

OBJECTOR GUIDE SERIES

REDELINEATION GUIDELINES (FOR TECHNICAL COUNTER PROPOSALS)



TINDAK MALAYSIA 2021

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AIM OF THE PUBLICATION

1. **To assist future objectors** to suggest counter proposals to the Election Commission (EC) by presenting fair alternative boundaries with credible justifications.
2. **To spark discussions among individuals, parties and other stakeholders** on how to draw boundaries fairly.
3. **To push the public to demand a constitutional amendment** reinstating +/-15% average margins for constituencies in Peninsular Malaysia and +/-25% for Sabah and Sarawak.

This booklet should be treated as a guide for the formation of alternative constituencies

If any errors or omissions, please email us at info@tindakmalaysia.com



KEY CONSTITUTIONAL PRINCIPLES

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13th Schedule Clause 2:

- a. 2(a) - “while having regard to the desirability of giving all electors reasonably convenient opportunities of going to the polls, constituencies ought to be delimited so that they do not cross State boundaries and regard ought to be had to the inconveniences of State constituencies crossing the boundaries of federal constituencies;”
- b. 2 (b) - “regard ought to be had to the administrative facilities available within the constituencies for the establishment of the necessary registration and polling machines;”
- c. 2 (c) - “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;”

KEY CONSTITUTIONAL PRINCIPLES

13th Schedule Clause 2:

- d. 2 (d) - “regard ought to be had to the inconveniences attendant on alterations of constituencies, and to the maintenance of local ties.”

Pursuant to the Federal Constitution and the respective state constitutions, Parliament and State Legislative Assemblies respectively determine the number of Parliament and DUN constituencies in each state.



GENERAL PRINCIPLES OF REDELINEATION

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1. **The Application of PAR and DUN Quota (EQ)** for a redelineation (even though the constitutional requirement has been repealed) (refer to next slide).
2. Equalization of DUN/PAR Seats should be the **First Priority** for every state (refer to next slide).
3. Preservation of Local Ties in balance with equalization. Local Ties is the **Second Priority**.
4. Deviation among DUN and PAR Seats: **+ -15%** (for Peninsular Malaysia including FT Kuala Lumpur, Putrajaya and Labuan) from EQ.
5. Deviation among DUN and PAR Seats: **+ -25%** (for Sabah and Sarawak) from EQ.
6. **Exception to deviations from EQ:** Justification must be based on **sound reasoning with regard to important local ties**.

GENERAL PRINCIPLES OF REDELINEATION

Electoral Quota as formerly mentioned in Article 116 (5) - repealed in 1962

“ “electoral quota” means the number obtained by dividing the number of electors in the Federation or a State by the total number of constituencies or, as the case may be, the number of constituencies in that State;”

Fifteen Percent Principle formerly mentioned in Article 116(4) - repealed in 1962

“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.”

GENERAL PRINCIPLES OF REDELINEATION

The ratio of Parliamentary constituencies to DUN Constituencies mentioned in Eight Schedule Subsection 4(2) - first introduced in 1962 and repealed in 1983

“the number of elected members of the Legislative Assembly shall be the same as or a multiple of the number of the Federal constituencies into which the State is divided under Article 116 of the Federal Constitution.”

These repealed principles, if revived, could ensure that all DUN and Parliamentary constituencies are redelineated to be within +/-15% of each State's Electoral Quota



