

# OBJECTOR GUIDE SERIES

## REDELINEATION GUIDELINES (DUTY AS AN OBJECTOR)



**TINDAK MALAYSIA 2021**

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**PREPARED BY DANESH PRAKASH CHACKO,  
THERESA RATNAM THONG, LIANG JIA HUI,  
S.V. SINGAM, PIANG YOW WONG**

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Wong, P.Y. , (2021), *Objector Guide Series: Redelineation  
Guidelines (Duty as an Objector)*, Tindak Malaysia

# AIM OF THE PUBLICATION

1. **To help an individual** to be an objector
2. **To identify** the key duties of an objector
3. **To share practical experience** for organizing objection and responding during EC hearing

*This booklet should be treated as a guide for the objection process*

*If any errors or omissions, please email us at [info@tindakmalaysia.com](mailto:info@tindakmalaysia.com)*



# KEY CONSTITUTIONAL REFERENCES (FOR OBJECTION)

# CONSTITUTIONAL REFERENCES

## 13th Schedule Part II:

*4. where the Election Commission have provisionally determined to make recommendations under Clause (2) of Article 113 affecting any constituency, they shall inform the Speaker of the House of Representatives and the Prime Minister accordingly, and shall publish in the Gazette and in at least one newspaper circulating in the constituency a notice stating—*

*(a) the effect of their proposed recommendations, and (except in a case where they propose to recommend that no alteration be made in respect of the constituency) that a copy of their recommendations is open to inspection at a specified place within the constituency; and*

*(b) that representations with respect to the proposed recommendations may be made to the Commission **within one month after the publication of such notice,***

*and the Commission shall take into consideration any representations duly made in accordance with any such notice.*

# CONSTITUTIONAL REFERENCES

## 13th Schedule Part II:

5. where, on the publication of the notice under section 4 of a proposed recommendation of the Election Commission for the alteration of any constituencies, the Commission receive any representation objecting to the proposed recommendation from—

(a) the State Government or any local authority whose area is wholly or partly comprised in the constituencies affected by the recommendation; or

(b) a body of one hundred or more persons whose names are shown on the current electoral rolls of the constituencies in question,

the Commission shall cause a local enquiry to be held in respect of those constituencies.

# CONSTITUTIONAL REFERENCES

## 13th Schedule Part II:

*6. in relation to any enquiry held under **section 5** the Election Commission shall have all the powers conferred on Commissioners by the Commissions of Enquiry Act 1950 [Act 119]<sup>1</sup>.*

*7. where the Election Commission revise any proposed recommendations after publishing a notice thereof under section 4, the Commission shall comply again with that section in relation to the revised recommendations, as if no earlier notice had been published:*

*Provided that it shall not be necessary to hold more than two local enquiries in respect of any such recommendations.*

<sup>1</sup>-Refer to Appendix 2 for key points what powers that EC has for the purposes of local enquiry

# WHAT CAN TRIGGER REDELINEATION

Be on alert on three ways to trigger redelineation

- 1) Addition of new states or territories/ Alteration of boundaries of states or territories
- 2) After 8 years passed from the completion of the last review of electoral boundaries for a unit of review (States of Malaya, Sabah and Sarawak)
- 3) Change in the number of Parliamentary or State (DUN) Constituencies

*As for now (time of publication), Penang and Terengganu are contemplating to increase the DUN Constituencies. Sarawak will soon be ripe for redelineation review as their last review of boundaries took place in 2015*



# 3 UNITS OF REVIEW

Redelineation Reviews (DUN and Parliament Constituencies)\* in Malaysia are divided into 3 Units of Review (refer to Article 113 (6)). 3 Units of Review are:

- 1) States of Malaya (inclusive of Federal Territories of Kuala Lumpur, Putrajaya and Labuan)
- 2) Sabah
- 3) Sarawak

Hence, redelineation for Sabah, Sarawak and States of Malaya can be done at separate timing

\*This redelineation review refers to redelineation as prescribed in Article 113 (2) (i)



WHO CAN BE AN OBJECTOR?

# WHO CAN BE AN OBJECTOR

1. A body of one hundred or more persons whose names are shown on the current electoral rolls <sup>1</sup>
2. The Local Authority <sup>2</sup>
3. State Government <sup>2</sup>

<sup>1</sup>- directly impacted by redelineation exercise and the body of voters must be in the electoral roll (at the point of redelineation)

<sup>1</sup> - Those who are not affected by redelineation may not qualify for objection hearing (EC's inquiry)

<sup>2</sup> - whose area is wholly or partly contained in the constituencies affected in the redelineation recommendations

# WHO CAN BE AN OBJECTOR

Special focus for those organizing 100 objectors (Individual Objectors) - refer to previous slide on the conditions for 100 or more objectors

You should object if:

- Your DUN and Parliamentary Constituency cross State Boundaries or DUN boundaries straddle over two or more Parliamentary constituencies
- Your DUN or Parliamentary Constituency does not have enough polling facilities
- Your DUN or Parliamentary Constituency has too many or too little voters. If your constituency exceeds +/-15% deviation from State Electoral Quota, you should consider objecting
- Your DUN or Parliamentary Constituency disrespects local ties

# WHO CAN BE AN OBJECTOR

Special focus for those organizing 100 objectors (Individual Objectors) - refer to previous slide on the conditions for 100 or more objectors

Why Object?

