

Getting Boundaries Right for Selangor

Research slides 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 Selangor, Chapter 5, Article 62*
- 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 in 1983)
- 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)

Overview of Relevant Laws (for Redelineation)

OTHER ACTS/REGULATIONS	OUTCOMES OF THE ACTS/REGULATIONS
ELECTION ACT 1958 PART III, Section 7 (subsection 1)	Each constituency is divided into unique polling district (Daerah Mengundi) and each polling district has one or more polling centres
ELECTION ACT 1958 PART III, Section 7 (subsection 2)	EC has the powers to alter the polling districts when it is required (Refer to early 2016 experience)
ELECTION ACT 1958 PART III, Section 7 (subsection 3)	Unless needed, each polling district will have one polling centre (Pusat Mengundi)
ELECTION ACT 1958 PART III, Section 7 (subsection 4)	EC has the powers to replace the allocation of polling centres in subsection (1)

Overview of Relevant Laws

OTHER ACTS/REGULATIONS	OUTCOMES OF THE ACTS/REGULATIONS
ELECTION ACT 1958 PART III, SECTION 9 (SUBSECTION 2)	Electoral Rolls for Parliamentary and State Constituencies are combined into one register
ELECTIONS (REGISTRATION OF ELECTORS) REGULATIONS 2002 PART II, REGULATION 3 (subregulations (1) (2))	Parliamentary constituency is composed a unit of state constituency and polling district. Parliamentary constituency is a registration area
ELECTIONS (REGISTRATION OF ELECTORS) REGULATIONS 2002 PART II, REGULATION 3 (subregulations (3) (4))	Each polling district serves a separate registration unit within the registration area. There would be separate letter or numbers or both for the unit
ELECTIONS (REGISTRATION OF ELECTORS) REGULATIONS 2002 PART II, REGULATION 7 & 8	Handling Electoral Roll update in light of boundary changes. Chief Registrar has the powers to make roll changes in relation to new boundaries

