

Getting Boundaries Right for Penang

Proposal by Tindak Malaysia

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EMPHASIS: GET SEAT COUNT RIGHT AND FIX POLLING CENTRE MESS FIRST

Constitutional Articles for Redelineation

■ What can trigger Redelineation?

REDELINEATION: How do you trigger it?



Redelineation is the process of drawing of electoral districts (constituencies in Malaysia)

In Malaysia, Election Commission (EC) only proposes recommendations for electoral boundaries. It is the Dewan Rakyat who approves or rejects the boundaries

EC cannot allocate a certain number of federal constituencies to each state (apportionment). It is the Parliament who decides this allocation

HOW TO TRIGGER REDELINEATION?

1 NEXT REDELINEATION AFTER 8 YEARS FROM LAST REDELINEATION

EC review the existing boundaries of the federal and state constituencies to comply with provisions of 13th Schedule. Such review can't take place no less than 8 years from previous redelineation but no upper time limit to do next review

2 NUMBER OF FEDERAL OR STATE CONSTITUENCIES CHANGES

Redelineation can be triggered when the number of seats are added or reduced in the Dewan Rakyat or in the State Legislative Assembly (DUN)

3 ALTER STATE BOUNDARIES / ADMIT NEW STATES

Redelineation can be triggered if the state boundary gets altered (i.e. Selangor) or new states join Malaysia (i.e. Sabah). No need to wait for the 8 year interval from the previous redelineation

Source: ACE Project, Tindak Malaysia

Constitutional Articles for Redelineation

- Relevant Articles/Schedules: Article 2, 46, 113, 114, 115, 116, 117 and 13th Schedule
- For States, refer to state constitution. For Pulau Pinang, Chapter 2, Article 11
- Previously, there was an association of seat count of DUN with the Federal seat count via 8th Schedule (4) (2) of the Federal Constitution (Deleted)
- 9th Schedule Item 6 (a) clearly places Elections “and all matters connected therewith” in the Federal Lists
- Alternate view (from Prof Gurdial Singh Nijar) – DUN has the powers to provide ancillary provisions to the State Constitution in relation to the make-up of the Assembly
- There is no explicit prohibitions in Constitution (particularly Section 4 of 8th Schedule) for geographical and numerical definitions for the DUN

Overview of Constitutional Articles/ Schedule (for Redelineation)

CONSTITUTIONAL ARTICLE/SCHEDULE	OUTCOMES OF THE ARTICLE/SCHEDULE
ARTICLE 2	Admission of Other States (i.e. Sabah, Sarawak) Alteration of State Boundaries (i.e. Federal Territories)
ARTICLE 46	Stipulate total Federal (Parliament) seat count and allocation for individual states. This is for Dewan Rakyat seats
ARTICLE 113	Role of Election Commission High Level rules for Redelineation Process. Relates to Article 2, 46, 13 th Schedule and State Constitution
ARTICLE 114	Independence of Election Commission

Overview of Constitutional Articles/ Schedule (for Redelineation)

CONSTITUTIONAL ARTICLE/SCHEDULE	OUTCOMES OF THE ARTICLE/SCHEDULE
ARTICLE 115	Appointment of two federal officers to advice EC with the knowledge of population distribution and topography for redelineation
ARTICLE 116	Single Member Territorial Representation for Federal seats
ARTICLE 117	Single Member Territorial Representation for DUN (State) seats
13 th SCHEDULE	Guiding principles of Redelineation (drawing the boundaries, redelineation objection process, boundary approvals)