- 1) Your constituency must respect the principle One Person One Vote One Value (OPOVOV) or in Malay, Satu Rakyat Satu Undi Satu Nilai (1RUN)
- 2) Your constituency must reflect local ties and a name that is reflective of geographical area
- 3) Your constituency is drawn in a manner conducive for polling
- 4) Your constituency makes the life of elected representative easy when he or she is managing the affairs of constituency

# WHO CAN BE AN OBJECTOR

Special focus for those organizing 100 objectors (Individual Objectors)

When should you be ready?

1. As soon as a State Legislative Assembly (DUN) or Parliament gazettes the notice of increase or decrease of DUN or Parliamentary constituencies
2. As soon as the 8 years have passed from the completion of last review of electoral boundaries. In short, be ready from 2023 (for Sarawak), 2025 (for Sabah) and 2026 (for Peninsular Malaysia)

You **should not wait** to organize objectors only when the redelineation notice is issued. 30 days objection window is a limited time frame

# WHO CAN BE AN OBJECTOR

Special focus for those organizing 100 objectors (Individual Objectors)

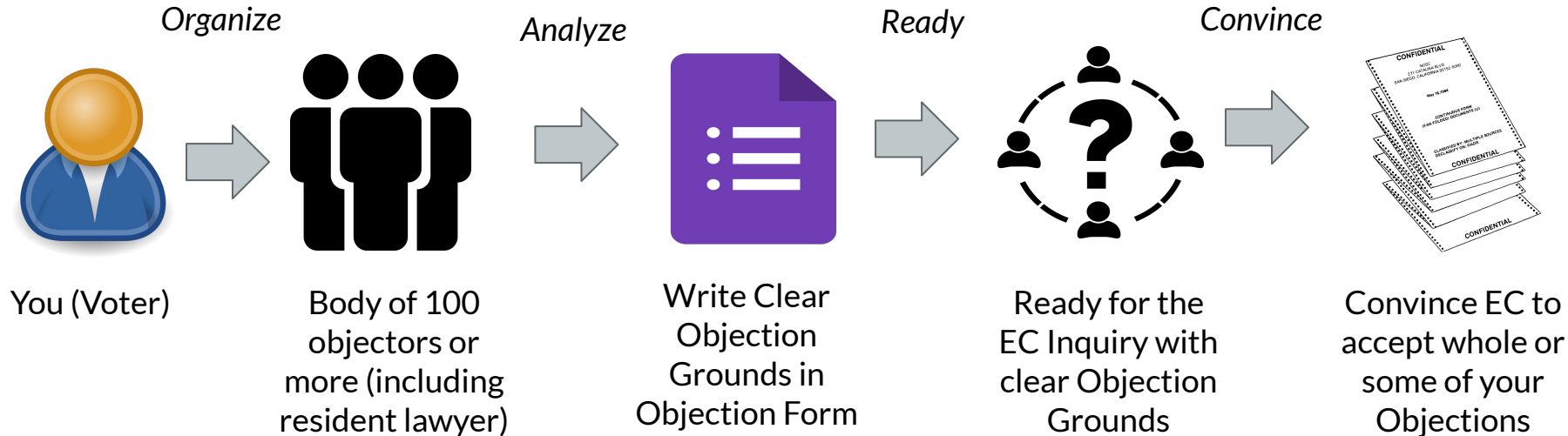
Challenges you need to overcome (for first round and second round Objections)

**1st Challenge**

**2nd Challenge**

**3rd Challenge**

**4th Challenge**



# WHO CAN BE AN OBJECTOR

**Special focus for those organizing 100 objectors (Individual Objectors)**

30 days objection period starts when EC issues the notice of redelineation via local papers, public display and formal notice to the Speaker of the Parliament