Constitutional Articles for Redelineation

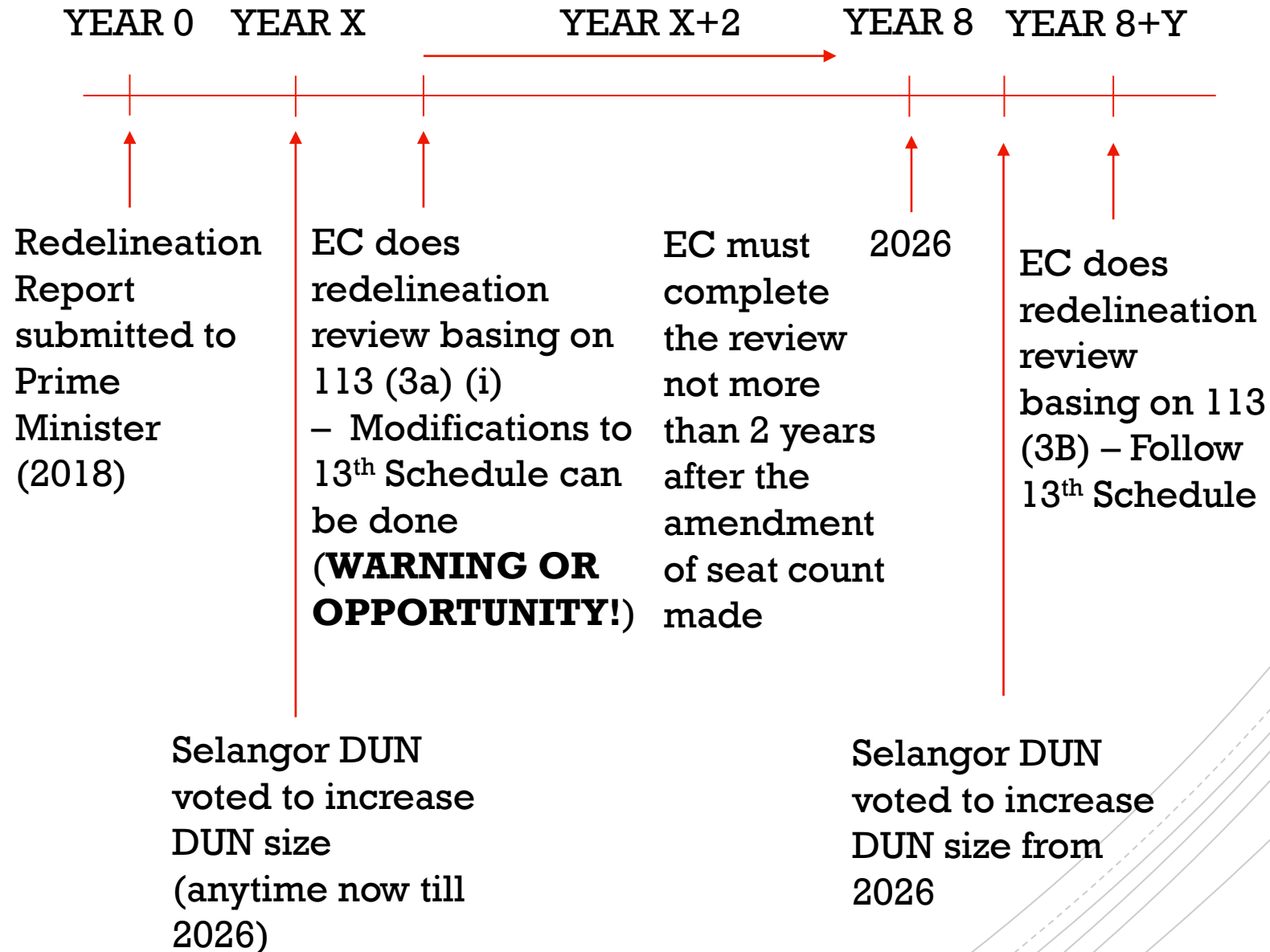
- Other key Facts

- 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 principle of simple multiple. 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 principle of simple multiple

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 Selangor – 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): 319 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 2021 electorate size as the basis of Federal seat count (with consideration of Sabah & Sarawak allocation), Selangor should have **33** parliamentary seats, not 22

Ideal Dun Size for Selangor – Does it exist?

- Putting aside the Federal Seat Count for Selangor, we should explore the principle of simple multiple as the guiding light for DUN Size for Selangor

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

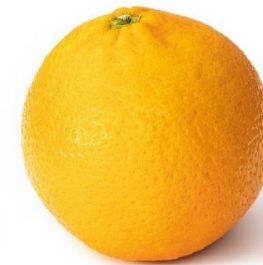
Imagine every Parliamentary seat in State A is an orange



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 Selangor – Does it exist?

- Selangor DUN can opt for an increase of 10 seats ($56 + 10$ (new seats) = 66). 66 is a multiple of 22 Federal Seats

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 principle of simple multiple (pre dating 1983), you lay the foundation of equalization of Federal and State Seats

Ideal Dun Size for Selangor – Does it exist?

- **Current Problem: Selangor has 22 Federal Seats and 56 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 Selangor, we lose the rights to complain about malapportionment**

Ideal Dun Size for Selangor – Does it exist?

- Based on 2021 [Sinar Harian report](#), Selangor ADUN Monthly Salary is RM 11 250
- Selangor [2021 Estimated Total Revenue](#) (Tax + Non Tax + Other Revenues): RM 2.05 BILLION
- If one goes with 66 DUN Size, minimum salary amount to be spent would be = $(RM\ 11\ 250 * 12) * 66 = RM\ 8\ 910\ 000$ Annually
- Barely 1% of Selangor Revenue, if we go with 66 DUN Size. Most is 1- 2% inclusive allowances, salary adjustment for Exco etc
- When Redelineation exercise was done for Sabah, it costed us RM 909,637 (Tsu Chong, 2021)
- Counter argument:
 - Difficult to reduce seat count
 - 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 Selangor – Does it exist?