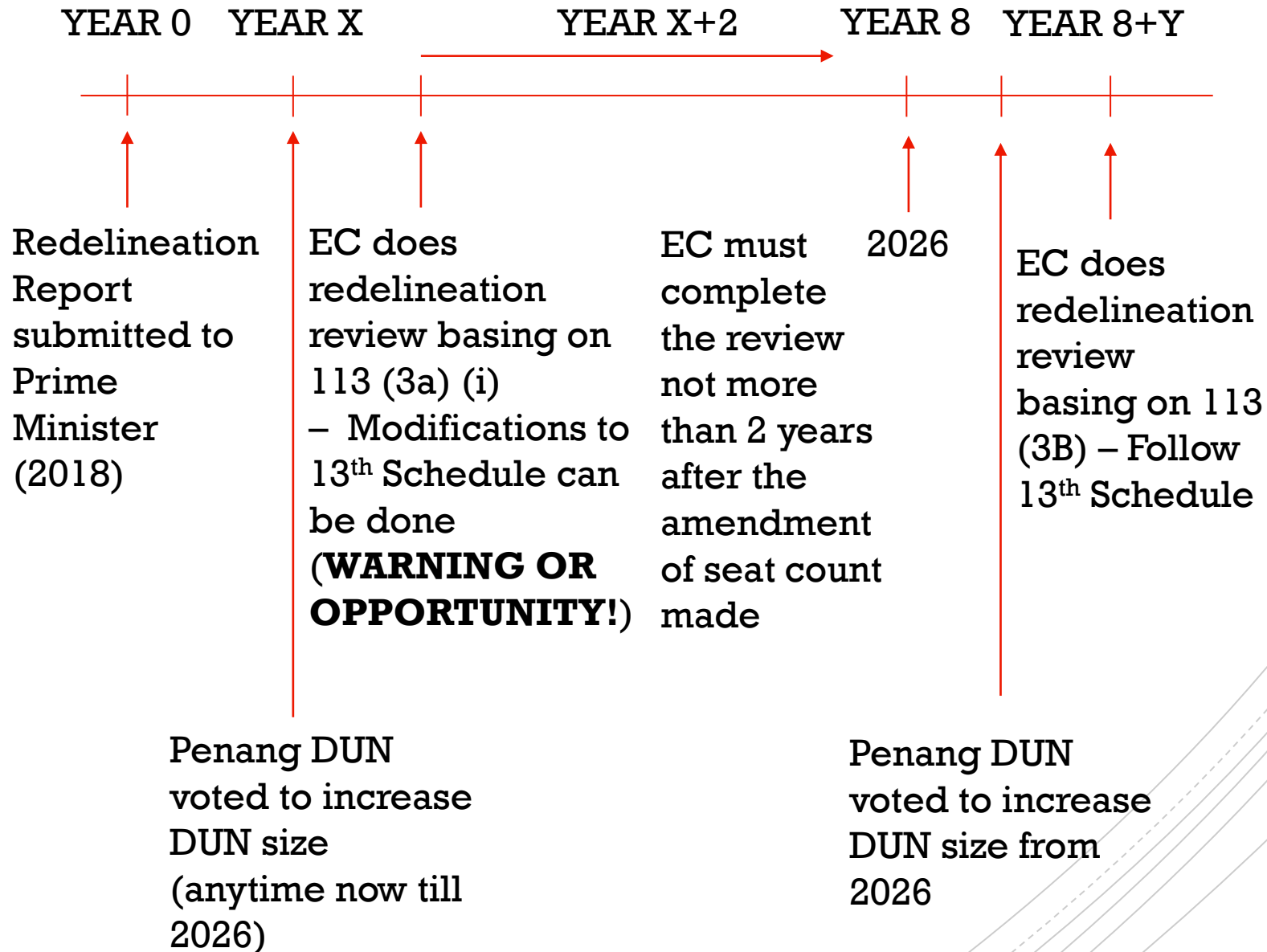
Constitutional Articles for Redelineation

- Other key Facts
 - Parliament **DETERMINES** and **APPORTIONS** Federal Seat Count and EC **DELINEATE** boundaries
 - Parliamentary apportionment process is not based on mathematics. Continued growth of State Federal Seat Allocation with the exception of 1960 redelineation (cancelled), 1971-3 redelineation (discarded) and 1974 redelineation (only for Selangor)
 - State DUN **DETERMINES** DUN Seat Count and EC **DELINEATE** boundaries
 - Previously, State DUN were partially constrained by the total DUN Seat count due to ratio principle. Up to 1983, DUN Seat Count was to be the same or multiple of Federal Seat Count for the State
 - We will explore the relevance of ratio principle

Constitutional Articles for Redelineation

- 13th Schedule (Quick Facts)
 - 2 (a) - Federal and DUN seats shall not cross state boundaries. DUN Seats not to cross parent Federal seat (**HONOURED**)
 - 2 (b) - Federal and DUN seats ought to have enough facilities for voter registration and polling machinery (**VIOLATED**)
 - 2 (c) - Number of electors among seats in a state shall be approximately equal with exception of rural areas which face issues in reaching electors, where a weightage of area ought to be given (**VIOLATED**)
 - 2 (d) - Maintenance of Local Ties and consideration of any inconveniences to change of boundaries (**VIOLATED**)

Contextualization of Seat Increase



Ideal Dun Size for Penang – Does it exist?

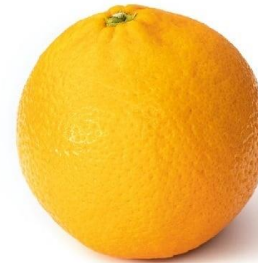
- The issue stems from the question what is ideal size for Parliament:
 - For Reduction (use Wyoming Rule – Perlis* as the base): 128 seats for Dewan Rakyat
 - For increase (use cube root law): 318 seats for Dewan Rakyat
 - For increase (use Wyoming Rule – Labuan as the base): 327 seats for Dewan Rakyat
- * We assume Perlis to have one seat
- Other question: Should the DUN have odd number size?
 - This is a question of governance, not electoral
- If one were to retain electoral system, 222 Federal seat count and use 2020 electorate size as the basis of Federal seat count (with consideration of Sabah & Sarawak allocation), Penang should have 12, not 13 Federal seat count

Ideal Dun Size for Penang – Does it exist?