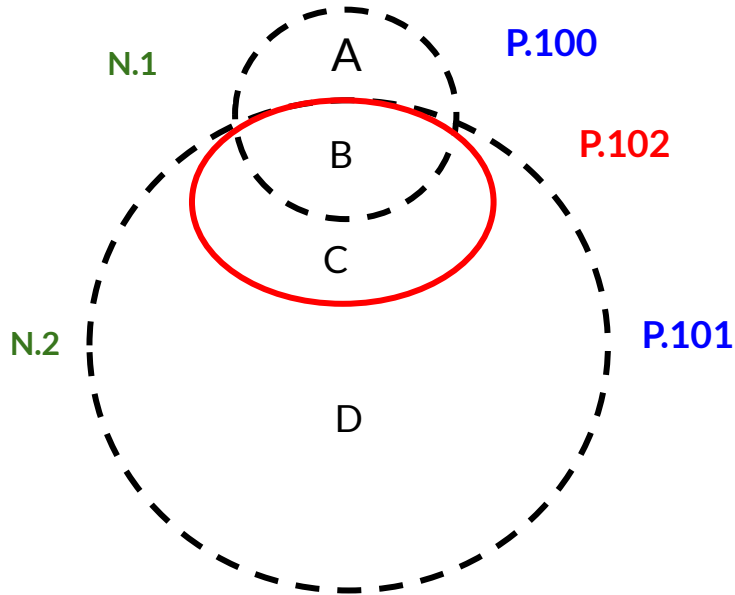
How should I know whether the objector group I lead is qualified to object?

Check the next slides



# WHO CAN BE AN OBJECTOR

## Special focus for those organizing 100 objectors (Individual Objectors) - Scenario 1



Before redelineation, there were two parliamentary constituencies - **P.100** and **P.101**

P.100 contained **N.1** which have voters at A and B (originally)

P.101 contained **N.2** which have voters at C and D (originally)

In the proposed redelineation, a new parliamentary constituency called **P.102 is proposed (with new DUN)**. It includes areas B and C

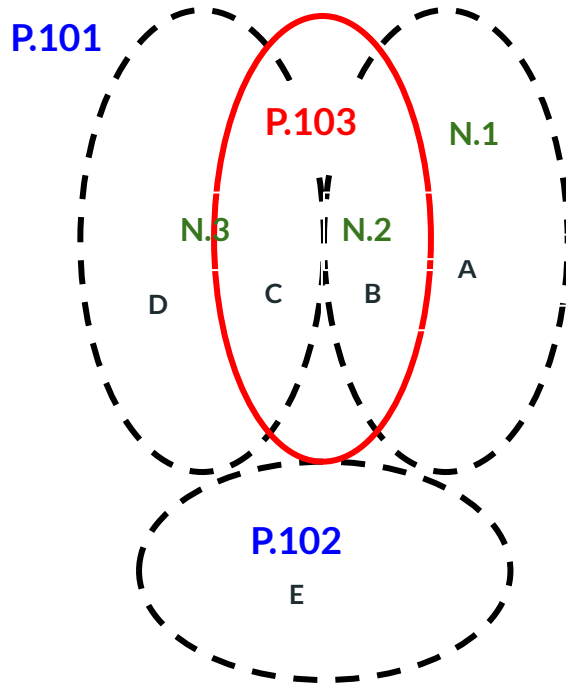
### Who can object?

- 1) Voters of areas B and C of N.1 and N.2 respectively
- 2) Voters of areas A and B of N.1
- 3) Voters of areas C and D of N.2

Combinations of voters of (A& D)/(A&C)/(D&B) will not be entertained by EC

# WHO CAN BE AN OBJECTOR

## Special focus for those organizing 100 objectors (Individual Objectors) - Scenario 2



Before redelineation, there were three parliamentary constituencies - P.100, P.101 and P.102

P.100 has two DUNS - N.1 and N.2. A is part of N.1 and B is part of N.2

P.101 has one of the DUNs called N.3

In the proposed redelineation, a new parliamentary constituency called **P.103 is proposed**. It includes of areas B (N.2) and C (part of N.3)

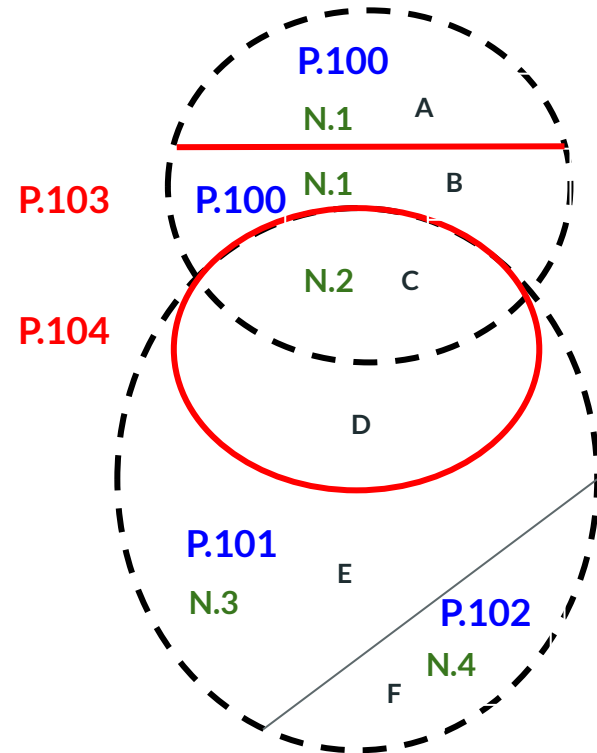
### Who can object?