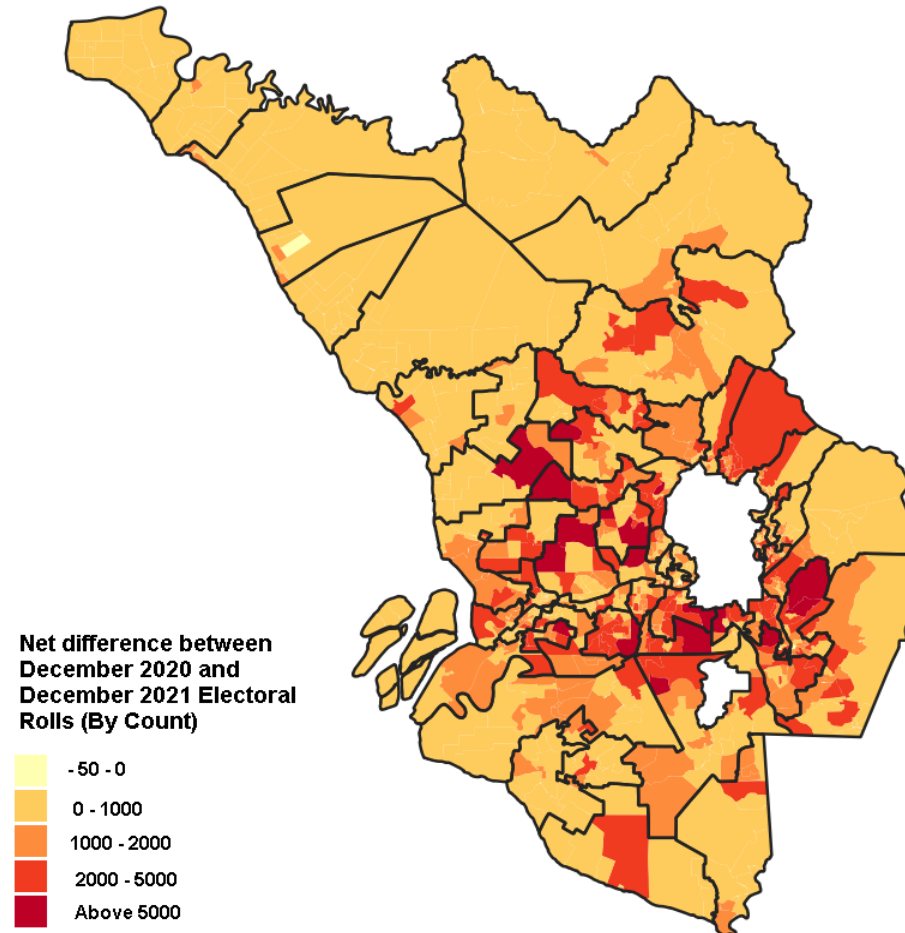
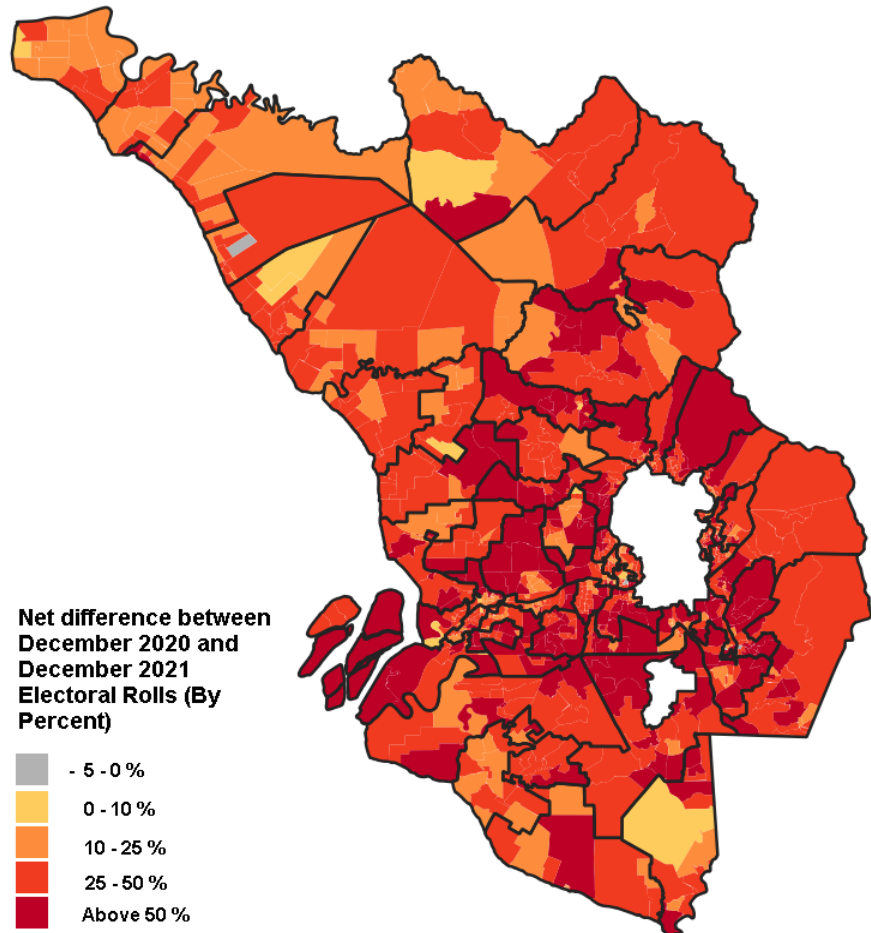
- **Addressing Counter Arguments**
 - **(a) Difficult to reduce seat counts (56 to 66)**
 - If one were to increase to 66 seats, there will be greater resistance for any reduction
 - Malaysia or Selangor may reach a stage of choosing appropriate representation number in future
 - **(b) No guarantee that EC will equalize Federal and DUN seats**
 - This is correct concern as EC did not bother doing much equalization when principle of multiple was intact
 - However, getting a wrong seat count will legitimize EC to do malapportionment in one of the tiers or at worst, both tiers