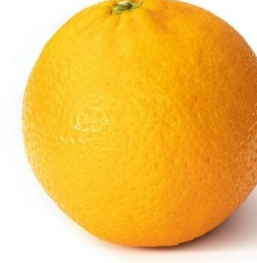
- Putting aside the Federal Seat Count for Penang, we should explore the ratio principle as the guiding light for DUN Size for Penang

How do you equalize constituencies for both state and federal levels?

Imagine every Parliamentary seat in State A is an orange



Orange 1: 100 gm



Orange 2: 100 gm



Orange 3: 100 gm

We want to slice all oranges such that there are nine slices

We want to slice all oranges such that the weight of the slice should not exceed +/-15% of the average slice weight

Average Slice Weight: $300 \text{ gm} / 9 = 33.3 \text{ gm}$

Question: For each orange, how many slices do you make?



Photo: Adam Nieścioruk (Unsplash)

- Let's imagine each orange represent Federal Seat. Slices represent State Seat. Number of Oranges are fixed

Ideal Dun Size for Penang – Does it exist?

- Penang DUN either can go down by one seat (total DUN: 39) or increase by 13 (total DUN: 52)

How do you equalize constituencies for both state and federal levels?

Each Orange is divided into three neat slices where the weight of each slice is close to 33.3 gm



Each slice of each orange has an approximately equal weight. Slice 1 of Orange 1 will have a similar weight to Slice 3 of Orange 2 or Slice 2 of Orange 3

Slice 1 of Orange 1 is 34 grams, Slice 3 of Orange 2 is 33 grams and Slice 2 of Orange 3 is 35 gm

Hence, we are able to meet the equalization criteria. No slice has a weight more than +/-15% of the average weight

Question: If there are three oranges and we want eight slices, can we meet the equalization criteria?



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Photo: Charles Deluvio (Unsplash)

- If we adopt the ratio principle (pre dating 1983), you lay the foundation of equalization of Federal and State Seats

Ideal Dun Size for Penang – Does it exist?

- **Current Problem: Penang has 13 Federal Seats and 40 DUN Seats**

How do you equalize constituencies for both state and federal levels?

If there are three oranges and we want 8 slices, two oranges will be divided into three slices each and last orange is divided into two slices



Orange 1 is divided into three slices where each slice is around 33 or 34 grams (close to approximately equal)



Orange 3 is divided into two slices where each slice is around 50 grams

Average slice weight: $300\text{gm}/8 = 37.5 \text{ gm}$

Slices of Orange 1 and 2 met the equalization criteria of $\pm 15\%$

Slices of Orange 3 have weights exceeded $+15\%$ deviation from average weight.

If you want equalization for constituencies at state and federal level, number of state seats should be a multiple of federal seats. If not, no equalization in one of the tiers



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Photo: Charles Deluvio (Unsplash)

- **If we don't get seat count right for urbanized Penang, we lose the rights to complain about malapportionment**

Ideal Dun Size for Penang – Does it exist?

- Based on 2021 [Sinar Harian report](#), Penang ADUN Monthly Salary is RM 11 500
- Penang [2020 Estimated Total Revenue](#) (Operating + Developmental): RM 788.50 MILLION
- If one goes with 52 DUN Size, minimum salary amount to be spent would be = $(RM\ 11\ 500 * 12) * 52 = RM\ 7\ 176\ 000$
- Barely 1% of Penang Revenue, if we go with 52 DUN Size. Most is 1- 2% inclusive allowances etc
- When Redelineation exercise was done for Sabah, it costed us RM 909,637 (Tsu Chong, 2021)
- Counter argument:
 - Difficult to reduce seat count
 - Resistance to seat reduction (40 to 39)
 - No guarantee that EC will equalize Federal seats together with DUN seats
- Emphasis: Redelineation exercise is **not cheap** and it must be grounded with right seat count
- There is nothing economical either with seat count increase or doing redelineation

Ideal Dun Size for Penang – Does it exist?

- **Addressing Counter Arguments**
 - **(a) Difficult to reduce seat counts (40 to 52)**
 - If one were to increase 52 seats, there will be greater resistance for any reduction
 - Malaysia or Penang may reach a stage of choosing appropriate representation number in future
 - **(b) Resistance to Seat Reduction (40 to 39)**
 - If one were to reduce, hardly any politician will accept the proposal as our constricted version of FPTP reduced room for political party competition
 - However, the reduction can be mitigated with modified version of Top Up Women Only Additional Seats (TWOAS) (nominated seats). Reduce geographical seats, introduce new electoral system through nominated seats and still have slightly larger room for politicians to contest and win
 - **(c) No guarantee that EC will equalize Federal and DUN seats**
 - This is correct concern as EC did not bother doing much equalization when ratio principle was intact
 - However, getting a wrong seat count will legitimize EC to do malapportionment in one of the tiers or at worst, both tiers

Malapportionment in Penang (State Seats)

- Quick Overview of Malapportionment in Penang (Dec 2020) – Current

Deviation from Electoral Quota (EQ – Average)	Number of State Seats
Below 85%	14
85% to 100% (Ideal)	9
101% to 115%	8
Above 115	9

- Quick Overview of Malapportionment in Penang (Dec 2020 + new voters) – After Undi18