- 1) Voters of areas B and C of N.2 and N.3 respectively
- 2) Voters of areas A and B of N.1 and N.2 respectively
- 3) Voters of areas C and D of N.3

Combinations of voters of (A& D)/(A&C)/(D&B)/E will not be entertained by EC

# WHO CAN BE AN OBJECTOR

## Special focus for those organizing 100 objectors (Individual Objectors) - Scenario 3



Before redelineation, there were three parliamentary constituencies - **P.100, P.101 and P.102**

P.100 has two DUNS - **N.1 and N.2**. A & B belongs to N.1 & C is part of N.2

P.101 has one of the DUNS called **N.3**. D & E are parts of N.3

P.102 has one of the DUNS called **N.4**. F is part of N.4

In the proposed redelineation, two parliamentary constituencies called **P.103 & P.104 are proposed**. P.101 includes a part of N.1 - the B area. P.104 contains whole of N.2 and part of N.3.

### Who can object?

- 1) Voters of areas B and C of N.1 and N.2 respectively
- 2) Voters of areas A and B of N.1
- 3) Voters of areas C and D of N.2 and N.3 respectively
- 4) Voters of areas D and E of N.3



# DO'S AND DON'TS FOR STATING OBJECTION GROUNDS

# DO AND DON'TS

**Avoid Objecting** based on these grounds

- 1) Objecting the whole state without specific reference to an affected constituency (this is how Penang State Government's concerns were rejected during the first round of EC inquiry)
- 2) With race or religious based motivations (unless you find evidence of race based gerrymandering)

# DO'S AND DON'TS

**Downsides** with EC's approach on assessing redelineation objection:

- 1) States with zero or next to zero redelineation, your objections will not be entertained (i.e., Perlis, Penang during 2016-18 redelineation exercise)
- 2) If the boundaries are not altered but existing constituency has shortfall of polling facilities, your chance of securing objection is slim
- 3) If the boundaries are altered and new constituency boundaries create more malapportionment, EC can still reject your argument that you presented during the inquiry (i.e., Sungai Petani and Merbok)

# DO'S AND DON'TS

**Specific Examples on Objections that were rejected** (either failed to be invited for local inquiry or proposed objection was not entertained by EC)

- 1) Perlis (2016-18) did not experience of alteration of DUN and parliamentary boundaries. Two Objection representations (by a body of 100 objectors) were made to EC. However, since there was no boundary alteration, EC did not proceed with local inquiry
- 2) Penang (2016 - 18) experience minor alteration to DUN boundaries in Balik Pulau and Kepala Batas. Out of 12 Objection Representations (First Round), only 3 groups were successful to be invited for EC inquiry (including state government). EC only accepted views of 2 Objection Groups (not state government as the objection was not specific to any constituency). Two objection groups were objecting to DUN constituencies that were altered

# DO'S AND DON'TS

**Specific Examples on Objections that were rejected** (either failed to be invited for local inquiry or proposed objection was not entertained by EC)

3) In the second round of redelineation review (2016 - 18) for Penang, only two Objection representations were made (one - a body of 100 or more voters and another - state government). State government's objections failed to be considered by EC as their objection points were touching areas that were not altered by the redelineation. For the group of 100 voters, EC claims the group met some requirements of 13th Schedule but no inquiry was made for the objection (as the group was objecting an area not affected by redelineation)

4) For Lembah Pantai objection, despite the known fact that addition of Tasik Perdana area will disrupt local ties, EC rejected the objection groups' views



# DO'S AND DON'TS

**Specific Examples on Objections that were accepted by EC** (either being qualified to attend EC inquiry or Objection outcome was accepted by EC)

- 1) For the first round of redelineation, Melaka State government lodged comprehensive objections that covered disagreements with movements of polling districts and proposed renaming of DUNs or Parliamentary seats. However EC did reject the objection pertaining to retention of pre-2016 boundaries of N.21 Duyong as the objection was too general
- 2) For the second round of redelineation, Pahang State government lodged one objection to movement of polling districts. EC accepted the objection's view
- 3) For the first round of redelineation, objection to proposed DUN Subang Jaya on the grounds of malapportionment concern was accepted by EC

# DO'S AND DON'TS

## Tips to a successful Objection representation (i.e., specifying the grounds)

- 1) Object on the constituency experiencing a form of alteration
- 2) Ensure your Objection Group includes voters who are shifted away from their original constituency and have one lawyer (who is part of affected constituency) at least
- 3) Refer to the name of your constituency in your objection and object the issues related to the constituency
- 4) Object on multiple grounds (disagreeing with movement of polling districts, renaming of the DUN, reshaping of polling districts, calling for new polling centres etc.)
- 5) Lobby your state government and local council to object