Quantifying the Impact of Undi18 for Selangor

IMPLICATION OF UNDI 18 IMPLEMENTATION IN SELANGOR



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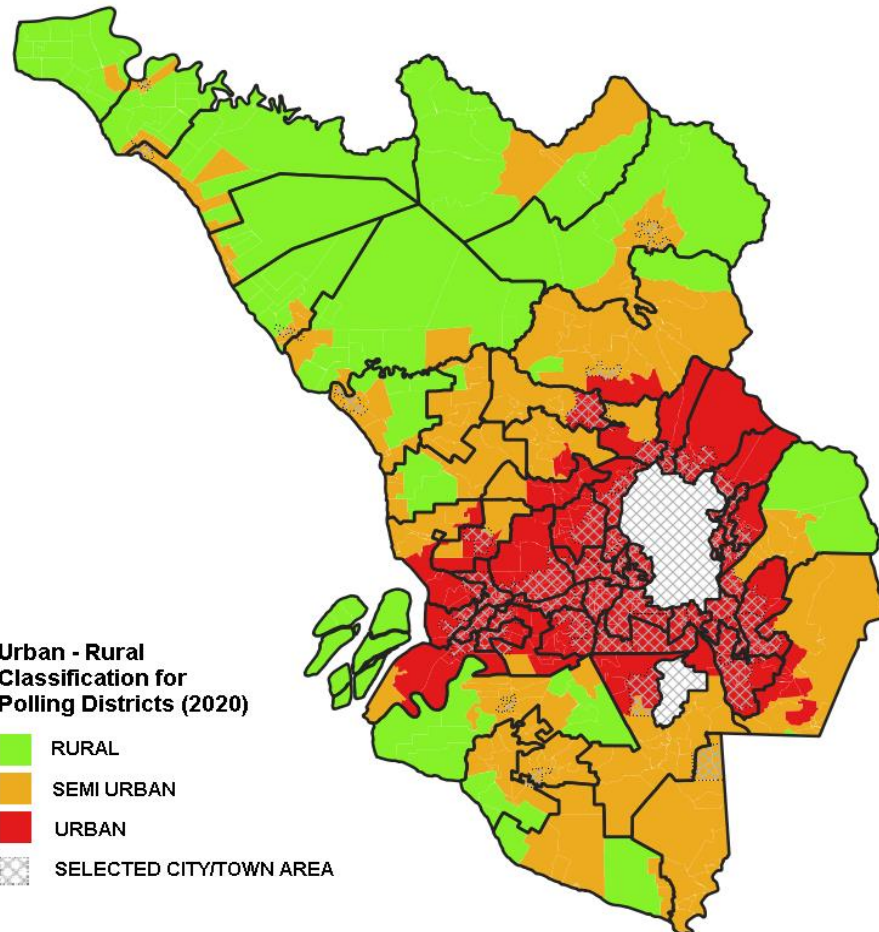


