

ELECTIONS '08 DAILY POLICY FACTSHEET #9: ELECTIONS

CPPS is pleased to bring to you its “CPPS Policy Fact Sheet” as a build-up to the **Malaysian General Elections 2008**. In this daily series between nominations and polling day, we will explore **key policy issues** that we feel are important in informing your voting decision. Policy decisions made by leaders have a direct effect on your life as a citizen, and the elections is this one crucial time you decide on your leaders. We hope these fact sheets will be useful policy briefs as you decide whom to vote for. Here's to an **educated and informed voting public** in Malaysia! **Click here for ALL pdf versions** of our Factsheets. Also log on to <http://daftarj.spr.gov.my> to check your voter status.

BACKGROUND

In an [interview with BBC](#) yesterday, **Deputy Prime Minister Najib Razak** said that Malaysia's election system is **free and fair** and that democratic systems do not require change of government. Whilst elections are held once in every 5-year period, the question is whether the **regular holding of competitive multi-party elections** itself can validate our **claim of being a democracy?** Scholars have argued that elections are merely a **mechanism for legitimizing authoritarian rule**, since surely even the most autocratic of states can stage elections successfully.

It is therefore the **conduct of elections** that ensures a free and fair election process. This includes **periodic exercises in the redelineation of constituency boundaries**, the maintaining of **up-to-date and accurate electoral rolls**, **transparent administration of the mechanisms for the nomination of candidates**, and **accountable polling procedures**, all of which are unfortunately **not** practiced in Malaysia presently. Scholars even point out that elections are **much less free and fair** than they were in the **1960s**.

The corrupting roles of **money, ignorance and misinformation** through lack of equitable media coverage have contributed to Malaysia's weakened electoral system. **Racial politics** exacerbate the problem with parties appealing to respective ethnic bases. There is an urgent need for immediate thorough **electoral reform** to ensure **transparency in the electoral system** towards a genuine **free and fair elections**.



Flashpoints

GOVERNMENT

- Since Independence in 1957, the Government has been led by the **Barisan Nasional coalition** led by the United Malays National Organisation (**UMNO**).
- The Parliament is made up of the **Senate** (Dewan Negara) and the **House of Representatives** (Dewan Rakyat).
- 43 members of the Senate are **appointed** by the Parliament Ruler to serve 3-year terms and 26 members are appointed by state legislatures to serve 3-year terms.
- **219 members of the House of Representatives are elected by popular vote to serve 5-year terms.**

ELECTIONS

- Candidates are only allowed to spend **RM100,000** on campaigning if they are running for a **State Seat**, and **RM200,000** if they are running for a **Parliamentary Seat**.
- Malaysia operates on a “**First-Past-The-Post**” **System** (read more [here](#)), which means a candidate can win his or her seat with a **simple majority**. Elections analyst Ong Kian Ming states that “it is theoretically possible for a **political party to win 51% of the popular vote in every parliamentary constituency** and end up with **100% of the seats** even though **49% of the population did not vote for this party.**”

HISTORY

- **1999:** Barisan Nasional won **77%** of Parliamentary seats with **56%** of the popular vote. (click [here](#) for 1999 results)
- **2004:** BN won **91%** of Parliamentary seats with **64%** of the popular vote.
- Opposition parties claimed there were more **than 200,000 phantom voters** in the 1999 elections.
- The **Barisan Alternatif (BA)** was formed in 1999 amongst the four largest opposition parties PAS (Parti Seislam Malaysia), DAP (Democratic Action Party), PKR (Keadilan) and PRM (Parti Rakyat Malaysia) with a joint manifesto. **The BA was dissolved** in the GE2004.

PRESENTLY...

- **December 2007** (2 months before Elections) Parliament passed the Constitution (Amendment) Bill 2007 to extend the **retirement age of EC members from 65 to 66**, hence the extension of Abdul Rashid's tenure as the EC Chief for **another year**.
- Opposition has a total of **20 Parliamentary Seats** (DAP 12, PAS 7, PKR 1) and there is 1 Independent Seat.
- 1st three days of campaigning: **BN spent RM1.049 million in print & media advertising.**
- Mainstream newspapers give up to **77% coverage on Barisan Nasional** on GE2008, [CIJ](#) reports.

