PUBLIC FORUM

Towards a fairer electoral system

vote

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DELIMITATION PROPOSALS

BY TINDAK MALAYSIA

Forum jointly organized by





Tindak Malaysia





TOWARD A FAIRER ELECTORAL SYSTEM DELIMITATION PROPOSALS BY TINDAK MALAYSIA

This effort is dedicated to the peoples of Malaysia

TOWARD A FAIRER ELECTORAL SYSTEM

INTRODUCTION

This booklet is the culmination of efforts by a group of volunteers under the banner of TINDAK MALAYSIA.

TINDAK MALAYSIA is a group of patriotic Malaysians who believes that the only salvation for Malaysia lies in the restoration of democracy the start point of which is fair elections.

This delimitation effort at offering a more equitable representation for the Rakyat is not baseless criticisms of the inadequacies of past delimitations of parliamentary constituencies. It is not about sloganeering. It goes much farther. It demonstrates in tangible terms that a fairer delimitation and which complies with international standards can readily be achieved in a matter of weeks if the spirit is willing.

Maps (in print and digital format) that show the old constituency boundaries and the fairer boundaries are included in this booklet. Advice is also given in this booklet on how to draw your own constituency boundary. This empowering requires only basic computer skills.

It has been announced that the next delineation will be presented to Parliament soon, possibly as early as March 2014. This will likely be one of the most defining moments in the history of Malaysia. This coming delineation will determine whether Malaysia will continue to be governed by political parties that do not represent the will of the people or whether Malaysia can have a government that is "of the people, by the people and for the people".

The unfair past need not continue into the future. You can change that and change that you must. It is fitting to quote the words of Nehru in his Tryst with Destiny speech:

"Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now".

CHAPTER 1

FREQUENTLY ASKED QUESTIONS AND DEFINITION OF TERMS

1.1 THE MEANINGS OF DELINEATION, DELIMITATION AND GERRYMANDERING

(1) Delimitation is commonly known as re-delineation.

(2) Boundary delimitation (or simply delimitation) is the drawing of boundaries, particularly of electoral districts

(3) In the context of elections, it can be called redistribution in order to ensure a balance of voter population ratio across districts, in keeping with the one person one vote principle in democracy. (4) Unbalanced or discriminatory delimitation is called gerrymandering.

- (5) Malapportionment is defined as:
 - the creation of electoral districts with divergent ratios of voters to representatives.
 - poor or unfair apportionment of a legislative district or body

(6) The laws governing delimitation is defined in the Thirteenth Schedule of the Federal Constitution of Malaysia

(7) Electoral quota is the number obtained by dividing the number of electors in the State by the total number of constituencies.

1.2 HOW DOES DELIMITATION WORK AND HOW IT AFFECT ALL OF US?

(1) Delimitation may start in March 2014 (anytime 8 years after the last delimitation exercise, which was in Mar 2003). The Election Commission of Malaysia (EC) does not have to carry out the delimitation if it deems unnecessary. But once the starts, it has to be finished within 2 years

(2) Currently, in Malaysia's case, you can have a seat in Kapar which is 9 times the size of Putrajaya but both can only vote in 1 Member of Parliament; that is the same as saying that if you stay at Putrajaya, your vote is 9 times more valuable than if you stay at Kapar. This does not stay true to the principle of democracy - one person one vote

(3) The boundary delimitation process has been a primary tool in the BN's manipulation of the electoral process:

- Elimination of constitutional safeguards protecting the independence of the EC. The original constitution contained a provision allowing no more than 15 per cent deviation between constituency populations. Constitutional amendments have removed the 15% limit which, when coupled with the provision allowing for increase weight to be given to rural districts, have allowed for gross discrepancies in constituency populations.
- Lack of independence of the Election Commission. The Government appoints all members of the EC, and all recommendations made by the EC must pass through the Government in order to take effect. The BN has been able to hastily push through delimitation proposals without serious debate in Parliament.

1.3 WHAT IS THE DIFFERENCE BETWEEN MALAPPORTIONMENT AND GERRYMANDERING?

These are the 2 methods for manipulating the constituency boundaries:

(i) Malapportionment

This term refers to inequalities between the numbers of voters in electoral districts which have the same number of representatives. Voters in electoral districts with a large number of voters have less voting

power than voters in electoral districts with only a few voters. For this reason, malapportionment is often referred to as vote weighting.

(ii) Gerrymandering

This involves dividing a state, country, etc., into election districts so as to give one political party a majority in many districts while concentrating the voting strength of the other party into as few districts as possible.

Malapportionment and/or gerrymandering cause election results that are not reflective of the people's will. Parties with minority votes get to rule the country. The purpose of electing a government based on the vote of the majority, a core principle of democracy, is nullified.

1.4 WHEN IS THE NEXT DELIMITATION EXERCIZE AND WHAT CAN BE EXPECTED?

The Election Commission (EC) is empowered by law to re-draw the boundaries and recommend the creation of seats. The EC has announced that the next delineation may start in March 2014. It can take up to 2 years to complete.

The EC will then present their proposals to the Prime Minister who will submit to Parliament for approval with or without amendments. The initiative therefore comes from the EC but the EC cannot directly present the proposals to parliament; the Prime minister does that.

However changing the number of seats from the present 222 will require a two-thirds majority in Parliament. As it stands, the ruling coalition does not have a 2/3 majority and so a change in the number of seats is unlikely unless of course some of the current opposition parties decide to cross the floor to join the other side.

So the likely scenario is that this delimitation exercise will involve re-drawing of boundaries and not the creation of more seats. This can impact the next General Election significantly. For instance there are some 40 seats where the majority is less than 5 %. It needs only a mere sleight of hand to swing the seat.

If history were to repeat and unless there is a strong political will to move toward a true democracy, one may well expect a delineation that will further perpetuate the rule of parties that do not have the support of the majority of the people. Lim Kit Siang had said that it was common practice for EC to hold secret discussions and consultations with UMNO on delineation (Parliamentary debate. House of Representatives. 25th April 1994. Page 1148 to 1149).

