

Submission to the
Parliamentary Select Committee
on Electoral Reform

By
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George Town, Penang.

The case for Proportional Representation

1.0 Introduction

I wish to thank the honourable members of this Parliamentary Select Committee for allowing this opportunity to present my concerns on the existing voting system and make recommendations to reform Malaysia's electoral process.

At the outset, I wish to support to the call for the following demands, which have been made known loud and clear even before the setting up of this Committee:

- a) Clean the Electoral Roll
- b) Reform of Postal Ballot
- c) Use of Indelible Ink
- d) Minimum 21 days Campaign Period
- e) Free and Fair Access to Media
- f) Strengthen Public Institutions
- g) Stop Corruption
- h) Stop Dirty Politics

The above, which have been comprehensively presented to this Committee by others, are fundamental and urgent needs that must be addressed before the 13th General Election. There are serious doubts as to the fairness of existing electoral practices and there is no better way forward than to recognise the above demands as absolutely necessary and basic to the cause of electoral reform.

2.0 First Past the Post (FPTP)

Voters elect members of the lower house (*Dewan Rakyat*) of the bicameral Parliament from single-member constituencies using the first past the post (FPTP) voting system. Voters put a cross in a box next to their favoured candidate and the candidate with the most votes, not necessarily a majority, in the constituency wins. All other votes have no value.

Further, the "one person, one vote" principle has been eroded through electoral gerrymandering that created constituencies with highly disproportionate number of voters. Kapar, a constituency in the state of Selangor had 112,224 eligible voters at the 12th General Election. In comparison, Putrajaya, a Federal Territory constituency, had only 6,608 voters.

To look at how changing the population size can potentially affect outcomes of an election, I would like to take the constituency of Pekan in Pahang as an example. At the 10th General Election in 1999, Pekan consisted of 35,382 voters. The Barisan Nasional incumbent retained the seat by a razor thin majority of 241 votes. At the 11th Election in 2004, the size of this constituency saw an increase of 16855 voters giving Pekan a total of 52,687 voters. The incumbent this time retained the seat by 22,922 votes. In the last election in 2008, Pekan further increased its number of voters to 58,217

voters and the incumbent retained the seat by a majority of 26,464 votes. The sudden increase of voters in Pekan at the 2004 election is extraordinary and the effects this change has brought about will impact on all future elections in this constituency. Was it a case of injecting a large number of safe votes into a constituency that was retained only by 241 votes in 1999?

Notwithstanding the problem of gerrymandering and mal-apportionment, which have been discussed more comprehensively by earlier submissions to this Committee, there is a pressing need for a critical look at the current FPTP system. This "winner-takes-all" system, coupled with disproportionate constituency sizes, is the core of an unfair and undemocratic electoral system currently in practice.

FPTP is used in places that are, or once were, British colonies. Of the many countries that use FPTP, the most commonly cited are the UK to elect members of the House of Commons, both chambers of the US Congress, and the lower houses in India and Canada. Representatives can get elected on tiny amounts of public support as it does not matter by how much they win, only that they get more votes than other candidates. FPTP in effect wastes huge numbers of votes, as votes cast in a constituency for losing candidates count for nothing. FPTP severely restricts voter choice. Parties are coalitions of many different viewpoints. If the preferred-party candidate in your constituency has views with which you don't agree, you don't have a means of saying so at the ballot box. It also encourages tactical voting, as voters vote not for the candidate they most prefer, but against the candidate they most dislike.

With relatively small constituency sizes, the way boundaries are drawn can have important effects on the election result, which encourages attempts at gerrymandering. Small constituencies also lead to a proliferation of safe seats, where the same party is all but guaranteed re-election at each election. If large areas of the country are electoral deserts for a particular party, the area ignored by that party. Because FPTP restricts a constituency's choice of candidates, representation of minorities and women suffers from 'most broadly acceptable candidate syndrome', where the 'safest' looking candidate is the most likely to be offered a chance to stand for election.