Deviation from Electoral Quota (EQ – Average)	Number of State Seats
Below 85%	15
85% to 100% (Ideal)	8
101% to 115% (Ideal)	6
Above 115	11

Malapportionment in Penang (Federal Seats)

- Quick Overview of Malapportionment in Penang (Dec 2020) – Current

Deviation from Electoral Quota (EQ – Average)	Number of Federal Seats
Below 85%	3
85% to 100% (Ideal)	3
101% to 115% (Ideal)	4
Above 115	3

- Quick Overview of Malapportionment in Penang (Dec 2020 + new voters) – After Undi18

Deviation from Electoral Quota (EQ – Average)	Number of Federal Seats
Below 85%	3
85% to 100% (Ideal)	4
101% to 115% (Ideal)	3
Above 115	3

Malapportionment in Penang

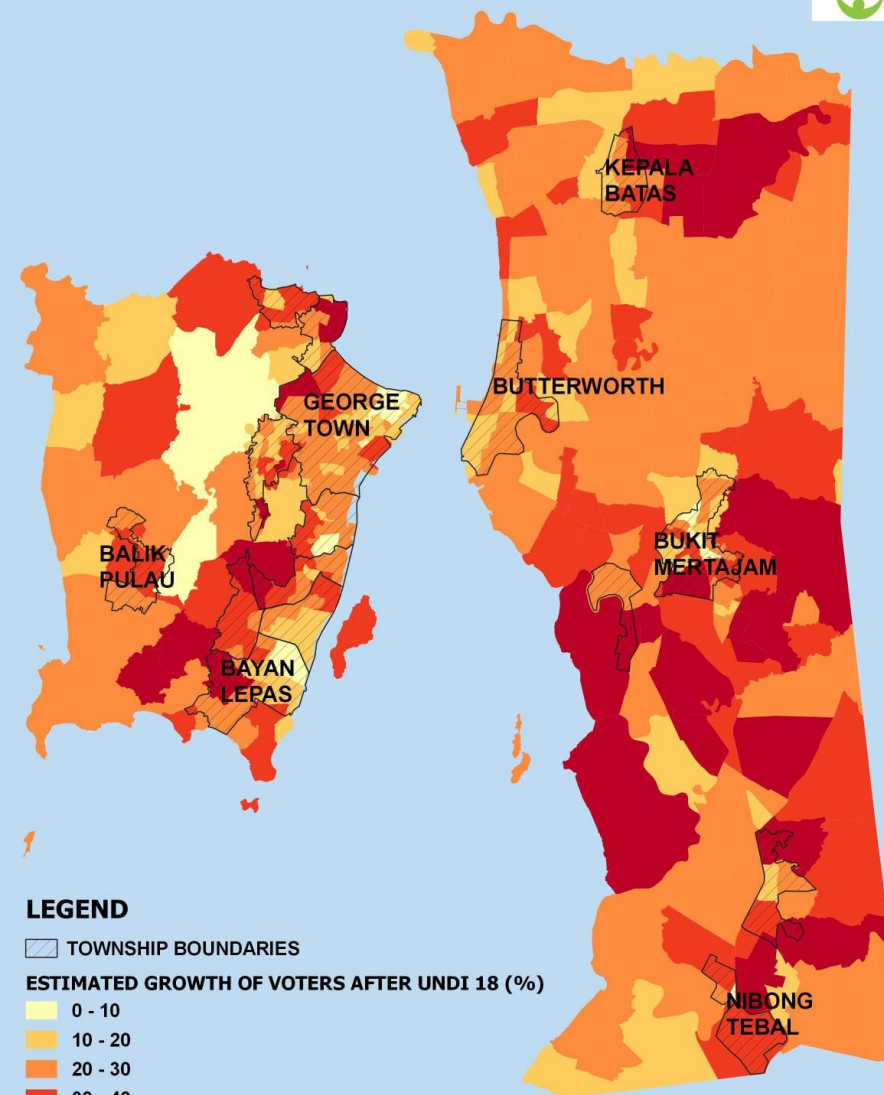
- New DUN Seats joining the malapportioned size club and those who join the ideal size club

Deviation from Electoral Quota	Name of State Seats
Below 85%	N.24 Kebun Bunga
85 – 115% (Ideal)	<i>NONE</i>
Above 115 %	N.18 Bukit Tambun, N.19 Jawi

- Before Undi18, Paya Terubong (Largest) is 3.6 times of Air Putih (Smallest)
- After Undi18, Paya Terubong (Largest) is 4.0 times of Air Putih (Smallest)
- For Federal Seats, those seats who are undersized remains undersized. Those who are oversized will remain oversized
- The major change is Bukit Mertajam will become the biggest Federal Seat, instead of Bayan Baru
- The gap between the largest and smallest Federal seats grows from 1.9 times to 2.2 times

Malapportionment in Penang

ESTIMATED GROWTH OF VOTER COUNT AFTER UNDI 18 (POLLING DISTRICT LEVEL)