CHAPTER 2 INTERNATIONAL STANDARDS, PRINCIPLES AND CRITERIA FOR DELIMITATION

2.1 INTERNATIONAL STANDARDS

A number of international organizations have published standards for delimitation. Their members are encouraged to follow the standards. The organizations include:

(i) Organization for Security and Co-operation in Europe, the European Commission for Democracy Through Law (the Venice Commission),

(ii) Commonwealth Secretariat,

(iii)International Foundation for Electoral Systems (IFES).

VENICE COMMISSION 2.2

The Venice Commission proposed the following guidelines in their report, "European Commission for Democracy through Law: Code of Good Practice in Electoral Matters, Guidelines and Explanatory Reports adopted October 2002":

- (i) There shall be equal voting power and seats must be evenly distributed between the constituencies. This must at least apply to elections to lower houses of Parliament and regional and local elections:
- (ii) A clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting. An appropriate combination of these criteria may be envisaged.
- Geographical criterion and administrative or possibly even historical boundaries may be taken (iii) into consideration.
- (iv) The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity).
- (v) In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.
- (vi) With multimember constituencies, seats should preferably be redistributed without redefining constituency boundaries, which should, where possible, coincide with administrative boundaries.

- When constituency boundaries are redefined—which they must be in a single-member (vii) system-it must be done:
 - impartially;
 - without detriment to national minorities;

- taking account of the opinion of a committee, the majority of whose members are independent; this committee should preferably include a geographer, a sociologist, and a balanced representation of the parties and, if necessary, representatives of national minorities.

COMMONWEALTH SECRETARIAT 2.3

In their publication 'Good Commonwealth Electoral Practices: A Working Document, June 1997' the Commonwealth Secretariat identifies the following practices as necessary for proper delimitation:

- The delimitation of constituency boundaries is a function occasionally performed by an election commission or otherwise by an independent boundaries commission, and in some cases after a population census.
- (ii) General principles guiding the drawing of constituency boundaries include community of interest, convenience, natural boundaries, existing administrative boundaries and population distribution, including minority groups. There should be no scope for any "gerrymandering", and each vote should, to the extent possible, be afforded equal value or weight, in recognition of the democratic principle that all those of voting age participate equally in the ballot.
- (iii) It is important that the general public play a part in the whole process and that the political parties also have an opportunity to respond to proposals before they are finalized. Where the size of a particular constituency is markedly out of line with the target "quota" of voters per seat, the reasons should be capable of being readily understood and accepted by both the parties and the general public.

IFES 2.4

In her study sponsored by the International Foundation for Electoral Systems, Dr. Lisa Handley recommends the following considerations:

- 1. population density
- 2. ease of transportation and communication
- 3. geographic features
- 4. existing patterns of human settlement
- financial viability and administrative capacity of electoral area
- 6. financial and administrative consequences of boundary determination

- 7. existing boundaries
- 8. community of interest

She also suggests that the process should:

- be managed by an independent and impartial body that is representative of society, comprising persons with the appropriate skills;
- be conducted on the basis of clearly identified criteria such as population, distribution, community of interest, convenience, geographical features and other natural or administrative boundaries;
- be made accessible to the public through a consultation process;
- be devoid of manipulation of electoral boundaries to favour political groups or political interests;
- be conducted by one body;
- Include all spheres of government, both national and local.

IFES lists the most common standards as Impartiality, Equality, Representativeness, Non-Discrimination and Transparency.

CHAPTER 3

BRIEF HISTORY OF MALAYSIA'S CONSTITUENCY DELIMITATION

This section is drawn largely from the following papers:

(i) 'Electoral Politics in Malaysia: Managing Elections in a Plural Society' by Lim Hong Hai. Electoral Politics in Southeast and East Asia (2003)

(ii) 'The Influence of Electoral Laws on the Conduct of Elections in Malaysia' by Ng Chak Ngoon. 2nd International Conference on Elections and Democracy 2013. Univ. Malaysia Sarawak. (2013).

1953 – 1954 INITIAL FORMULATIONS

The initial formulations were made by a 46 member committee of the Federal Legislature. This committee accepted the equal size principle with constituencies having roughly equal populations but qualified by accepting a weightage for rural constituencies (the rural weightage). It was deemed not unreasonable if some rural constituencies had as few as half the constituents of the more populous ones.

This was to ensure Malay political dominance.

The result was 52 constituencies.

1957 MALAYAN ELECTORAL SYSTEM BY THE REID COMMISSION

The Reid Commission proposed the following:

- (1) Propose formula for equitable distribution to constituents of 11 states on the basis of population and the electorate. In those days significant numbers of the populace were not citizens and therefore not eligible voters.
- (2) Reduce the degree of permissible weightage as Malays and non-Malays were concentrated in different states.
- (3) Reduce the degree of permissible rural weightage within each state.
- (3) Limit disparities among constituents to not more than 15% deviation from the average constituent in each state.
- (4) The EC was to comprise 3 members appointed by the Agong; their retirement age was 65 and they had tenures as for judges

Articles 116 and 117 (later removed in 1962) are quoted in full:

- Article 116.(3) Constituencies shall be allocated to the several States in such manner that the electoral guota of each State is as nearly equal to the electoral guota of the Federation as it can be without causing undue disparity between the population guota of that State and the population guota of the Federation
- Article 116.(4) Each State shall be divided into constituencies in such manner that each constituency contains a number of electors as nearly equal to the electoral quota of the State as may be after making due allowance for the distribution of the different communities and for differences in density of population and the means of communication: but the allowance so made shall not increase or reduce the number of electors in any constituency to a number differing from the electoral quota by more than fifteen per cent
- Article 116.(5) In this Article -
 - (a) 'electoral quota' means the number obtained by dividing the number of electors in the Federation or State by the total number of constituencies or, as the case may be, the number of constituencies in that State
 - (b) 'Population quota' means the number obtained by dividing the population of the Federation or of a State by the number of constituents or, as the case may be, the number of constituencies in that State.