# ORGANIZING OBJECTORS

# ORGANIZING OBJECTORS

1. Know one's locality (check [pengundi.spr.gov.my](http://pengundi.spr.gov.my))
2. Be mindful of the rights and responsibilities as a Constituent
3. Understand the process and procedures of Redelineation
4. Know the elements of the proposed redelineation exercise
5. Ensure that the Maps are cited and references made to this
6. Review the intent and impact of the proposed redelineation exercise
7. Know the legal issues, general issues and the specific issues

# ORGANIZING OBJECTORS

8. Organise Dialogues (either in-person or virtual) to:

- engage the Local Community. Engage in small group discussions with local groups to get feedback and their views
- create the awareness and generate the interest
- provide an avenue for clarifications
- sort out the issues arising from the proposed redelineation exercise
- set up an on-line facility to receive feedback from residents
- collate all feedback in order to take it to another level of consolidation

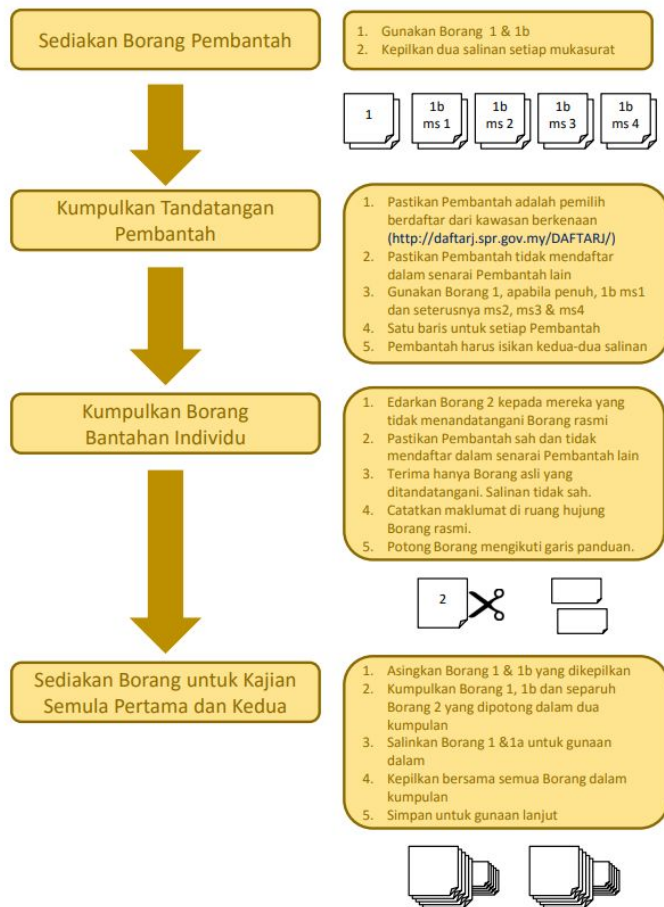
# ORGANIZING OBJECTORS

## 9. Preparing the Objection Forms:

- State the Objections clearly to the Proposals by EC
- Identify the Issues and provide the evidence accordingly
- State name of the Objectors and relevant details clearly ... identifying the 100 or more persons (aim for more) whose names are in the current electoral rolls of the constituency concerned. They must be willing to support the Objection (s) raised in the Objection Form
- Sign-off

10. When submitting the Form , ensure there is a duplicate for acknowledgement by EC Officers

## Pembantahan atas Cadangan Persempadanan



## General Workflow for Submission of Objection Related Forms

**BORANG BANTAHAN**  
**URUSAN KAJIAN SEMULA PERSEMPADAN**  
**BAHAGIAN PILIHAN RAYA**

**SAMPLE**

1. Negeri \_\_\_\_\_
2. Bahagian Pilihan Raya Parlimen \_\_\_\_\_
3. Bahagian Pilihan Raya Negeri \_\_\_\_\_

4. Butir-butir Pembantah

☐ Kerajaan Negeri      ☐ Pihak Berkuasa Tempatan      ☒ Pemilih 100 orang

*Butiran pembantah dilampirkan*

5. Butir-butir Bantahan

Bantahan-bantahan ini difailkan tertakluk kepada dan tanpa menjejaskan hak kami untuk bergantung kepada isu-isu awal berikut yang hendaklah ditentukan dalam forum yang betul: -

- 1) Bahawa syor-syor oleh Suruhanjaya Pilihan Raya [SPR] bertarikh dan diterbitkan pada 15hb September 2016 dan persempadanan semula tersebut adalah bercanggah dengan Perlembagaan Persekutuan dan bertentangan dengan undang-undang.
- 2) Bahawa Notis bertarikh 15hb September 2016 tidak menzahirkan kesan syor yang dicadangkan dan gagal untuk memberikan pendedahan penuh semua maklumat yang diperlukan bagi kami untuk membentangkan kes kami sepenuhnya dan secara berkesan.
- 3) Bahawa terdapat masa yang tidak mencukupi bagi kami untuk menyediakan bantahan-bantahan kami kerana kekurangan maklumat dan kesukaran yang dihadapi untuk melayari laman web Suruhanjaya Pilihan Raya.
- 4) Bahawa terdapat kegagalan keadilan asasi.
- 5) Mana-mana isu penting yang lain yang mungkin timbul sebelum, pada atau selepas siasatan tempatan tersebut.
- 6) Bahawa Kawasan DUN N31 yang dicadangkan untuk perluasan akan mengakibatkan cabaran-cabaran pengurusan, penguatkuasa, dan kawalan isu-isu berkaitan sosial bagi PBT berkenaan.

