that will guide the EC/SPR to redraw all constituency boundaries to ensure that all constituency delineations empower voters equally. As well, strict rules about future delineation exercises must be drawn up to ensure that the EC/SPR genuinely assists in promoting and protecting the equal values of our democratic vote for all time.
- 2.2 I also urge the PSC to recommend that parliament enact a cross-party constitutional amendment to restore the EC/SPR's formerly independent powers to ensure equal distribution of seat apportionment between states (removed via Constitutional (Amendment) Act (No. 2) of 1973) and equal average voters among constituencies which was also removed by the same constitutional amendment.² As well, the EC/SPR should be made answerable to parliament and not to the government as is the situation now.

¹ When Malaysia was formed in 1963, electoral limits for Sabah and Sarawak were such that they allowed 'the largest constituency to have twice the number of electors as the smallest constituency, this is, one-third or 33 percent above or below the average constituency in each state' (Lim Hong Hai, 2011 in Malaysiakini Comments, 3.12.11). Also, to overcome any travel-related cost related issues related to large constituencies, parliament should mandate an annual allocation of travel funds for all parliamentarians that is indexed to distance travelled via a reasonable mode of transport available for such travel.

² See Lim Hong Hai, 'Electoral Politics in Malaysia: "Managing" Elections in a Plural Society', pp. 111-112, <http://library.fes.de/pdf-files/iez/01361005.pdf> (accessed 8 December 2011).

Table 1: Sarawak State Constituencies: Total Voters and Deviation (%)

Constituency	Total Voters (2011)	Seat Deviation (Smallest/Largest)	Seat Deviation from Average Size
N70 Ba'kelalan	6958	23.6	50.4
N37 Daro	7305	24.8	52.9
N69 Batu Danau	7636	25.9	55.3
N20 Sadong Jaya	7656	26	55.5
N32 Bukit Saban	7657	26	55.5
N23 Lingga	7745	26.3	56.1
N26 Bkt Begunan	7778	26.4	56.3
N24 Beting Maro	7868	26.7	57
N3 Tg Datu	7936	26.9	57.5
N22 Sebuyau	8042	27.3	58.3
N30 Saribas	8054	27.3	58.3
N43 Ngemah	8058	27.3	58.4
N1 Opar	8099	27.5	58.7
N31 Layar	8109	27.5	58.7
N57 Belaga	8463	28.7	61.3
N55 Katibas	8542	29	61.9
N35 Belawai	8623	29.2	62.5
N38 Jemoreng	8635	29.3	62.5
N29 Btg Ai	8728	29.6	63.2
N25 Balai Ringin	8798	29.8	63.7
N36 Semop	8891	30.2	64.4
N41 Pakan	9274	31.5	67.2
N28 Engkilili	9444	32	68.4
N53 Kakus	9604	32.6	69.6
N44 Machan	9944	33.7	72
N71 Bukit Sari	9983	33.9	72.3
N21 Simunjan	10104	34.3	73.2
N8 Satok	10431	35.4	75.6
N5 Demak Laut	10437	35.4	75.6
N27 Simanggang	10488	35.6	76
N61 Bekenu	10672	36.2	77.3
N34 Krian	11016	37.4	79.8
N56 Baleh	11287	38.3	81.8
N42 Meluan	11487	39	83.2
N51 Balingian	11792	40	85.4
N50 Dalat	11857	40.2	85.9
N52 Tamin	12244	41.5	88.7
N18 Tebedu	12497	42.4	90.5
N58 Jepak	12979	44	94
N66 Marudi	13093	44.4	94.8
N67 Telang Usan	13623	46.2	98.7

Constituency	Total Voters (2011)	Seat Deviation (Smallest/Largest)	Seat Deviation from Average Size
N14 Asajaya	13799	46.8	100
N60 Kemena	14082	47.8	102
N4 Pantai Damai	14104	47.8	102.2
N62 Lambir	14144	48	102.5
N33 Kalaka	14167	48	102.6
N49 Nangka	14197	48.1	102.8
N68 Bukit Kota	14471	49.1	104.8
N2 Tasik Biru	15100	51.2	109.4
N54 Pelagus	15322	52	111
N40 Meradong	15337	52	111.1
N7 Semariang	15942	54.1	115.5
N17 Tarat	16352	55.5	118.4
N63 Piasau	16600	56.3	120.2
N47 Bwg Assan	16743	56.8	121.3
N19 Kedup	17466	59.2	126.5
N6 Tupong	17796	60.3	128.9
N15 Muara Tuang	18820	63.8	136.3
N39 Repok	18841	63.9	136.5
N13 Batu Kawah	20664	70.1	149.7
N16 Bengoh	21955	74.5	159
N65 Senadin	22432	76.1	162.5
N64 Pujut	22577	76.6	163.5
N9 Padungan	23576	80	170.8
N46 Dudong	26251	89	190.2
N45 Bkt Assek	26926	91.3	195
N59 Kidurong	27225	92.3	197.2
N12 Kota Sentosa	27301	92.6	197.8
N11 Batu Lintang	27833	94.4	201.6
N48 Pelawan	28808	97.7	208.7
N10 Pending	29488	100	213.6
Total Voters	980156		
Average/71 Seats	13805		

Sources: Borneo Post, 21.5.06; Star, 16.4.11

Table 2: Sarawak Parliamentary Constituencies: Total Voters and Deviation (%)

Constituency	Total Voters (2008)	Seat Deviation (Smallest/Largest)	Seat Deviation From Average Size
P219 Bukit Mas/P222 Lawas	15717	23.4	52.7
P207 Igan	15735	23.4	52.8
P200 Btg Sadong	16794	25	56.3
P215/216 Hulu Rejang	17185	25.6	57.7
P209/210 Kanowit	17613	26.2	59.1
P203 Lubok Antu	17647	26.2	59.2
P213/214 Selangau	20057	29.8	67.3
P208/209 Julau	20306	30.2	68.1
P221 Limbang	20315	30.2	68.2
P192 Mas Gading	21968	32.7	73.7
P204 Betong	22088	32.8	74.1
P218 Sibuti	22143	32.9	74.3
P201 Btg Lupar	22417	33.3	75.2
P214/215 Kapit	22723	33.8	76.2
P212/213 Mukah	22851	34	76.7
P205 Saratok	23982	35.7	80.5
P218/220 Baram	24425	36.3	81.9
P202 Sri Aman	25724	38.2	86.3
P199 Serian	27901	41.5	93.6
P197 Kota Samarahan	28517	42.4	95.7
P206 Kuala Rejang/Tg Manis	28706	42.7	96.3
P193 Santubong	30836	45.8	103.4
P207/208 Sarikei	31675	47.1	106.3
P198 Mambong	36147	53.7	121.3
P194 Petra Jaya	40533	60.3	136
P210/211 Lanang	49530	73.6	166.2
P216/217 Bintulu	50404	74.9	169.1
P195 Bdr Kuching	53216	79.1	178.5
P211/212 Sibul	53679	79.8	180.1
P217/219 Miri	55963	83.2	187.7
P196 Stampin	67257	100	225.6
Total Voters	924054		
Average/28 seats	29808		

Sources: Berita Harian, 1.12.99; 22.3.04;

Utusan Online: <http://ww2.utusan.com.my/utusan/special.asp?pr=pilihanraya2008&pg=sarawak.htm>