Malay dissatisfaction led to a working party formed from representatives of the British, Rulers and the Alliance. The working party added an 8 to 10 year interval for review.

These alterations to the Reid Commission became part of the Federal Constitution at independence.

The Reid Commission delayed the general elections until 1959. At that election, the original 52 seats were each split into 2 to form 104 seats.

- Article 46 (1) The House of Representatives shall consist of one hundred elected members four
- Article 46 (2) After completion of the first census to be taken after Merdeka day Parliament may by law alter the number of members of the House of Representatives.

THE 1959 GENERAL ELECTIONS

(1) The Alliance won 9 out of 11 states but

(2) The Alliance lost considerable Malay support to PAS. A significant percentage of non-Malays voted for the opposition in urban areas.

1960 RE-DELINEATION PROPOSALS

In 1960 the EC carried out a re-delineation. The EC's adherence to the provisions of the constitution to limit the rural weightage resulted in a markedly reduced discrepancy between the numbers of voters in different constituencies. The EC presented its report on constituency delineation that would reduce the number of seats from 104 to 100. UMNO could not accept this and made several attempts to remove the EC chairman.

THE 1960 AMENDMENTS

The 1960 amendments were made to consolidate the position of the Alliance after the 1959 elections. The amendments:

- Introduced a 6 months residency in a constituency before being entitled to vote in that (i) constituency.
- Tried to replace the EC chairman (ii)

1961 LOCAL ELECTIONS

The Alliance won victory over PAS but did not improve their position in the urban areas.

CONSTITUTION AMENDMENT ACT OF1962

UMNO was alarmed at the 1960 re-delineation. This resulted in the 1962 Constitution amendment. This Amendment imposed extensive changes to constitutional provisions for citizenship and the electoral system.

- (1) The new constituencies delineated by the EC in 1960 were annulled thus retaining the 1959 constituencies until they were due for review.
- (2) Provided new rules for delineation.
- (3) Articles 116.(3), 116.(4) and 116.(5) of the Constitution (see above) were removed to give the government a free hand. The rural weightage returned to that of the 1953-1954 formulation where rural constituencies had as few as half the constituents of the more populous ones.

except that the first House of Representatives shall consist of one hundred and

[variance +/-33% of the electoral quota]

- (4) The new principles were introduced as the **13th Schedule**, an appendix to the Constitution.
- (5) The final say on constituencies was transferred from the EC to the Parliament. The EC would submit proposals on delineation to the prime minister who would present to Parliament with or without modifications for approval by a simple majority. [Note: this does not involve a change in number of seats which will require a 2/3 majority.]
- (6) Increased government control over the EC empowering the parliament to determine the terms of office of EC members. The EC was thus converted from a fairly independent structure into an advisory body of men with no certainty of tenure and whose office was subject to the dictation of parliament.

The removal of the limits on variation of constituency sizes and replacement by the 13th Schedule together with degradation of the EC, gave the ruling party unfettered freedom to malapportionment and legitimized their violation of the universal principle of democracy viz. "One person one vote (of equal weight)". Presently we have "One Person, One Vote" but the weight can differ by as much as nine times. In 2008, it was seventeen times!

1963 MALAYSIAN ELECTORAL SYSTEM

UMNO needed to overcome the 1.7 million largely Chinese Singaporeans and they did so by including Sabah and Sarawak into Malaysia.

The proposed seat distribution is given in Table 1. Singapore was given a disproportionately lower number of seats while Sabah and Sarawak disproportionately higher.

	Singapore	Sabah	Sarawak	Peninsular Malaysia	Total
Percentage of population	16.9%	4.6%	7.5%	71.0%	100%
Number of seats	15	16	24	104	159
Seats as a percentage of total seats	9.4%	10.1%	15.1%	65.4%	100%

Table 1

The new states of Sabah and Sarawak could carry out delineation reviews separately and at different times.

1965 SINGAPORE SEPARATED FROM MALAYSIA

Following the separation of Singapore from Malaysia, the seat distribution was altered to that shown in Table 2. The 15 seats that were allocated to Singapore were assigned to Peninsular Malaysia.

	Sabah	Sarawak	Peninsular Malaysia	Total
Number of seats	16	24	104 + 15 = 119	159
Seats as a percentage of total seats	10.1%	15.1%	74.8%	100%
Table 2			t	

1969 GENERAL ELECTIONS

The Alliance following its worst showing resorted to extreme political changes after the 1969 May 13 Riots and Emergency Rule.

1973 AMENDMENTS

Constitutionals (Amendment) Act (No.2) 1973 provided for the following.

- (1) Remove EC's power to apportion parliamentary constituencies among states.
- (2) Number of constituencies and apportionment amongst states to be specified in the Constitution (Article 46) and can only be changed by a 2/3 majority.
- (3) Equal electorate weighting to be whittled further.
- (4) Section 2c of Article 13A allowed the constituency schedule of 1962 to vary in size to an extent that a rural constituency contains as little as one half the electors of an urban constituency. In the 1973 act, this weightage was replaced by" a measure of weightage to be given to such (i.e. rural) constituents". The specified constituent limits to rural weightage, already relaxed in 1962, were completely removed in 1973.

"The number of electors within each constituency in a State ought to be approximately equal except that, having regard to the greater difficulty of reaching electors in the country districts and the other disadvantages facing rural constituencies; a measure of weightage for area ought to be given to such constituencies"

(5) Creation of the Federal Territory of Kuala Lumpur to excise the Chinese voters from voting in Selangor state elections.

1984 AMENDMENTS

Constitution Amendments No.2 Act 1984 made Labuan a Federal territory and also contained amendments to the electoral system:

- (1) Relaxed conditions which provided the ruling party more power and control over constituency delineation.
- (2) Remove 10 year limit for review "intervals of not less than 8 years between completion of one and commencement of the next". The constituents need not be reviewed even after 10 years.

Timing of review after 8 years is not specified.

(3) New Clause 13A added to Article 113 that provides for review of affected areas whenever Parliament or State Assembly changes the number of seats. With this amendment, parliament can effect a change in constituencies at any time and for any part of the country or state. It also absolves all such reviews from compliance with the principles of constituency delineation.