INDELIBLE INK

- Indelible ink has been used to **prevent election fraud through multiple voting**. The ink **cannot be erased or removed**, lasting for up to **2 weeks**.
- The use of indelible ink is one of the demands of **BERSIH** (the coalition of non-governmental organisations on **Free and Fair Elections**) (see below)
- The Election Commission in Malaysia agreed to use indelible ink as early on as **August 2007**
- On **Tuesday 4th March 2008**, 4 days before the 12th General Elections, the EC **reversed its decision** and has scrapped the use of indelible ink, citing reasons:
 1. **Article 19 of the Federal Constitution** guarantees the right of a registered elector to vote and laws providing otherwise should be ultra vires the Constitution
 2. Reports of people buying the ink to mark **“unsuspecting voters”** before they cast their ballot to **cause chaos and public disorder**
- **RM2.4 million worth of indelible ink (48,000 bottles)** has already been bought but the EC will now **“barter trade”** it off to countries which use it.
- Other countries which have used indelible ink for its Elections: **Indonesia, India, Philippines, Mali, Africa, Nigeria, Turkey, Afghanistan**, some produce **“Election Manuals”** with **“Instructions on how to apply indelible ink”**. But some issues with indelible ink
 1. Election workers mark voters with **regular ink** instead of indelible ink. Click [here](#) to read more.
 2. Indelible ink is of **poor quality** and can be washed off immediately. Click [here](#) to read more.
- **Responses to scrapping of indelible ink:**
- **DAP:** The EC has **destroyed its credibility, integrity and independence** by canceling the use at the last minute when it had earlier touted the use of indelible ink as a sign of its commitment towards ensuring free, fair, clean elections.
- **MCA is disappointed** with the decision as this matter will be politicized by the opposition to canvass for votes.
- **PKR:** EC is **colluding with BN** to allow cheating in the coming general elections.
- **PAS:** We are entering this elections **under protest**. None of our demands are getting through.
- **BERSIH:** calls for a **Royal Commission on Electoral Reform (RCER)** (petition is [here](#)). “The EC could have submitted the amendment to the relevant by-law from August to December 2007.”