Saya di sini memohon untuk suatu pendengaran lisan untuk membolehkan saya menerangkan dan melanjutkan bantahan-bantahan saya di atas dan juga untuk memberi bukti bagi menyokong kepada yang sama dan untuk membuat mana-mana bantahan yang selanjutnya.

Tandatangan : \_\_\_\_\_

Nama : Theresa Ratnam

## Example of Filling up the **Objection Form**

- Clearly mark the box for the body of 100 objectors (Pemilih 100 orang)
- Clearly write the name of the State, specific Parliamentary and DUN Constituency
- For 'Butir-Butir Bantahan', please fill in specific objection grounds that you found in the EC's redelineation proposal
- *(Example)* If the objection centres on malapportionment, please state at the top of key points for 'Butir-Butir Bantahan'
- *(Example)* If the objection centres on violation of local ties, please state that at the top of key points for 'Butir-Butir Bantahan'
- Add your name and signature at the bottom



Butir-butir Pembantah

No	Nama	No KP	No Telefon	Emel	Tandatangan
Jurucakap yang dipilih dari kalangan Pembantah					
1					
2					
3					
Pembantah					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

Kod PAR ..... Kod DUN..... Kod DM.....

Butir-butir Pembantah

No	Nama	No KP	No Telefon	Emel	Tandatangan
21					
22					
23					
24					
25					
26					
27					
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45					

Example of the list of Objectors  
for your Objection group

**Borang Pembantah Tambahan:**

Negeri : ..... Bahagian Pilihan Raya Parlimen : .....

Bahagian Pilihan Raya Negeri : .....

Nama:	No. K/P:	Fon:
Alamat Surat Menyurat:	*Kod DM:	Emel:

\* Masukkan Kod Daerah Mengundi: Rujuk <http://daftari.spr.gov.my/DAFTARJ/>

Tandatangan .....



**Borang Pembantah Tambahan:**

Negeri : ..... Bahagian Pilihan Raya Parlimen : .....

Bahagian Pilihan Raya Negeri : .....

Nama:	No. K/P:	Fon:
Alamat Surat Menyurat:	*Kod DM:	Emel:

\* Masukkan Kod Daerah Mengundi: Rujuk <http://daftari.spr.gov.my/DAFTARJ/>

Tandatangan .....

Example of list of Additional Objectors for your Objection group

Tarikh: 10hb Oktober 2016

**Pengarah Pilihan Raya Negeri Selangor**

Lot 03-11, Tingkat 3, Kompleks PKNS,  
40690 Shah Alam  
Selangor

Salam Sejahtera Tuan Pengarah

**PER: SYOR-SYOR YANG DICADANGKAN BAGI BAHAGIAN-BAHAGIAN PILIHAN RAYA PERSEKUTUAN DAN NEGERI BAGI NEGERI SELANGOR DARUL EHSAN SEBAGAIMANA YANG TELAH DIKAJI SEMULA OLEH SURUHANJAYA PILIHAN RAYA DALAM TAHUN 2016: PERMOHONAN MAKLUMAT**