CHAPTER 4

CONSEQUENCES OF MALAPPORTIONMENT

This section is taken largely from the paper 'The Influence of Electoral Laws on the Conduct of Elections in Malaysia' by Ng Chak Ngoon. 2nd International Conference on Elections and Democracy 2013. Univ. Malaysia Sarawak. (2013). Figure 1 was presented to the Parliamentary Select Committee in Sabah in year 2011. The graphs by Ng Chak Ngoon are based on 2008 GE data.

Table 3 shows the ruling party secured 2/3 of the seats except for years 1969, 2008 and 2013. It is also clear that the percentage of seats won by Alliance / BN exceeds greatly the percentage of votes that they received. Conversely, for the opposition parties, the percentage of votes obtained was not translated into an equivalent number of seats in Parliament but a significantly lower number.

Veee	Governm	ent*		Oppositio	Opposition		
Year	Seats	% seats	% vote	Seats	% seats	% vote	Total seats
1964**	89	85.58	58.5	15	14.42	41.5	104
1969	95	65.97	49.3	49	34.03	50.7	144
1974	135	87.66	60.7	19	12.34	39.3	154
1978	130	84.42	57.2	24	15.58	42.8	154
1982	132	85.71	60.5	22	14.29	39.5	154
1986	148	83.62	55.8	29	16.38	41.5	177
1990	127	70.55	53.4	53	29.45	46.6	180
1995	162	84.38	65.2	30	15.62	34.8	192
1999	148	76.68	56.5	45	23.32	43.5	193
2004	198	90.41	63.9	21	9.59	36.1	219
2008	140	63.06	50.27	82	36.94	46.75	222
2013	133	59.91	46.53	89	40.09	53.47	222

"Government" means Alliance Party in 1964; Alliance and Sarawak United People's Party for 1969; and Barisan Nasional since 1974 ** Sabah and Sarawak did not participate in respective edition.

Source: Arah Aliran Malaysia: Penilaian Pilihan Raya (PDF)

Table 3

Figure 1, extracted from the paper by Ng Chak Ngoon clearly shows the intended outcome of malapportionment.





Each column in Figure 1 represents a parliamentary constituency. The height of the column is the number of registered voters in that constituency. Blue represents the Barisan Nasional (BN) seats; red represents the Pakatan Rakyat (PR) seats.

It is apparent that:

- (1) BN constituencies are generally much smaller than the PR ones.
- (2) Since there is no valid or logical basis why bigger constituencies back PR and smaller constituencies back BN, the only plausible explanation is that BN has carved out its strongholds into smaller constituencies to create many more seats while opposition strongholds are lumped into larger constituencies resulting in fewer seats.

(3) The same pattern is repeated state by state as illustrated in Figures 2 to 14.



Figure 2 Wilayah Persekutuan. Kuala Lumpur



Figure 3 Johor



Figure 4 Kedah



Figure 5 Kelantan





Figure 6 Melaka



Figure 7 Negeri Sembilan

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Figure 8 Pahang



Figure 9 Perak





Figure 10 Pulau Pinang



Figure 11 Sabah







Figure 13 Selangor



Figure 14 Terengganu



Figure 15 How BN needed only 15.4% of the votes to win

In Figure 15 (extracted from Ng Chak Ngoon's paper) the number of BN MPs as a percentage of the total is plotted against the number votes received by BN, again as a percentage of the total votes cast, starting with the smallest to the largest constituency. It shows how effective this form of electoral malapportionment is to ensure BN stays in power. Even with a mere 15.4% of the votes together with the eight uncontested seats, BN could have won 51% of the seats in Parliament in the 2008 Elections.

The following cases further illustrate this travesty of democracy.

(1) In Selangor, Kapar with 144,369 voters is nearly four times the size of Sabak Bernam, with 37,390 voters; a ratio of 1 to 4. Again this goes against equitable representation of the people.

(2) In the state of Kelantan where the Malays form more than 90% of the population, Tumpat has close to 98,000 voters whereas Gua Musang has about 39,400 voters. The ratio is about 2.5. Both are rural constituencies and hence the number of voters should not differ much from each other. The voter number difference is even larger than the 2 : 1 ratio allowed for between urban and rural seats, according to the 1953 formulations and the 1962 amendments. By no imagination can Tumpat be classified as an urban seat !

(3) The number of voters in the urban seat of Titiwangsa, in the Federal Territory of Kuala Lumpur is only about 55,400 compared to 98,000 for the rural seat of Tumpat, Kelantan. On top of that Tumpat has a significantly higher percentage of Malay voters compared to Titiwangsa. The ratio of urban voters in a constituency : rural voters within a constituency allowed for according to the 1953 formulations and the 1962 amendments is 2:1 but in this example, urban Titiwangsa : rural Tumpat is a reversal at 1:2, making it very apparent that the weightage can be manipulated whenever it is favourable to BN.

(4) In Kedah in 2013, the rural seat of Baling has about 93,400 voters while urban Alor Setar has significantly fewer voters about 69,200 - another contradiction of the oft repeated maxim of more voters per urban constituency compared to fewer voters per rural constituency.

(5) Table 4 compares nearby urban / rural seats in Sarawak using 2013 GE data.

Urban seat / Number voters	Rural seat / Number voters	Urban / rural ratio
Stampin / 84,820	Mas Gading / 25,821	3.3
Sibu / 64,732	Igan / 17,815	3.6
Miri / 711,287	Limbang / 24,335	2.9

Table 4

CHAPTER 5

(i)

WHAT TO EXPECT FROM THE PROPOSED 2014 DELIMITATION

The many changes to the constitution have resulted in a subservient EC with tremendous latitude to malapportion seats. What is to come in the 2014 delimitation exercise can be guessed at from recent statements by the current EC Chairman

- 16,000 for rural seats. This will mean a rural to urban ratio of 25: 4 or a weightage of 6.25. As there are presently very few seats with more than 100,000 voters, it may well be that the EC will lump more urban voters together toward the 100,000 limit. Note that rural : urban ratio should not be more than 2:1 but with this declaration, 100,000 :16,000 is 6:25:1.
- (ii) account whether that area is urban, suburban or rural. This statement by the EC Chairman is new. There is nothing in the Constitution that permits the EC to do this; the EC appears to act outside the provisions of the Constitution.