The indelible ink

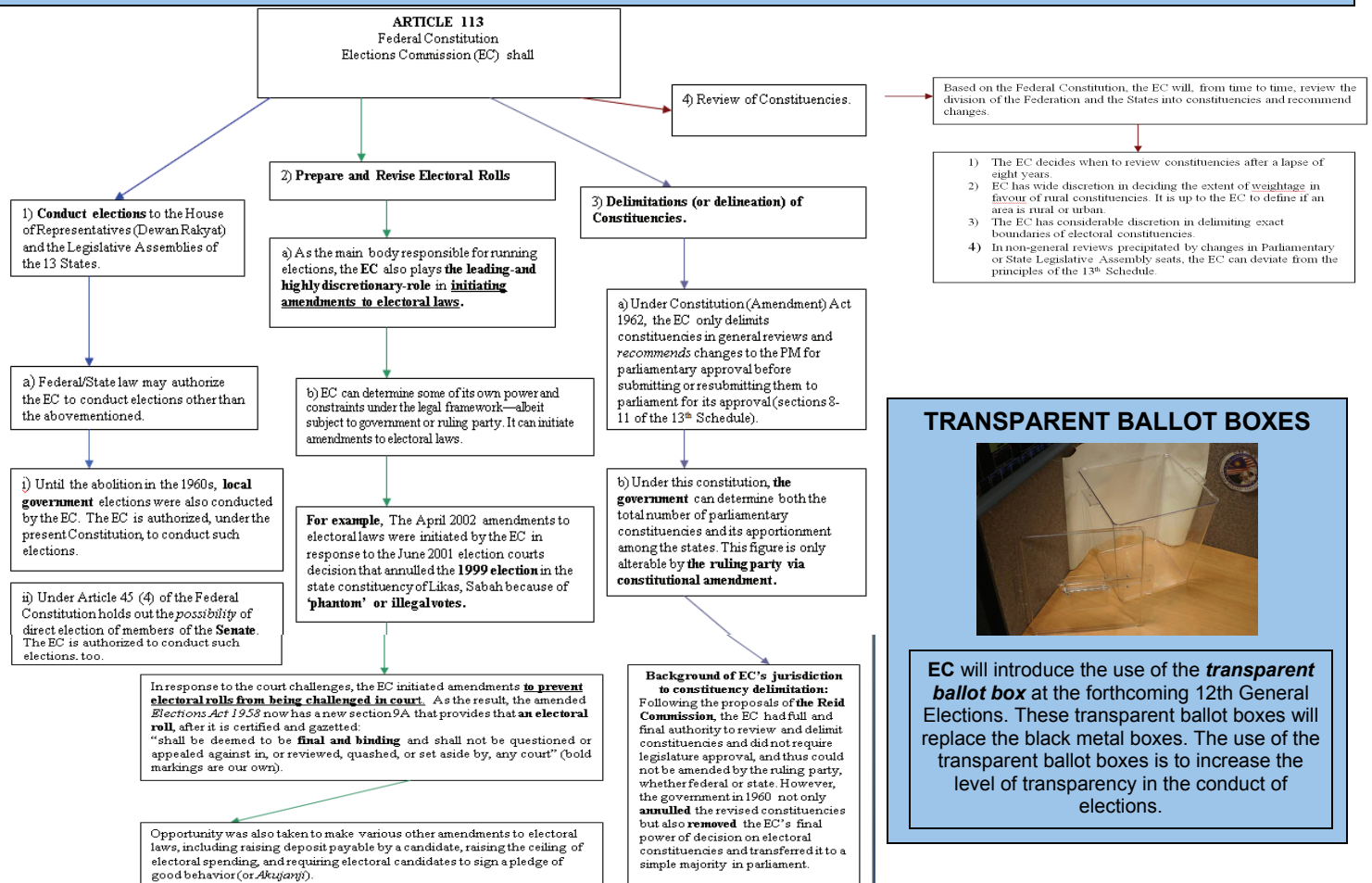
- The ink will be black in colour and stay on the finger for at least two weeks.
- It will be imported from India and will be ordered the moment the date for the general election is announced.
- 48,000 bottles will be needed. Each polling stream will get two bottles, enough to be used for the 700 people. Each polling station has six streams.
- A voter will get a small mark painted on the forefinger by a polling clerk the moment the voter registers to cast at the polling station. This will be done once the clerk is satisfied that the person does not already have the ink on his finger, indicating that he has already voted.