FPTP also disadvantages multiple-party politics because it encourages parties to form coalitions to avoid multiple-cornered contests, which ultimately benefit the large party. While two-party politics can be a form of check and balance, smaller parties with significant support stand little chance of competing head-to-head against dominant parties. Worse, in the event of multiple-cornered contests, third parties risk creating the spoiler effect and thereby damaging the prospects of other parties with similar or like-minded positions. Smaller parties can disproportionately change the outcome of an FPTP election by swinging what is called the 50-50% balance of two party systems, by creating a faction within one or both ends of the political spectrum which shifts the winner of the election from an absolute majority outcome to a simple majority outcome favouring the previously less favoured party.

The next section will show how FPTP and disproportionate constituencies have historically favoured one party against the others.

3.0 Results of previous elections in Malaysia

The following table shows a comparison of the popular vote against number of seats won in Parliament throughout the history of elections in Malaysia.

Year	Number of Seats in Dewan Rakyat	BN % Popular Vote	BN Seats in Dewan Rakyat	BN % Seats in Dewan Rakyat	OPP % Popular Vote	OPP Seats in Dewan Rakyat	OPP % Seats in Dewan Rakyat
1959	104	51.7	74	71.15	48.3	30	28.85
1964	104	58.5	89	85.58	41.5	15	14.42
1969	144	49.3	95	65.97	50.7	49	34.03
1974	154	60.7	135	87.66	39.3	19	12.34
1978	154	57.2	130	84.42	42.8	24	15.58
1982	154	60.5	132	85.71	39.5	22	14.29
1986	177	55.8	148	83.62	41.5	29	16.38
1990	180	53.4	127	70.55	46.6	53	29.45
1995	192	65.2	162	84.38	34.8	30	15.62
1999	193	56.5	148	76.68	43.5	45	23.32
2004	219	63.9	198	90.41	36.1	21	9.59
2008	222	51.4	140	62.61	48.6	82	36.93

Compiled from: Trends in Malaysia: Election Assessment (ISEAS, 2000) and Election Commission statistics.

From the above table, it is clear that throughout the history of elections in Malaysia, the ruling party has always won a disproportionate amount of seats in Parliament to the actual number of votes casted in their favour. As for other parties in opposition to the ruling party, despite actually rivaling very closely in the popular vote race, FPTP and gerrymandered constituencies meant they were disadvantaged in the race for Dewan Rakyat seats. I urge the Committee to take a serious look at this unhealthy trend, in which large numbers of voters cannot get their views represented in Parliament.

FPTP is no longer the most widely practiced voting system in the world. In this regard, the PSC has a duty to study other voting systems that allow for fairer representation as well as more meaningful participation of the people in elections.

4.0 The Case for Proportional Representation

It is recommended that the Committee considers suggesting for the reform of the voting system and push for elections that reflect more proportionately the popular vote count. The “one person, one vote” principle can be strengthened through a system that does not ignore losing votes in individual constituencies.

The rationale underpinning all PR systems is *to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats*; if a major party wins 40 per cent of the votes, it should win approximately 40 per cent of the seats, and a minor party with 10 per cent of the votes should also gain 10 per cent of the legislative seats. This congruity between a party's share of the vote and its share of the seats provides an incentive for all parties to support and participate in the system.

More than half of the world's democracies now implement some form of Proportional Representational (PR) electoral system. Whether it is the Party-List or a hybrid system that allows for voters to both elect a constituency representative as well as a party candidate, PR systems move to eliminate vote wastage as well as reduce disproportionate control of seats caused by gerrymandering and mal-apportionment of constituencies.

Through a PR system, every vote would be given more equal value. List systems also give more opportunities to women and other minorities to get represented. Through mixed systems, voters still have a representative who is directly accountable for a particular constituency but at the same time allows a voter to express personal support for a candidate without having to worry about going against their favoured party.

PR also encourages groups that advocate more narrow policy areas to participate and gain representation. The spoiler effect of third groups in FPTP is greatly reduced.

5.0 Conclusion

I urge the Committee to recommend that a Royal Commission of Inquiry be called on the issue of gerrymandering and mal-apportionment of constituencies. Over the many elections in Malaysia's history, there has been sufficient data to show that the disparity between the popular vote and number of seats won has allowed the ruling party a long control of Parliament. The time for a more proportionate representation is now. I wish the Committee the best in its quest to bring progressive changes to Malaysian democracy.