LEGEND

TOWNSHIP BOUNDARIES

ESTIMATED GROWTH OF VOTERS AFTER UDI 18 (%)

- 0 - 10
- 10 - 20
- 20 - 30
- 30 - 40
- 40 - 70

Source: Tindak Malaysia (2021), EC, JPBD
Estimated Growth used December 2020
as the base

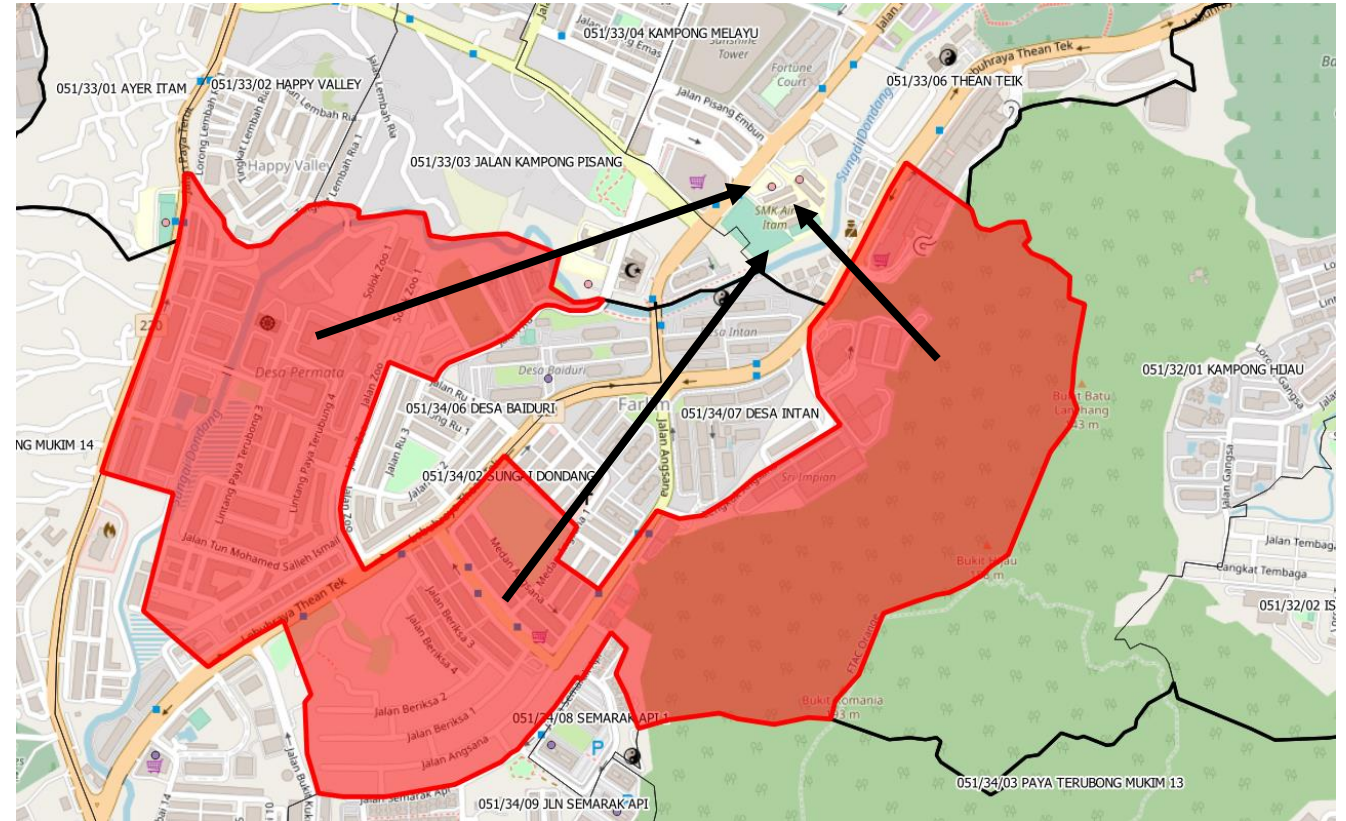
Map to be used as a general guide and allowed for
distribution for non-commercial, academic, advocacy,
personal and media purposes

Polling Centres: Available or Shortage

- In 2020,
 - 12.8% of Penang's electors (124 667) are asked by EC to cast their ballots outside their DUN. Strong occurrence in urban areas
 - 16.7% of Penang's electors (161 664) are allocated to a polling centre that is shared by more than one polling district. Invitation for congestion
 - 23.6% of Penang's electors (228 293) had to leave their home polling district to cast their vote in a polling centre in another polling district (still within same DUN)
- Using estimated Undi 18 addition (258 845 electors)
 - All polling districts in Penang seems to have one designated polling centre (if one were to use GE14 allocation)
 - 120 out of 351 polling districts will have elector population greater than 3850 electors (former upper limit by EC in 2006)
 - If use Tindak's recommended upper limit of 3770 (4% of State Federal EQ) electors for polling districts, 127 out of 351 polling districts are overpopulated