Source: Election Commission Azlan Zamriani / Malaysiakini

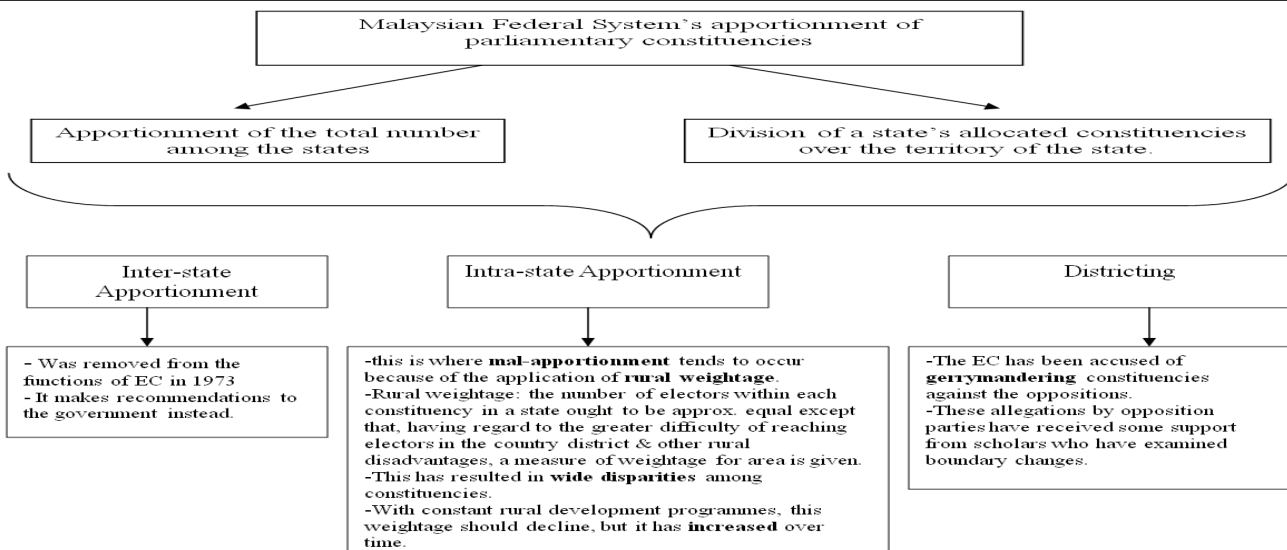
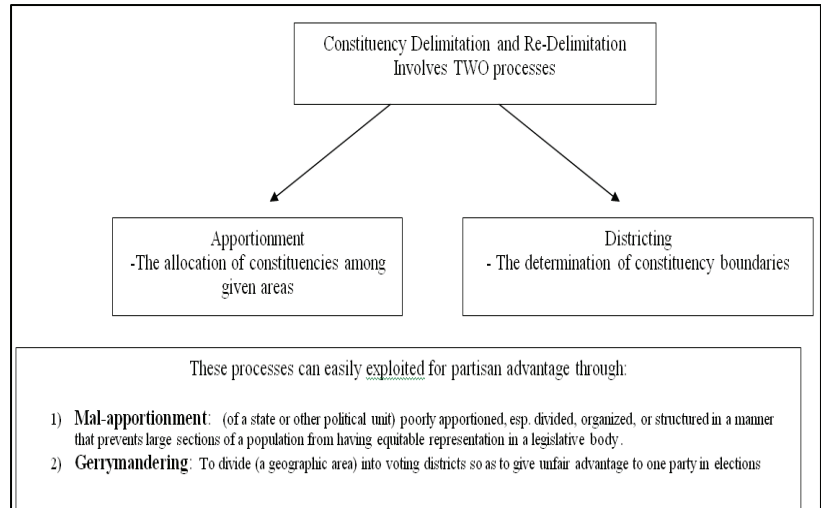
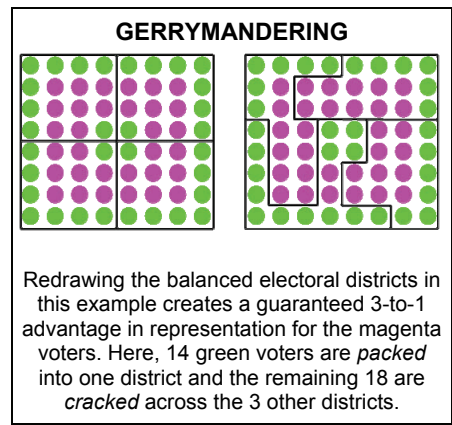
Make sure you use indelible ink when casting your vote!