1. Saya merujuk kepada perkara tersebut.
2. Saya merujuk kepada Notis yang dikemukakan oleh Suruhanjaya Pilihan Raya ("SPR") di bawah Seksyen 4, Bahagian II Jadual Ketiga Belas Perlembagaan Persekutuan yang diterbitkan pada 15.09.2016.
3. Sebagai seorang pengundi berdaftar yang sah, saya berhak untuk membuat satu representasi, bersama dengan 99 pengundi yang lain, untuk membantah syor-syor yang dicadangkan.
4. Pada 7hb Oktober 2016, saya telah mengunjungi pusat pemaparan SPR di Shah Alam dan telah memeriksa peta dan dokumen yang dipaparkan oleh SPR. Saya juga telah memuat turun salinan digital yang sama daripada laman web SPR.
5. Walaupun mempunyai maklumat yang disediakan oleh SPR, namun saya berpendapat bahawa saya tidak dapat melaksanakan hak saya untuk membantah kerana maklumat adalah tidak mencukupi untuk menilai syor-syor tersebut, dengan tujuan untuk mengetahui alasan-alasan buat syor-syor tersebut. Tanpa dimaklumkan mengenai alasan-alasan syor-syor yang dicadangkan, saya tidak dapat membuat bantahan yang bermakna (informed objection).
6. Saya percaya bahawa saya dan para pengundi berdaftar yang lain berhak untuk mendapatkan maklumat yang disenaraikan di bawah, untuk mencapai kesimpulan yang bermakna (informed conclusion) sama ada SPR telah mematuhi Jadual Ketiga Belas Perlembagaan Persekutuan.
  - 6.1 Demi mematuhi Seksyen 2(a) - Peta yang memaparkan semua daerah-daerah mengundi. Syor-syor yang dicadangkan tidak menunjukkan daerah mengundi dan sempadan berkenaan. Saya tidak dapat menentukan sama ada SPR telah memastikan "semua pemilih diberi peluang yang semunasabahnya mudah untuk pergi mengundi";
  - 6.2 Demi mematuhi Seksyen 2(b) - Peta yang memaparkan semua kemudahan pentadbiran. Syor-syor yang dicadangkan tidak menunjukkan sebarang kemudahan pentadbiran. Oleh sebab itu, saya tidak dapat menentukan bahawa SPR telah memberikan sebarang pertimbangan terhadap "kemudahan pentadbiran yang boleh didapati di dalam bahagian pilihan raya itu bagi mengadakan jentera pendaftaran dan pengundian yang perlu"

**6.3 Demi mematuhi Seksyen 2(c) - Maklumat-maklumat di bawah diperlukan:**

- a. Jadual untuk membandingkan pengundi-pengundi yang berada di setiap kawasan pilihanraya (lama dan baru) dan setakat mana perselisihan antara angka purata pengundi (Hasil Bahagi Pilihanraya atau Electoral Quotient) bagi setiap kawasan pilihanraya Parlimen dan Negeri;
  - b. Semua fakta dan sebab yang mengakibatkan SPR tidak dapat menghasilkan angka pengundi di setiap kawasan pilihanraya Negeri adalah lebih kurang sama banyak.
  - c. Kategori-kategori kawasan pilihanraya yang telah ditentukan oleh SPR dalam memberikan "ukuran pewajaran bagi kawasan patutlah diberikan kepada bahagian-bahagian pilihan raya" dan sama ada langkah tersebut mengambil kira keluasan kawasan tanah, geografi, jalan raya, landasan keretapi, pengangkutan air dan komunikasi;
  - d. Peta yang menunjukkan kemudahan-kemudahan tersebut dan keluasan kawasan tanah bagi setiap kawasan pilihanraya.
- 6.4 Demi mematuhi Seksyen 2(d) - Asas untuk peralihan daerah mengundi daripada satu kawasan pilihanraya ke kawasan pilihanraya yang lain;
  - 6.5 Demi mematuhi Seksyen 3 - Salinan digital daftar pengundi untuk pemeriksaan awam, supaya pengundi dapat memastikan kawasan pilihanraya masing-masing dan bakal pembantah-pembantah;
  - 6.6 Demi mematuhi Seksyen 4 - Penjelasan tentang mengapa kesan syor-syor yang dicadangkan telah mengakibatkan jumlah pengundi yang tidak seimbang (malapportionment) semakin ketara;
  7. Memandangkan hanya terdapat satu bulan untuk membuat bantahan, semua maklumat di atas haruslah dibuat senang untuk didapati dan dalam bentuk yang ketara dan ringkas. Saya dimaklumkan bahawa SPR mempunyai Electoral Geographical Information System. Saya percaya bahawa maklumat digital tersebut patut diberikan kepada orang awam supaya pengundi seperti kami untuk membuat keputusan yang bermakna (informed decision) dalam jangka masa singkat yang diberikan untuk menentukan samada SPR telah mematuhi keperluan perlembagaan.
  8. Saya yakin bahawa semua maklumat yang diminta di atas boleh didapati dalam simpanan data SPR. Oleh kerana tarikh akhir untuk membuat bantahan semakin dekat, saya memohon supaya semua maklumat tersebut dijelaskan dan diterbitkan online dalam laman web SPR dan disediakan di semua pusat pemaparan SPR.

Sekianlah diucapkan terima kasih

Yang benar,

.....  
Nama: Theresa Ratnam

Alamat: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXxxx

Nombor Talipon Bimbit: XXXXXXXXXXXXXXXXXXXXXXXxxx

Emel: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXxxx

SAMPLE

Example of Miscellaneous Letter that Objection group could consider



# PREPARATION FOR AND RESPONDING DURING EC INQUIRY

# PREPARATION FOR EC INQUIRY

1. Determine how many Representatives to appear at the EC enquiry
2. Determine the Spokesperson (s) - 3 of them
3. Convene a Discussion, review the Objection Form and get everyone on the same page (some kind of alignment).
4. Before the inquiry, the spokespersons will be notified in writing by EC's Secretariat. EC could nominate top three people of the objector list as the recipient of the notice
5. If three persons nominated by EC are not the spokesperson, the objection group must choose 3 spokespersons
6. If the objectors cannot make it to the Inquiry (please avoid this scenario), they can write the objection reason to EC and **submit to EC 3 days** before the enquiry date