DRAWING FAIR BOUNDARIES: CONSIDERATIONS

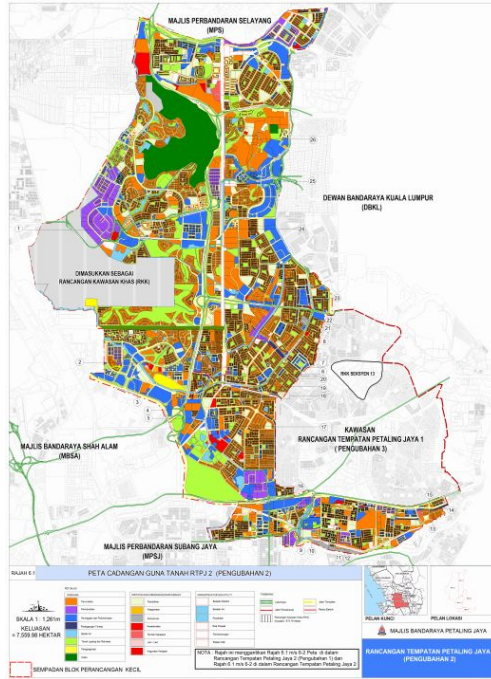
GENERAL PRINCIPLES OF EQUALIZATION

1. It is important to calculate number of parliamentary (PAR) seats that can fit into a council/bahagian/jajahan.
2. Example: Sabak Bernam: 89 808 voters. Selangor EQ is 109 090.
Minimum value for Selangor PAR at -15% is 92 726.
3. In the above situation, **one cannot strictly follow** Sabak Bernam Council because PAR Seat comprising Sabak Bernam Council violates Equalization (it is grossly undersized).
4. After you decide that the new PAR seat must have at least 92 726 voters, you need to calculate how many DUNs can fit in the PAR.
If DUN EQ is 43809, number of DUNs = $92726/43809 = \sim 2$.
You have to define 2 almost equal DUNs for the PAR.

STATE SPECIFIC PRINCIPLES OF REDELINEATION (FOR LOCAL TIES)

1. In the coming slides are key points and hierarchy of local ties for each state.
2. Hierarchy: Priority of different forms of divisions in the state. For example:
 - a. Local Council Boundaries are the main apportioning template of the State;
 - b. Draf Rancangan Tempatan shows further division of local council areas into Blok Perancangan (BP) and Blok Perancangan Kecil (BPK) (refer to next Slide).
3. End goal is equalization of all DUN and PAR seats while preserving relevant local ties.
4. Check availability of polling facilities (if one DUN has 10 Daerah Mengundis, does the DUN have 10 schools (preferred)/balai/dewan/wisma suitable for use as Polling Stations?). This to demand that EC provide sufficient facilities (in line with 13th Schedule Clause 2(b)).

STATE SPECIFIC PRINCIPLES OF REDELINEATION (FOR LOCAL TIES)



Dividing DUNs and Parliamentary Constituencies for Petaling Jaya

Petaling Jaya City Council (MBPJ) can be subdivided into Blok Perancangan (BP) as shown in the Left Map. Within each BP, we can allocate polling districts (DM) based on area of Blok Perancangan Kecil (BPK), which are BP subdivisions. If a BPK can produce two DUNs, we can use the Councillor Wards in Right Map to define the boundaries of the two DUNs.

One must examine Councillor Ward Boundaries critically. Some Ward Boundaries have illogical boundaries for local ties.



STATE SPECIFIC PRINCIPLES OF REDELINEATION (FOR LOCAL TIES)

6. Important Note: Council Boundaries and District Boundaries are not drawn with equalization in mind. We can aim to have a DUN neatly nested within a council or a district. However, PAR boundaries (or even DUN) may need to cross more than one District or Council boundaries to maintain equalization.

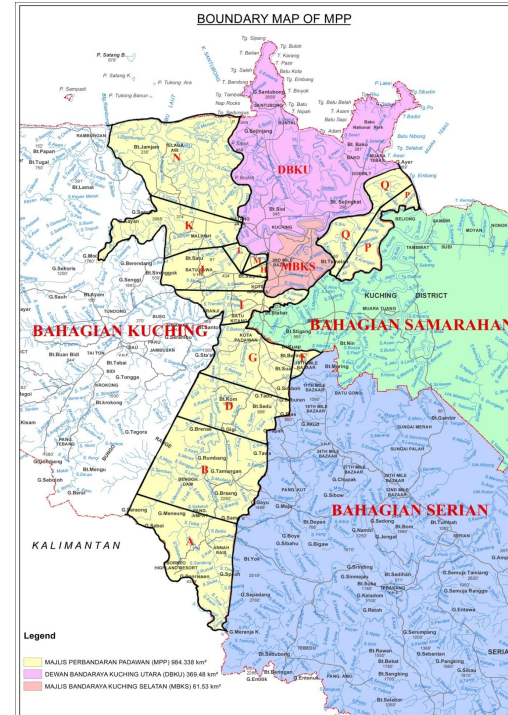
7. Important Note: If a District or a Council has disconnected territories like Muallim (Perak) and Padawan Municipal Council (Sarawak), no DUN or PAR seat should mimic these irrational boundaries under the guise of local ties. Refer to next slide.