Declared a maximum seat size of 100.000 voters for urban and current minimum size of

The number of voters in each Parliament or state assembly (DUN) seat must take into

It would therefore appear likely that the EC will in the 2014 delimitation, aim for extreme levels of malapportionment and by so doing put an end to equitable representation (democracy in its true sense) in Malaysia.

CHAPTER 6

TINDAK MALAYSIA'S PROPOSALS TOWARD A FAIRER DELIMITATION

6.1 INFORMATION AVAILABILITY

6.1.1 General

The ability to prepare an alternative proposal is, to a significant extent, affected by availability and reliability of the information.

The basic information that is required are:

(i) Maps showing the boundaries of Daerah Mengundi (wards), State assembly and Parliamentary seats.

(ii) Data on the number of voters for each Daerah Mengundi.

6.1.2 Maps

Printed maps for both parliamentary and state seats can be purchased but only at the SPR offices of the State where the constituency is located.

In most States, there is one map for each parliamentary seat – the boundaries of the State seats within a parliamentary seat are shown on that same map together with the boundaries of all the Daerah Mengundi. There are however exceptions:

- (i) Sarawak SPR produces one map for each State seat and does not provide Parliamentary seat maps. Some Sarawak State seat maps do not show the boundaries of all the Daerah Mengundi of GE 2013.
- (ii) Perak SPR has the most disorganised maps. Not only were the Parliamentary maps not available, the State assembly seat maps were broken into as many as 8 parts. Piecing them together to form each respective seat was painstakingly laborious.

Electoral maps are expected to be comprehensive and exhaustive. There was no uniformity in the SPR maps within and between states. The map presentation and scales are all different. Some show geographical features; others do not, even coordinates were not provided within.

6.1.3 Data on Registered Voters

A hard copy of the electoral roll is issued free to all candidates just before each GE. Data in electronic form has to be purchased from SPR. The cost of data for the whole country is more than RM 50,000. This places a very high financial hurdle against civil society attempting to carry out delimitation analysis.

Only the number of voters within each Daerah Mengundi is considered in this exercise as the Daerah Mengundi constitutes the smallest unit in the EC maps.

6.2 CRITERIA

It was decided that , for the time being, Tindak Malaysia's proposal be based on the present 222 parliamentary seats and the present distribution of parliamentary seats to the different states and territories notwithstanding the obvious inequalities (see Table 5).

The main reason for this is that it is expected that EC proposals will not obtain a 2/3 majority in Parliament in which case the number and distribution of seats to the different states will remain unchanged. Therefore the present alternative proposal by Tindak Malaysia will enable a direct comparison with the existing boundaries as well as any changes that may be proposed by EC for the 2014 delimitation.

State/ Territory	No. Voters	No. parliament	Average no.
		seats	voters per seat
Selangor	2,051,583	22	93,254
Johor	1,608,115	26	61,851
Perak	1,409,772	24	58,741
Sarawak	1,086,191	31	35,038
Kedah	1,043,281	15	69,552
Sabah	982,311	25	39,292
Kelantan	920,433	14	65,745
Palau Pinang	847,710	13	65,208
Pahang	737,501	14	52,679
Terengganu	636,000	8	79,500
Negeri Sembilan	556,820	8	69,603
Melaka	439,869	6	73,312
Perlis	137,349	3	45,783
Kuala Lumpur	793,406	11	72,128
Labuan	24,457	1	24,457
Putrajaya	15,798	1	15,798
Grand total	13,290,596	222	59,868
Table 5	1		1

Table 5

Tindak Malaysia's criterion is that within each State and Territory, the voter distribution should be as equal as possible and in accordance with the recommendations of International bodies (see Chapter 2) not deviate more than 10% from the electoral quota (the total number of voters in a State divided by the number of seats).

The above shall not apply to the single seat federal territories of PutraJaya and Labuan. Tindak Malaysia opines that these 2 territories should be combined with the Federal Territory of Kuala Lumpur to become a single entity.

6.3 METHODOLOGY

The methodology for producing maps of individual States with a more equitable distribution of voters involves the following

(i) Convert all the printed maps purchased from SPR into digital format;

(ii) Adjust all the individual maps onto the same scale, for each state or territory;

(iii) Merge all the respective maps together to form a state map with all the boundaries down to the level of Daerah Mengundi;

(iv) Shift the basic unit that is the Daerah Mengundi until all constituencies within each Parliamentary seat lies within 10% of the electoral quota. This however is difficult to achieve in the state of Sarawak where urban centres are of very high densities compared to the rural areas.

The paramount intention behind Tindak Malaysia's proposal is simply to try to achieve an even distribution of voters. Considerations for geographical features (such as crossing major rivers) and administrative boundaries) are taken into account but not given over-riding consideration if equality of voter size is not achieved. In many cases EC presently does not take these into account.

Very importantly, and it must be emphasized, is that Tindak Malaysia's proposal <u>does not take into</u> <u>consideration racial composition.</u>

In achieving equality of voters it was found that the physical size of rural seats can be significantly enlarged e.g. Hulu Rajang. This is not considered to be problematic although extra efforts will have to be expanded in organising the elections; modern technology can be put to good use. For example, Durack, which is a Western Australian constituency that covers an area 5 times the size of Malaysia, has only one Representative.

CHAPTER 7

TINDAK MALAYSIA'S PROPOSALS IN MAP FORM

The results of Tindak Malaysia's proposed delineation are presented in maps (printed and digital format) attached to this booklet. Each map is for each State and the Federal Territory of Kuala Lumpur. Where appropriate, the maps are in turn superimposed against the State maps.

Each map shows in colour the present EC 2003 constituencies. Superimposed over it are the red lines that are the boundaries of constituencies proposed by Tindak Malaysia based on as much as possible equal number of voters for each constituency.