**Bad Example: Sungai Dondang, Paya Terubong
(currently 10 000+ voters) – highlighted in red**

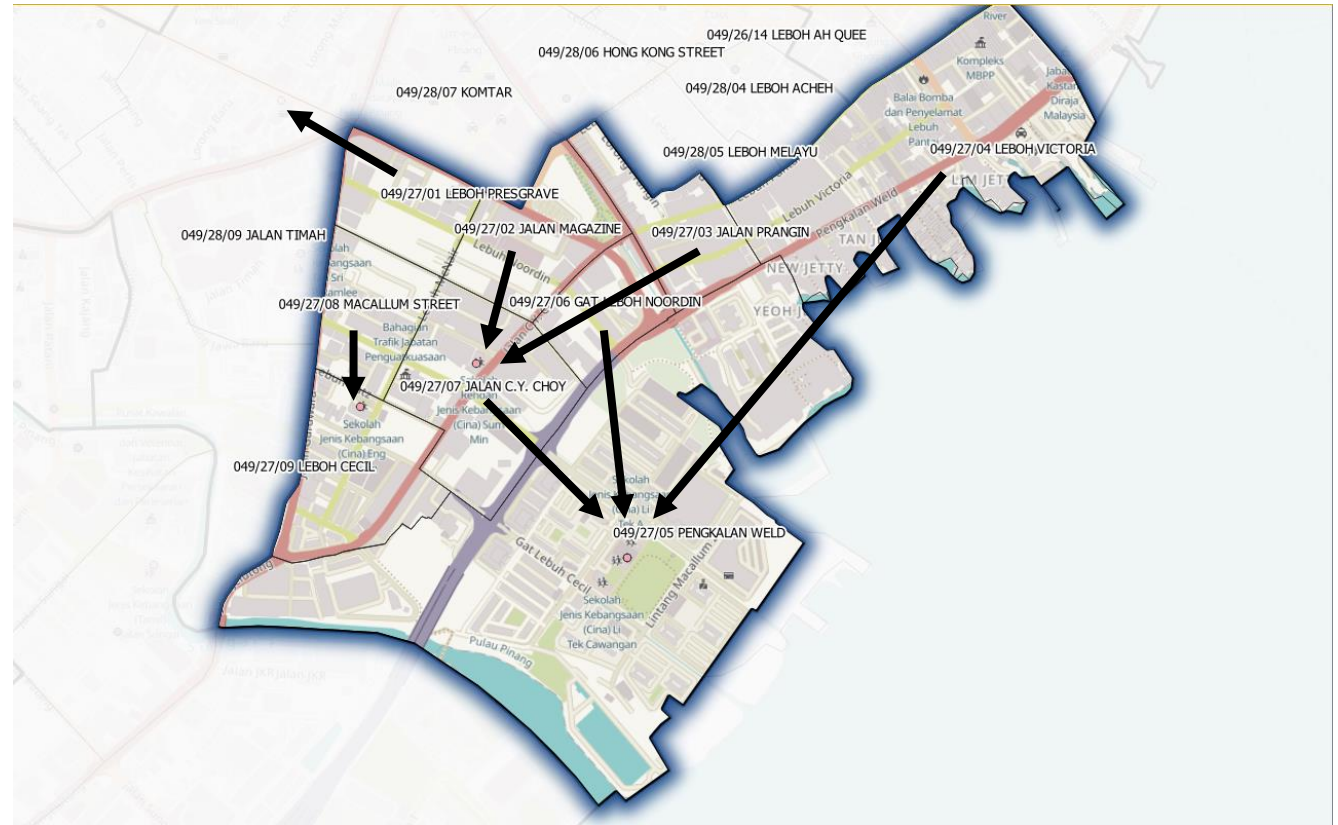
**Polling Centres:
Available or
Shortage**



Polling Centre is found in ANOTHER DUN!

Polling Centres:
Available or
Shortage

Bad Example: DUN Pengkalan Weld



Triple Failure Combo: Voting outside the DUN, poor allocation of voters to nearest polling centres (or lack of facilities, sharing of polling centres. Pengkalan Weld DM at minimum see a convergence of 13 327 electors (68% of the DUN) on polling day if elections were held in 2020

Potential Rectification: Puteri Gunong, Sungai Bakap (9297 electors in Dec 2020)