VISUALS

The EC's Functions* Extracted from Lim, Hong Hai. “Making the system Work”, *Elections and Democracy in Malaysia* Eds. Mavis Puthuchery and Noraini Othman. Bangi: UKM.. 2005. p.249-291



Edition	Year	Government*			Opposition			Total seats
		Seats	% seats	% vote	Seats	% seats	% vote	
1	<u>1959</u> *	74	71.15	51.7	30	28.85	48.3	104
2	<u>1964</u> *	89	85.58	58.5	15	14.42	41.5	104
3	<u>1969</u>	95	66.00	49.3	49	34.00	50.7	144
4	<u>1974</u>	135	87.66	60.7	19	12.34	39.3	154
5	<u>1978</u>	130	84.42	57.2	24	15.58	42.8	154
6	<u>1982</u>	132	85.71	60.5	22	14.29	39.5	154
7	<u>1986</u>	148	83.62	55.8	29	16.38	41.5	177
8	<u>1990</u>	127	70.55	53.4	53	29.45	46.6	180
9	<u>1995</u>	162	84.38	65.2	30	15.62	34.8	192
10	<u>1999</u>	148	76.68	56.5	45	23.32	43.5	193
11	<u>2004</u>	198	90.41	63.9	21	9.59	36.1	219



WHO ARE THE PLAYERS?

- **MAFREL:** Malaysians for Free and Fair Elections together with **MALVU** (Malaysian Voters' Union) advocates development of electoral laws and regulations, monitors election campaign, polling, media and counting and tabulation processes.
- **Women's Candidacy Initiative** recognizes the right of political participation of women, holding talks and fielding candidates. It has used the symbol Mak Bedah as a citizen shopping for the best candidate in GE2008.
- **CSI-Parliament** is a national advocacy organization established to enhance politics and governance standards in Malaysia.
- **Citizen Think Tank** uses an Internet-based strategy to allow ordinary citizens to rate and review performance of elected representatives.
- **The People's Parliament** is a civil society group seeking to reclaim the responsibility of the people in determining who lawmakers are in Parliament.
- **Barisan Nasional** has been the ruling coalition Government of Malaysia since 1957, made up of UMNO, MCA, MIC and other component parties.
- **Barisan (Harapan) Rakyat** is a civil society owned front, adopting political parties that have endorsed The People's Declaration (see below).





- **Youth For Change** has organized educational field trips for young Malaysians to polling centres
- **Transparency International** is monitoring campaign financing through mainstream newspapers.
- **Suruhanjaya Pilihan Raya (Election Commission)** is responsible for the entire operations of the elections process in Malaysia.
- **The Centre for Public Policy Studies (CPPS)** has produced a series of Daily Policy Factsheets to educate the public on policies and various parties' standpoints.
- **Pusat Komuniti Masyarakat (KOMAS)** is conducting voter education through online cartoons.
- **Centre for Independent Journalism (CIJ) and Writers' Alliance for Media Independence (WAMI)** conduct media monitoring on equal coverage of political parties in the Elections.



INTERNATIONAL ELECTIONS STANDARDS

- **The Declaration on Criteria for Free and Fair Elections 1994** sets out principles and standards for: **Free and Fair Elections, Voting and Elections Rights, Candidature, Party and Campaign Rights and Responsibilities, and Rights & Responsibilities of States**: -
- Every candidate for election and every political party shall have an **equal opportunity of access to the (mass communications) media**, in order to put forward their political views. States should ensure the integrity of the ballot through appropriate measures to **prevent multiple voting or voting by those not entitled thereto**.
- Article 21 of the Universal Declaration of Human Rights says that the will of the people shall be the **basis of the authority of government**, expressed in periodic and genuine elections by **universal and equal suffrage**, and by **secret vote**.
- Article 67 of the Vienna Declaration emphasises the need to conduct **free and fair elections**, focusing on **human rights** aspects of elections, **public information** about elections, strengthening the **rule of law**, **freedom of expression**, administration of justice and real and **effective participation of people** in the decision-making process.

PARTY MANIFESTOS

To view complete versions on all parties' constitutions and manifestos, please click [here](#)

BN (2004 Manifesto)

- "I am adamant that my agenda not be mere sweet promises or election promises. The Government and party that I lead have proved that we work for the rakyat and not for votes." Prime Minister Badawi

MCA

- (commitment to) practice **clean and diligent governance**, create a **healthy political culture**.
- Be **honest and upright, clean and incorruptible** in discharging one's official duties, be steadfast and dependable.