The maps also contain tabulations of the number of voters for each seat following EC's 2003 Delimitation Exercise as well as for Tindak's proposals. Plots comparing the two sets for state seats are also given.

It is clear from the maps and plots that Tindak Malaysia's proposals will serve to move toward a democracy of one man one vote; at least for each State.

Tindak Malaysia wishes to stress that a "fair" delimitation does not address gerrymandering. That requires an honest and unbiased EC. Issues like modification of the voting system to incorporate Proportional Representation will be considered by our Project Partner on electoral reform – PROJEK BERES.

CHAPTER 8

DOING YOUR OWN DELIMITATION

The common way to object to EC's proposal is to submit a letter of protest.

In the event you wish to protest you may also wish to submit the maps by TINDAK MALAYSIA (attached with this booklet) with your protest. This will strengthen your protest as it will come with an alternative delineation. It is always best not just to criticize but to be positive and offer an alternative.

Alternatively you can use the maps by TINDAK MALAYSIA as the basis for drawing your own delineation boundaries. All you need is a basic knowledge of the readily available software EXCEL and PHOTOSHOP. If you require the original scanned SPR maps and voter data you may contact TINDAK MALAYSIA.

If you wish to draw your own maps, you should start from the merged Parliament maps.

The next step is to establish a CRITERION or SET OF CRITERIA which you must apply consistently. Please note that Tindak Malaysia's proposal is based on achieving as best as possible, equal number of voters within each constituency in each State or Territory and ignores race distribution.

Your CRITERIA must be in numerical form. For example if you wish to have a weighting for rural areas you must first establish a numerical weighting factor and apply that factor consistently. The EC now claims to use an upper limit of 100,000 for urban seats, 40 to 60,000 for semi-urban seats and 20 to 40,000 for rural seats, although such numbers are not stated anywhere in the Constitution. You can give this a try but we suspect you will experience difficulties in differentiating between rural, semi-urban and urban areas.

Thereafter you can shift the Daerah Mengundi boundaries until your CRITERIA are met.

Please take note that you cannot limit your efforts to just one or two or three seats since changes in one seat affect the other seats in the state. Your effort must encompass the entire state.

Detailed maps of parliamentary and state seats can be obtained upon application from delimitation@tindakmalaysia.com.

CHAPTER 9

RECOMMENDATIONS ON EC MAPPING STANDARDS, CHARGES AND RELEASE OF INFORMATION TO THE PUBLIC

The following are recommendations to the EC for easier public access to their electoral data and maps. It is the right of every citizen to have ready access to such information.

- (i) EC Maps throughout the country should be standardized and in colour.
- (ii) There shall be individual maps of every state assembly seat (DUN) and parliamentary seat.
 Each DUN shall contain all the Daerah Mengundi (DM polling districts/wards). All parliamentary maps shall contain the DUN boundaries and the DM boundaries.
- (iii) These DUN and Parliamentary maps shall be overlaid against latest street maps that also show geographical features and administrative boundaries such as districts and local councils.
- (iv) There shall also be merged maps where all the parliament and state maps are combined to form a State map that provides all the information on DM, DUN boundaries and Parliamentary boundaries. These maps shall be overlaid against the State maps published by the Survey department.
- (v) All maps shall be complete with detailed reference to national coordinate system used by the Survey Department. All boundary lines shall have bearings (Direction from North) in the manner used by the Survey Department.
- (vi) Detailed voter information for each DM shall be made available.
- (vii) All maps and data shall be accessible on line and can be downloaded by any registered voter at minimal cost.
- (viii) All State EC offices shall be able to issue all the maps relating to that State, including the State map itself.
- (ix) The EC office in Putrajaya shall be able to issue maps for the whole country, including the constituency maps for DUN and Parliament of every State. Charges for hard-copies should be enough to cover cost only without any element of profit.

CHAPTER 10

AN APPEAL TO END INDIFFERENCE

We live, focussed only on our lives, shrugging off "little irritations and small shoves" that inched upon us day by day, year after year, towards a precipice till we finally realise after 50 years of independence, we are now standing precariously near the edge.

How did our country's democratic electoral system deteriorate to be so distorted and subverted? Any constitutional change necessitates a 2/3 parliamentary majority. That was able to happen simply by several political parties banding together.

Many members of those parties which coalesced to form this alliance, and who voted for these changes which started the decay in our Constitution, are no longer alive. Indeed there is much truth in Shakespeare's famous line, *"The evil that men do lives after them"*. But are those who so betrayed their electorate the only ones to blame or does not the blame also lie in the indifference of those who allowed it to be perpetuated and augmented?

The writer Elie Wiesel said, "Indifference can be tempting, even seductive,Indifference is always the friend of the enemy, for it benefits the aggressor never his victim." For the older generation that had been indifferent before, think now of the future generations, for it was our indifference that has betrayed their future.

BUT for the younger generation, indifference is no longer an option. The path into the future is by no means easy.

You need to be involved in as positive a manner as possible.

You need to work towards a fairer electoral system and only then can there be a better tomorrow for you and your children and theirs. Do not betray them with apathy and indifference as those before had. There is no other choice. It is in YOUR hands. The time is NOW.

DELIMITATION PROPOSALS BY TINDAK MALAYSIA

CONSTITUENCY MAPS AND ELECTORATE DATA FOR ALL STATES AND THE FEDERAL TERRITORY OF KUALA LUMPUR

SEQUENCE OF MAPS AND DATA

- For each State, first sheet is histograms, second sheet is map

- 1 Perlis
- 2 Kedah
- 3 Kelantan
- 4 Terengganu
- 5 Pulau Pinang
- 6 Perak
- 7 Selangor
- 8 WP Kuala Lumpur
- 9 Negeri Sembilan
- 10 Melaka
- 11 Pahang
- 12 Johor
- 13 Sarawak
- 14 Sabah

Note: Putrajaya and WP Labuan constituencies remain unchanged.