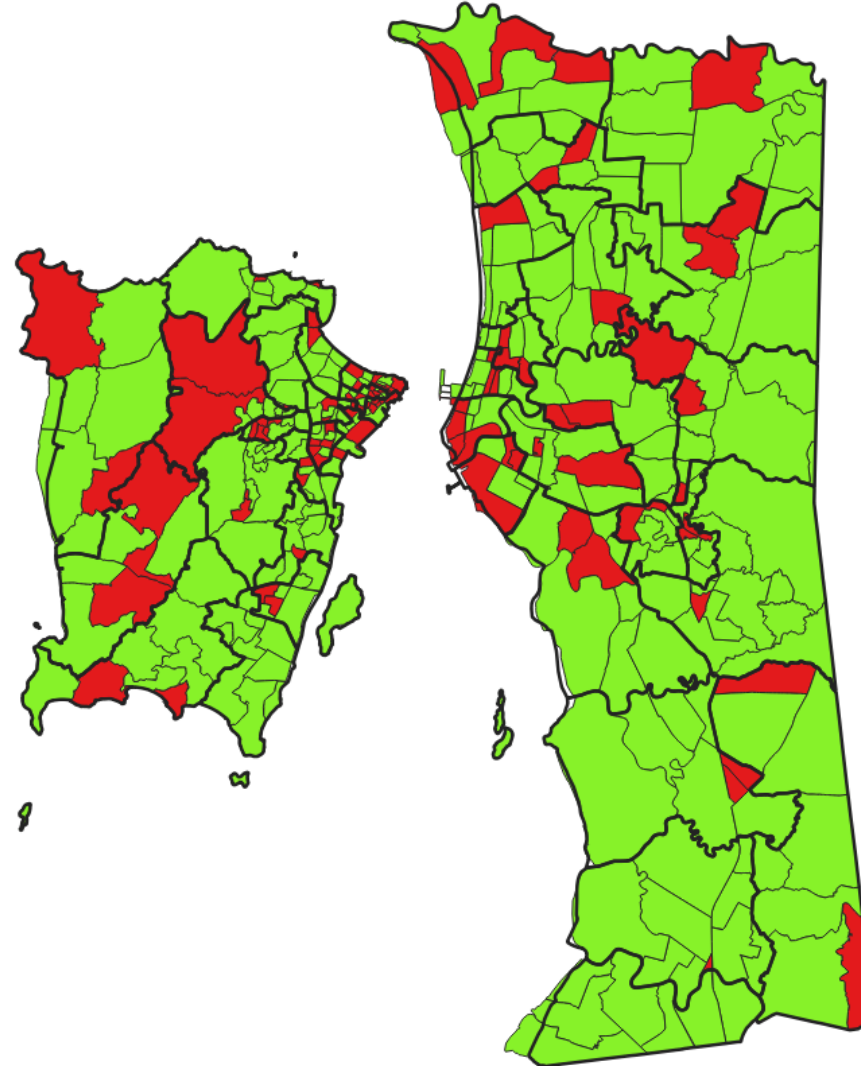
Polling Centres:
Available or
Shortage



Puteri Gunong DM could be the largest DM in Penang after Undi18 (potentially 13 291 electors). It has 7 schools. Lobby EC to open two to three polling centres for the DM