STATE SPECIFIC PRINCIPLES OF REDELINEATION (FOR LOCAL TIES)



Left: Muallim Problem
District of Muallim is an example of a district with a disconnected territory. EC in their 2016 redelineation proposal suggested a DUN called Muallim which mimics the the disconnected district area. Fortunately, this proposed DUN idea was shelved.

Right: Padawan Problem
Padawan Municipal Council (highlighted in yellow area) has two councillor zones that does not share any boundaries with larger area of Padawan. Fortunately, no disconnected DUNs (as though complying with local ties) were formed.



STATE BASED LOCAL TIES CONSIDERATIONS & HIERARCHY

PERLIS

Main Points

- Aim for Parliamentary Seats to have same number of DUNs. One Parliament = 5 DUNs (for example)
- No Districts found in Perlis
- Majlis Perbandaran Kangar covers the whole state

Hierarchy of Local Ties

1. Blok Perancangan from Draf Rancangan Tempatan 2035 Kangar (Page 14)
2. Mukim boundaries
3. Contiguity
4. Transportation network

KEDAH

Main Points

- Council boundaries are the main tools to apportion seats
- One must decide to retain Langkawi as Parliamentary constituency or not
- Pokok Sena district is a subset to Majlis Bandaraya Alor Setar

Hierarchy of Local Ties

1. Local Council boundaries
 2. Blok Perancangan from Draft Rancangan Tempatan
 3. Mukim boundaries/ Councillor wards
 4. Contiguity
 5. Transportation network
-

KELANTAN

Main Points

- Jajahans (excluding Lojing) are to be main tools to apportion seats
- Jajahan and local council covers similar areas (with exception of four councils)
- Ketereh, Kota Bharu, Dabong, Kuala Kerai Councils are subset of the Jajahan area

Hierarchy of Local Ties

1. Jajahan boundaries
2. Local Council boundaries
3. Blok Perancangan from Draf Rancangan Tempatan/Jajahan Kecil Lojing/ Daerah boundaries /Councillor wards
4. Contiguity
5. Transportation network

**Administrative hierarchy for Kelantan:
Jajahan>Daerah>Mukim*

TERENGGANU

Main Points

- Council boundaries are the main tools to apportion seats
- Kuala Nerus district is a subset of Majlis Bandaraya Kuala Terengganu
- Islands are to be assigned to relevant DUNs so that the DUN and islands are in the same administrative district

Hierarchy of Local Ties

1. Local Council boundaries
 2. District boundaries
 3. Blok Perancangan from Draft Rancangan Tempatan/Mukim boundaries/Councillor wards
 4. Contiguity
 5. Transportation network
-

PULAU PINANG

Main Points

- Council boundaries are the main tools to apportion seats
- Majlis Bandaraya Seberang Perai covers Seberang Perai, and Majlis Bandaraya Pulau Pinang covers Penang Island
- The islands of Jerejak, Rimau, Kendi, Gedung and Aman must be allocated to DUN or PAR based on district boundaries

Hierarchy of Local Ties

1. Local Council boundaries
 2. District boundaries
 3. Blok Perancangan from Draf Rancangan Tempatan (2030) /Mukim boundaries/Councillor wards
 4. Contiguity
 5. Transportation network
-

PERAK

Main Points

- District boundaries are the main tools to apportion seats
- District Boundaries cover similar areas as Local Councils. However, local councils of Ipoh, Batu Gajah, Taiping, Selama, Tapah and Tanjung Malim are subsets of their parent districts
- Avoid using Muallim District for DUN drawing
- Bagan Datuk District can be used to form DUN/PAR if and only if equalization is attained

Hierarchy of Local Ties

1. District Boundaries
 2. Local Council Boundaries
 3. Blok Perancangan from Draf Rancangan Tempatan
 4. Mukim Boundaries/ Councillor Wards
 5. Contiguity
 6. Transportation Network
-