MAYLENG/PYW 20140204 rev02 _ Mukim Base Map



Note:

Ki1 is made up of former Langkawi and section of former Kuala Kedah Parliamentary Constituencies

Danesh Prakash Chacko20142401rev2_Mukim Base Map







	Total votes	% of EQ
P019 Tumpat	97769	149.46%
P020 Pengkalan Chepa	67377	103.00%
P021 Kota Baru	82379	125.93%
P022 Pasir Mas	64348	98.37%
P023 Rantau Panjang	53511	81.80%
P024 Kubang Kerian	62073	94.89%
P025 Bachok	80817	123.54%
P026 Ketereh	66190	101.18%
P027 Tanah Merah	59081	90.32%
P028 Pasir Puteh	75882	116.00%
P029 Machang	56900	86.98%
P030 Jeli	46184	70.60%
P031 Kuala Kerai	63882	97.66%
P032 Gua Musang	39435	60.28%
Total	915828	
EQ = Electoral Quotient		

	No.of Voters	% of EQ
KN1	68893	105.32%
KN2	68226	104.30%
KN3	66992	102.41%
KN4	69044	105.55%
KN5	63158	96.55%
KN6	62073	94.89%
KN7	62891	96.14%
KN8	66190	101.18%
KN9	65003	99.37%
KN10	63860	97.62%
KN11	66336	101.41%
KN12	63030	96.35%
KN13	67863	103.74%
KN14	62269	95.19%
Total	915828	

No.of parliamentary constituencies	1
Electoral quotient	<u>65,41</u>
Maximum deviation (%)	1
Max voters / constituency	71,95
Min voters / constituency	58,87



TEHWEILOON/KY 20140205 rev1 _ Mukim Base Map









	No. of Voters	% of EQ		P040
TG1	72,566	91.43%		N. 32 AIH PUTIH
TG2	82,237	103.61%		ATH PUTTH
TG3	75,159	94.70%		The month of the first
TG4	84,261	106.16%		A AND
TG5	83,334	105.00%		1. 小大民民
TG6	84,877	106.94%		
TG7	79,415	100.06%		
TG8	73,095	92.10%		and the second se
Total	634,944			
No. of parl	liamentary consti	ituencies	8	
Electoral c	quotient		<u>79,368</u>	
Maximum	deviation (%)		10	
Max voters	s / constituency		87,304	
Min voters			71,431	

TEHWEILOON/KY 20140205 rev1 _ Mukim Base Map





TG 7

TG 8

TG 6





SIMON/CNN 20140206 rev13 _ Mukim Base Map option 1









TEHWEILOON/KY 20140205 rev1 _ Mukim Base Map









Present Parliament	ary Constitu	uencies	Proposed Parliam	entary Const	tituencies
CONSTITUENCY	Total Votes	% of EQ	CONSTITUENCY	Total Votes	% of EQ
P114 Kepong	68,157	94.49%	WP 1	71,638	99.32%
P115 Batu	85,536	118.59%	WP 2	74,210	102.89%
P116 Wangsa Maju	67,858	94.08%	WP 3	74,474	103.25%
P117 Segambut	75,744	105.01%	WP 4	68,973	95.63%
P118 Setiawangsa	62,390	86.50%	WP 5	70,741	98.08%
P119 Titiwangsa	55,388	76.79%	WP 6	71,307	98.86%
P120 Bukit Bintang	55,887	77.48%	WP 7	71,886	99.66%
P121 Lembah Pantai	72,533	100.58%	WP 8	75,237	104.31%
P122 Seputeh	86,114	119.39%	WP 9	72,919	101.10%
P123 Cheras	72,663	100.74%	WP 10	71,921	99.71%
P124 Bdr. Tun Razak	91,136	126.35%	WP 11	70,100	97.19%
Total	793,406		Total	793,406	
EQ=Electoral Quotient					

Present	Proposed
11	11
72,128	72,128
26.35	4.37
91,136	75,237
55,388	68,973





Tindak Malaysia

Negeri Sembilan

- Proposed Parliamentary Constituency Boundary
- Daerah Mengundi
- NS 1 New Reference
- P126 Coloured Zones Represent Current Parliamentary Constituencies

Present Parliamentary Constituencies

1		
CONSTITUENCY	Total Votes	% of EQ
P126 Jelebu	44,937	64.66
P127 Jempol	65,213	93.83
P128 Seremban	102,305	147.20
P129 Kuala Pilah	47,671	68.59
P130 Rasah	88,403	127.20
P131 Rembau	79,661	114.62
P132 Telok Kemang	70,524	101.47
P133 Tampin	57,290	82.43
Total	556,004	
EQ=Electoral Quotient		

No. of parliamentary constituencies Electoral quotient Maximum deviation (%) Max. voters / constituency Min. voters / constituency

Proposed Parliamentary Constituencies

CONSTITUENCY	Total Votes	% of EQ
NS 1	66,684	95.95 98.68
NS 2	68,583	
NS 3	72,995	105.03
NS 4	73,799	106.18
NS 5	66,071	95.97
NS 6	65,320	93.98
NS 7	70,524	101.47
NS 8	72,028	103.64
Total	556,004	
	ω.	