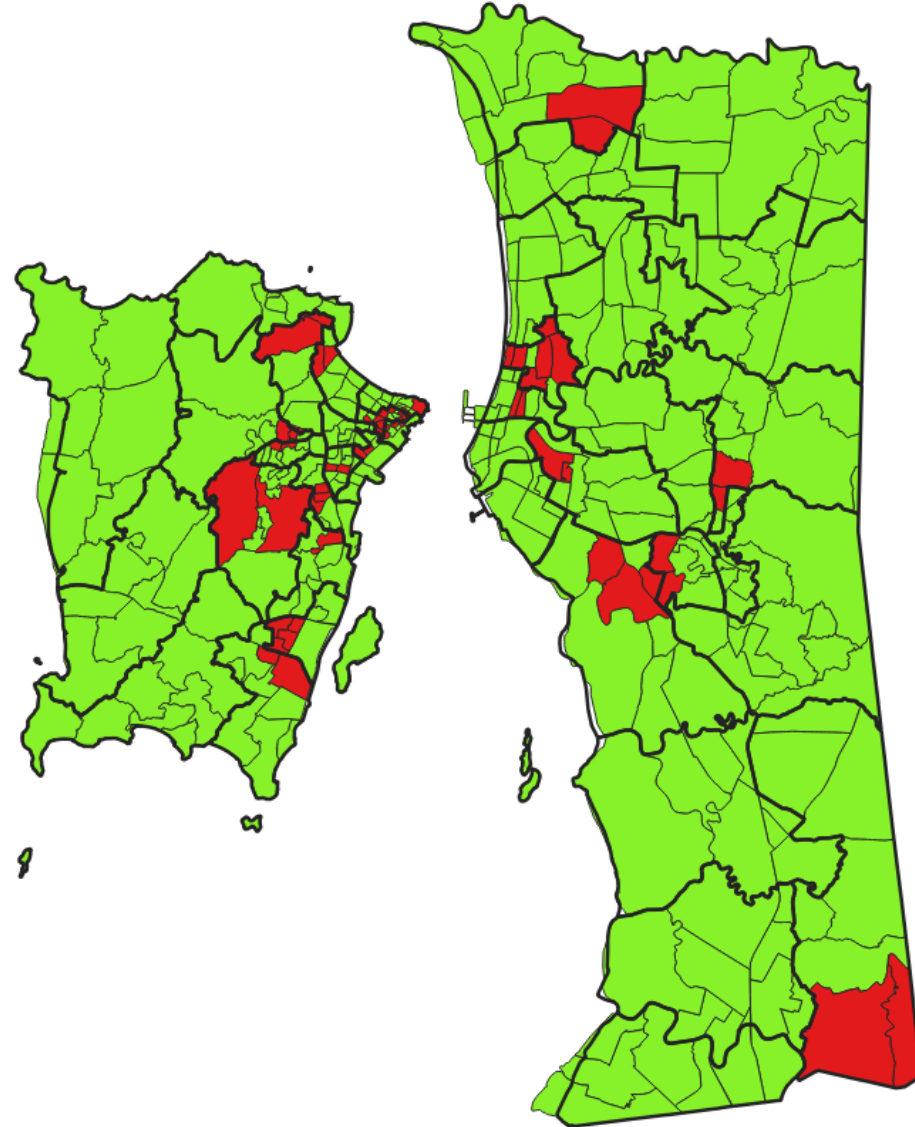
Polling Centres:
Available or
Shortage

Polling Centres found in another Polling District (Red
Areas) but still within the same DUN



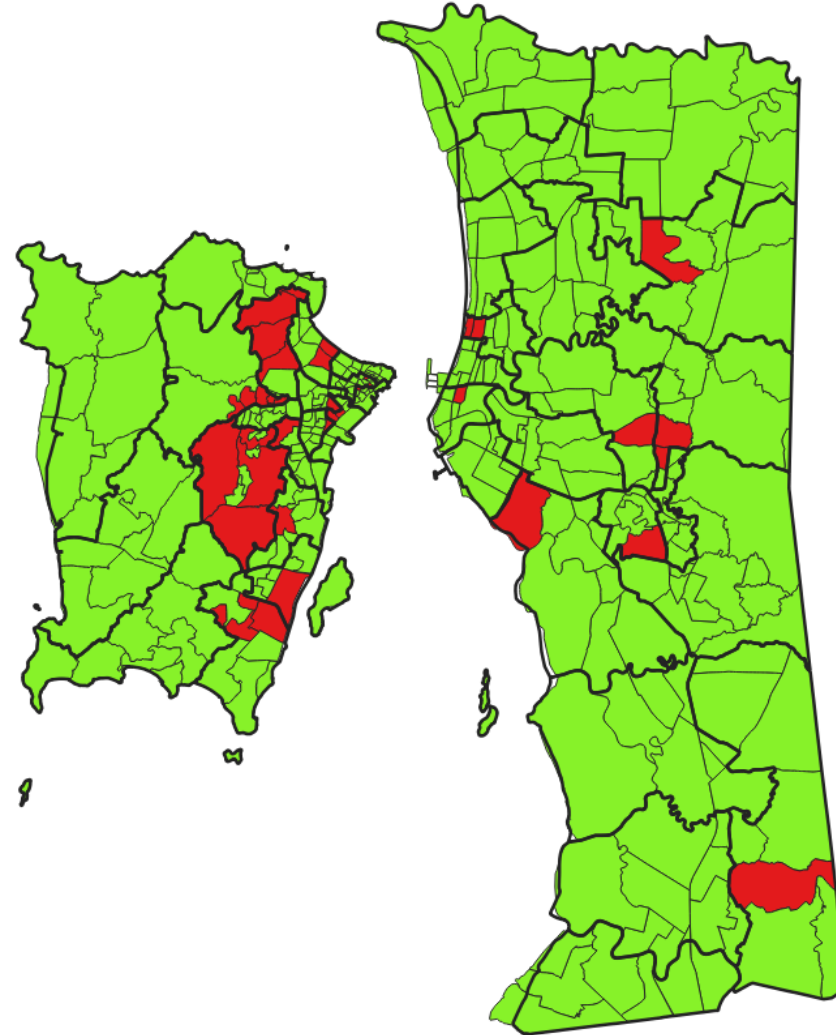
Polling Centres:
Available or
Shortage

Polling Centre is being shared by two or more Polling
Districts (Red Area)



Polling Centre of a Polling District of DUN A found in
DUN B (Red Areas)

Polling Centres:
Available or
Shortage



Moving Forward

- Get seat count right
- Fix polling centre allocation mess (top priority from now to GE15)
- Aim for +/-15% deviation from Electoral Quota for all Federal and DUN Seats for Penang for now. Subsequently, bring it down to 5% by 2030
- Place every DUN within one district so long equalization is attained
- Our 39 and 52 DUN proposal can be found here: <https://storymaps.arcgis.com/stories/6e4c2657f7604dc aa5afdf4a8c2dfcf6> (may be updated if new electoral figures are found)

Moving Forward (For Polling Districts)

- A polling district in Penang and anywhere in Malaysia should be:
 - Home to Two in-house polling stations
 - Respect local council/district boundaries (no crossing over such boundaries) and respect micro local ties
 - Have an elector population of 2 – 4% of State Parliamentary Electoral Quota. For Penang, polling district pre Undi18 should have 1487 to 2974 electors. After Undi18, polling districts should have 1885 to 3770 electors
 - Correct association of voters (i.e. localities) to polling districts
 - Meaningful names that represent the area

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