PAHANG

Main Points

- District boundaries are the main tools to apportion seats
- Does the elector population size of Tioman warrants a DUN for Tioman? Or Tioman should be joined with mainland Pahang DUN?
- District boundaries covers same areas of local councils. Cameron Highlands and Tioman Councils are subset to districts of Lipis and Rompin respectively

Hierarchy of Local Ties

1. District boundaries
 2. Local Council boundaries
 3. Blok Perancangan from Draf Rancangan Tempatan
 4. Mukim boundaries/ Councillor wards
 5. Contiguity
 6. Transportation network
-

SELANGOR

Main Points

- Council boundaries are the main tools to apportion seats
- Islands off Klang must be parked into constituencies found in Klang District. Carey Island belongs to Kuala Langat
- Pulau Indah is connected to southern Klang. Ketam Island and surrounding islands are connected by the Klang Ferry terminal
- District Boundaries are only to be considered in exceptional cases (justification to be provided)

Hierarchy of Local Ties

1. Local Council boundaries (Districts are for exceptional cases)
 2. Blok Perancangan from Draf Rancangan Tempatan
 3. Mukim boundaries/ Councillor wards
 4. Contiguity
 5. Transportation network
-

KUALA LUMPUR

Main Points

- Kuala Lumpur is completely under one local council (DBKL)

Hierarchy of Local Ties

1. Plan KL 2040 - Divisions
 2. City Planning System - Sempadan Kawasan Perancangan/Sempadan Zon Strategik
 3. Mukim boundaries/ Councillor wards (if existing)
 4. Contiguity
 5. Transportation network
-

NEGERI SEMBILAN

Main Points

- Council boundaries are the main tools to apportion seats
- District and Local Council boundaries cover the same area
- District of Rembau may not have enough voters to form a reasonable size PAR. DUN Constituencies in Rembau are to be grouped with DUN constituencies of Kuala Pilah

Hierarchy of Local Ties

1. Blok Perancangan from Draf Rancangan Tempatan
 2. Mukim boundaries/ Councillor wards
 3. Contiguity
 4. Transportation Network
-

MELAKA

Main Points

- Council boundaries are the main tools to apportion seats
- Islands to be parked to DUNs in Melaka Tengah districts
- Tanjung Tuan is to be parked with Alor Gajah District and to the most northwestern DUN of Melaka
- District boundaries only to be considered in exceptional cases (justification to be provided)
- Majlis Perbandaran Hang Tuah Jaya covers parts of three Districts of Melaka

Hierarchy of Local Ties

1. Local Council boundaries
 2. Draf Rancangan Tempatan (choose the latest)
 3. Mukim boundaries/ Councillor wards
 4. Contiguity
 5. Transportation Network
-

JOHOR

Main Points

- District boundaries are the main tools to apportion seats
- District boundaries cover similar areas as local council. However, councils of Segamat, Labis, Kluang, Simpang Renggam, Iskandar Puteri, Johor Bahru and Pasir Gudang are subsets to their parent districts

Hierarchy of Local Ties

1. District boundaries
 2. Local Council boundaries
 3. Draf Rancangan Tempatan (choose the latest)
 4. Mukim boundaries/ Councillor wards
 5. Contiguity
 6. Transportation network
-

PUTRAJAYA AND LABUAN

Main Points

- No Redelineation can be done

Hierarchy of Local Ties

1. Not Applicable

SABAH

Main Points

- Bahagians are the main tools to apportion seats
- District and Local Council covers similar areas. However, Kota Marudu, Pitas, Telupid and Kalabakan districts are subsets to their parent local councils
- Islands are to be assigned to constituencies based on their district association

Hierarchy of Local Ties

1. Bahagian boundaries
 2. Local Council boundaries
 3. District boundaries
 4. Daerah Kecil boundaries/ Other Local ties
 5. Contiguity
 6. Transportation Network
-

SARAWAK

Main Points

- Bahagians are the main tools to apportion seats
- District and Local Council covers similar areas. However, quite a number of districts are subsets to their parent local council
- Islands are to be assigned to constituencies based on their district association
- Caution following Padawan Municipal Council

Hierarchy of Local Ties

1. Bahagian boundaries
 2. Local Council boundaries
 3. District boundaries
 4. Daerah Kecil boundaries/ Councillor wards/
Other Local ties
 5. Contiguity
 6. Transportation Network
-

References

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END