Present	Proposed
08	08
69,501	69,501
47.20	6.18
102,305	73,799
44,937	65,320











Present Parliamentary Constituencies

	Total Votes	% of EQ
P134 MASJID TANAH	45,952	62.80%
P135 ALOR GAJAH	63,591	86.91%
P136 TANGGA BATU	73,282	100.15%
P137 BUKIT KATIL	99,438	135.89%
P138 KOTA MELAKA	92,322	126.17%
P139 JASIN	64,455	88.09%
Total	439,040	
EQ = Electoral Quotient		

Proposed Parliamentary Constituencies

	No. of Voters	% of EQ
MA1	71,610	97.86%
MA2	74,425	101.71%
MA3	72,583	99.19%
MA4	73,244	100.10%
MA5	72,465	99.03%
MA6	74,713	102.10%
Total	439,040	

No. of parliamentary constituencies	6
Electoral quotient	<u>73,173</u>
Maximum deviation (%)	10
Max voters / constituency	80,490
Min voters / constituency	65,856



TEHWEILOON/KY 20140205 rev2 _ Mukim Base Map





101 P087

P088

PH1

P089

PH12

Total Votes

27,980

% of EQ

53.21%

Present Parliamentary Constituencies

P078 CAMERON HIGHLANDS

Tindak Malaysia

Proposed Parliamentary Constituencies

No. of Voters % of EQ PH1 50,304 95.67% PH2 50,151 95.38% 98.74% 94.44% 107.50% 107.04% 106.05% 97.42% 103.94% 105.33% 93.41% 96.13% 96.99%

> 14 <u>52580</u>

> > 10



P086

PH9

PH8

PEKA P085

TEHWEILOON/KY 20140205 rev2 _ Mukim Base Map





Present Parliamentary

Proposed Parliamentary
Constituencies

	No. of Voters	% of EQ
JO1	56,300	91.18%
JO2	56,044	90.77%
JO3	56,298	91.18%
JO4	56,767	91.94%
JO5	56,160	90.96%
JO6	57,297	92.80%
JO7	58,113	94.12%
JO8	67,837	109.87%
JO9	58,825	95.27%
JO10	63,322	102.56%
JO11	60,572	98.10%
JO12	61,398	99.43%
JO13	56,430	91.39%
JO14	56,703	91.84%
JO15	62,683	101.52%
JO16	67,080	108.64%
JO17	67,520	109.36%
JO18	64,229	104.03%
JO19	67,087	108.66%
JO20	66,775	108.15%
JO21	56,554	91.60%
JO22	67,548	109.40%
JO23	66,915	108.38%
JO24	62,680	101.52%
JO25	67,337	109.06%
JO26	66,837	108.25%
Total	1,605,311	

TEHWEILOON/KY 20140205 rev1 _ Mukim Base Map







	Proposed Parliamentary Constituency Boundary
-	Daerah Mengundi
SW1	New Reference
P192	Current Reference
	Coloured Zones Represent Current Parliamentary Constituenci

		-
Constituency	Total Votes	% EQ
P192 Mas Gading	25,821	73.81
P193 Santubong	37,094	106.03
P194 Petra Jaya	49,839	142.46
P195 Bandar Kuching	53,429	152.72
P196 Stampin	84,820	242.45
P197 Kota samarahan	38,221	109.25
P198 Mambong	42,415	121.24
P199 Serian	33,764	96.51
P200 Batang Sadong	19,876	56.81
P201 Batang Lupar	27,416	106.18
P202 Sri Aman	29,877	80.54
P203 Lubok Antu	19,346	38.82
P204 Betong	26,378	49.37
P205 Saratok	27,630	32.57
P206 Tanjung Manis	19,267	50.41
P207 Igan	17,815	42.00
P208 Sarikei	36,611	108.43
P209 Julau	22,566	113.53
P210 Kanowit	19,490	71.09
P211 Lanang	57,223	191.53
P212 Sibu	64,732	334.60
P213 Mukah	26,551	100.66
P214 Selangau	25,502	92.30
P215 Kapit	26,283	136.41
P216 Hulu Rajang	21,772	122.21
P217 Bintulu	60,033	163.98
P218 Sibuti	28,417	125.93
P219 Miri	71,287	365.76
P220 Baram	27,822	48.62
P221 Limbang	24,335	37.59
P222 Lawas	18,883	71.12
Total	1,084,515	
EQ= Electoral Quotient		



Constituency	Total Votes	%EQ
SW 1	38,054	108.77
SW 2	39,683	113.43
SW 3	40,046	114.47
SW 4	41,195	117.75
SW 5	37,770	107.96
SW 6	41,597	118.90
SW 7	41,048	117.33
SW 8	30,153	86.19
SW 9	38,211	109.22
SW 10	34,634	99.00
SW 11	38,880	111.14
SW 12	31,215	89.23
SW 13	32,637	93.29
SW 14	32,792	93.73
SW 15	31,314	89.51
SW 16	35,988	102.87
SW 17	31,359	89.64
SW 18	31,783	90.85
SW 19	28,965	82.79
SW 20	35,510	101.50
SW 21	33,577	95.98
SW 22	31,860	91.07
SW 23	34,798	99.47
SW 24	30,188	86.29
SW 25	33,503	95.77
SW 26	37,011	105.79
SW 27	35,847	102.47
SW 28	34,955	99.92
SW 29	34,656	99.06
SW 30	34,640	99.02
SW 31	30,646	87.60
Total	1,084,515	





Present Parliamentary

Proposed	Parl	iam	entary
Constitue	ncie	S	

SB2 43 5% SB3 44	7,38895.20%3,522110.82%5,063114.74%6,85293.84%
5% SB3 45	5,063 114.74% 5,852 93.84%
	6,852 93.84%
2% SB4 36	
% SB5 44	4,265 112.71%
3% SB6 35	5,222 89.69%
S% SB7 37	7,490 95.46%
5% SB8 44	4,323 112.86%
2% SB9 38	3,771 98.72%
0% SB10 34	4,661 89.26%
SB11 3؛	5,841 91.26%
9% SB12 40	0,704 103.64%
1% SB13 44	4,132 112.37%
5% SB14 3	5,827 91.23%
3% SB15 43	3,691 111.25%
0% SB16 36	6,284 92.39%
5% SB17 34	4,549 87.97%
7% SB18 44	4,852 114.21%
	2,556 108.36%
S% SB20 44	4,369 112.98%
2% SB21 3	5,221 89.68%
5% SB22 36	6,089 91.89%
0% SB23 3	7,265 94.89%
3% SB24 36	6,174 92.11%
5% SB25 36	6,703 93.46%
Total 98	1,814

No. of parliamentary constituencies	25	
Electoral quotient	<u>39,273</u>	
Maximum deviation (%)	15	
Max voters / constituency	45,164	
Vin voters / constituency	33,382	

TEHWEILOON/KY 20140205 rev1 _ Mukim Base Map