The People's Declaration

- Afford all parties participating in the electoral process the most **equitable opportunity**
- **Remove elements of surprise**, amend the law so date of dissolution of Parliament and general elections shall occur every 5 years on a **fixed date or period**.
- Review and revise all previous re-delineation of constituencies so as to ensure that **differences in the number of registered voters in any 2 constituencies shall not exceed 20%**.

PKR

- The integrity of a Constitutional State will be safeguarded not by the government alone, but by the **institutions that will be fully empowered** to fulfill their mandate of providing a **vigorous set of checks and balance to the government**.

BERSIH COMMUNIQUE

- For full communique, please click [here](#).
- **Correct disproportionality** in federal and state elections due to mal-apportionment and **gerrymandering** of electoral constituencies.
- Introduce **party list representation** in the electoral system
- **Reform Election Commission** to act as independent institution
- Legal provision for rights of **international and domestic observers**.
- Correct **flaws** in party and candidate nomination
- Effective governance and **public transparency of campaign finance**
- Dismantle present laws resulting in **monopoly of print and broadcasting media** by BN proxies.
- Preparation and revision of **electoral roll made fully transparent for judicial review**.
- **Update electoral roll** to prevent phantom voters.

DAP

- Lim Kit Siang: It is **unconstitutional and gross abuse of power** for the Prime Minister to **recommend the date** for dissolution of Parliament but to also **fix dates** for nomination and polling, in effect deciding **on the length of campaigning period**, which is the sole prerogative of the Election Commission.

PAS

- PAS upholds Islamic Principles and believes in Universal Justice.
- PAS shall participate in the general election despite **the various irregularities** in order to **restore justice, prevent the abuse of power** of the ruling government and provide a **check and balance mechanism**

BERSIH'S 4 IMMEDIATE DEMANDS

1. The use of **indelible ink** to prevent multiple voting
2. The **abolition of postal votes** except for diplomats and overseas voters
3. **Complete revision of the electoral roll** to ensure irregularities are removed
4. All parties should have **fair access to state-owned media** especially television and radio.

POLICY RECOMMENDATIONS

- The government should refrain from influencing the appointment of EC members and the functioning of the EC, whether covertly or overtly. The EC can enhance both its independent status and capacity by using the constitutional power it now possesses to hire and select its own staff, especially at senior levels.
- **Re-instituting the power of the legislature** over the electoral roll (Removing section 9A of the *Elections Act 1958*) to allow the public to question phantom and multiple voting occurrences.
- The apportionment of parliamentary constituencies among states should be placed on a more **principled basis**. There is a need for clarification on the guidelines of the delimitation exercise.
- The number of seats in Parliament should be related to an appropriate formula as population increase.
- The freedom of forming parties needs to be ensured by amending the *Societies Act 1966*.
- **A review of the existing FPTP system** should be done to establish a new system that will meet the demands for more meaningful representation and political participation.
- The practice of allowing non-election government officials to enter nomination centers on Nomination Day must be stopped.
- There should be monitoring by the EC of election expenses of the political parties and those spent by the candidates.
- Fair and equal competition must be enforced through **equal campaign opportunity** and **equal media access**.

How Well Do You Know Your Candidates?

- How **fairly** do you think your candidates have made use of their **campaign financing**? Have they followed the rules on **RM100,000** limit for State seats and **RM200,000** for Parliamentary seats?
- Have your candidates been visibly open in **encouraging free and fair elections**? Have they been outspoken on allowing **fair exposure** of all parties contesting within the **mainstream media**?
- Has your candidate expressed full commitment to ensuring a **political culture that is clean and transparent** and not marred by **money politics and bribery**?
- Has your candidate engaged in **fair and equal campaign practices**? Has he/she made any statements with a tendency to **promote ill will, discontent, or hostility** towards other candidates and its supporters?