# RESPONDING DURING EC INQUIRY

1. Spokespersons must be present at the **location of enquiry 30 minutes** before designated time
2. The enquiry session is done in **BAHASA MALAYSIA**
3. A lawyer cannot represent the Objectors, unless the said lawyer is part of the body of 100 voters
4. Mindset is ... Seek to Clarify; not to antagonize the Inquiry Panel. We want to be listened to. As such a polite decorum is most helpful
5. Inquiry session per Objection Group is **30 minutes at maximum**
6. In view of time restrictions :
  - a. Express appreciation for the opportunity to have been invited to the Inquiry
  - b. State the Key Analysis, then Concur / **Object (MAIN FOCUS)**/ Recommend ... always providing relevant evidence (not experience)

# RESPONDING DURING EC INQUIRY

Continuing from previous slide:

1. Each Objector group is allowed to bring no more than 20 fellow Objectors during the inquiry session
2. Each Objector group must dress neatly, act rationally and follow all instructions by EC's Secretariat
3. EC does not provide response to the Objection raised in the Inquiry. For the first round of redelineation, Objector Group may get clues on how EC responded to their concerns via the second round of proposed recommendations of DUN and Parliamentary Constituencies
4. The full list of responses by EC for all qualified Objection Groups are compiled in the final redelineation report and this is laid in the Dewan Rakyat

# References

Taklimat Urusan Kajian Semula Persempadanan Bahagian-Bahagian Pilihan Raya Tahun 2014 Kepada Parti-Parti Politik Dan Orang Awam

Laporan kajian persempadanan mengenai syor - syor yang dicadangkan bagi bahagian-bahagian pilihan raya Persekutuan dan Negeri di dalam negeri-negeri Tanah Melayu kali keenam Tahun 2018 (Jilid 1 & 2)

GUIDE ON REDELINEATION OF ELECTORAL BOUNDARIES by Malaysian Bar Council Constitutional Law Committee 2016/2017

Commissions of Enquiry Act 1950 (Revised 1973)





## Appendix 1: Sabah 2016 Redelineation Exercise

# SABAH 2016 REDELINEATION EXERCISE

## KEY FEATURES OF OBJECTIONS CONSIDERED FOR TWO EC INQUIRIES

1. Objector Groups belonging to Parliamentary Constituencies affected by redelineation for DUN or Parliament or both
2. Common Objection Type: Against movement of certain polling districts from one DUN to another DUN, Call for renaming of DUN or Parliamentary Constituency
3. Rare Objection Grounds: Amend the polling hours (accepted by EC), reallocate polling stations, reshape polling districts, propose New DUN



## Appendix 2: Commissions of Enquiry Act 1950 (Revised 1973) - Key Points

# Key points of Commissions of Enquiry Act

Key Features of what a Commission can do:

- “direct where and when the enquiry shall be held and the report thereof rendered;”
- “direct whether the enquiry or any part thereof shall or shall not be held in public; and”
- “to summon any person in Malaysia, or, in the case of a Commission issued by a State Authority, in such State, to attend any meeting of the Commissioners to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession;”

# Key points of Commissions of Enquiry Act

## Key Features of what a Commission can do (Continued):

- “to issue a warrant of arrest to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the Commissioners, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding fifty ringgit;”
- “to fine in a sum not exceeding fifty ringgit any person who, being required by the Commissioners to give evidence on affirmation or to produce a document or other thing, refuses to do so and does not excuse such refusal to the satisfaction of the Commissioners;”

# Key points of Commissions of Enquiry Act

Key Features of what a Commission can do (Continued):

- “notwithstanding any written law relating to evidence, to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings; (g) subject to any direction contained in the Commission-- (i) to admit or exclude the public from the enquiry or any part thereof; and”
- “to admit or exclude the press from the enquiry or any part thereof; and”

# Key points of Commissions of Enquiry Act

## Key Features of what a Commission can do (Continued):

- “Any person whose conduct is the subject of enquiry under this Act, or who is in any way implicated or concerned in the matter under enquiry, shall be entitled to be represented by an advocate at the whole of the enquiry; and any other person who may consider it desirable that he should be so represented may, by leave of the Commissioner be represented in the manner aforesaid. The Attorney General, the Solicitor General, any Federal Counsel, or any legally qualified member of the State Attorney General's Chambers, Sabah or Sarawak, authorized in that behalf by the State Attorney General, shall be entitled at any time to appear before and address the Commissioners on any matter which to the Attorney General appears to be relevant to the enquiry. Commissioners to be public servants and enquiries to be judicial proceedings under the Penal Code”