■ Key Statistics

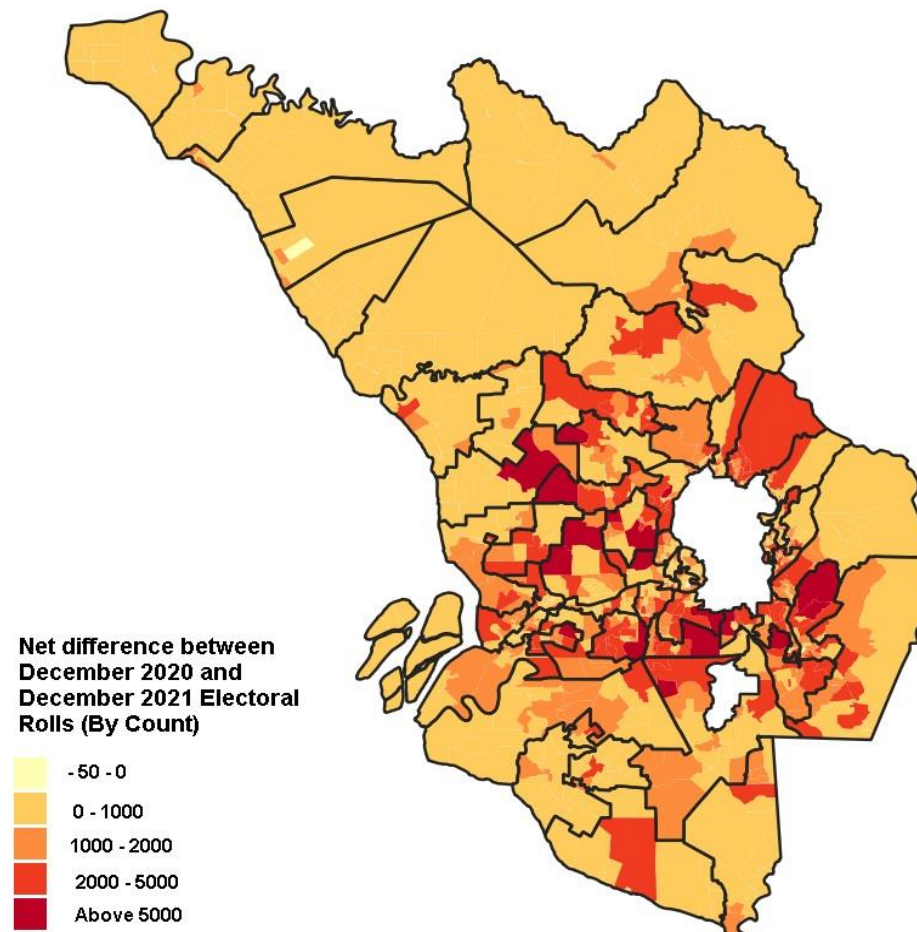
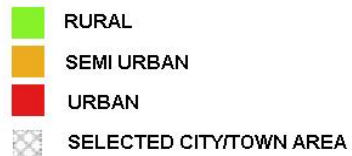
- On Average, a polling district (DM) grown by 38%
- Biggest addition of new voters for a DM was Taman Pinggiran Putra (estimated 10754 new voters)
- Only 5 out 945 DMs experienced negative growth

Quantifying the Impact of Undi18 for Selangor

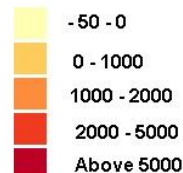
IMPLICATION OF UNDI 18 IMPLEMENTATION IN SELANGOR



Urban - Rural
Classification for
Polling Districts (2020)



Net difference between
December 2020 and
December 2021 Electoral
Rolls (By Count)



- Key Statistics
 - A rural DM grown by 27.6%
 - A Semi urban DM grown by 37.2%
 - An urban DM grown by 40.5%

* City/ Town areas as per
JPBD's definition

Malapportionment in Selangor (State Seats)

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

Deviation from Electoral Quota (EQ – Average)	Number of State Seats
Below 85%	18
85% to 100% (Ideal)	7
101% to 115% (Ideal)	9
Above 115 %	22

- Quick Overview of Malapportionment in Selangor (Dec 2021) – After Undi18

Deviation from Electoral Quota (EQ – Average)	Number of State Seats
Below 85%	19
85% to 100% (Ideal)	8
101% to 115% (Ideal)	9
Above 115 %	20

Malapportionment in Selangor (Federal Seats)

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

Deviation from Electoral Quota (EQ – Average)	Number of Federal Seats
Below 85%	5
85% to 100% (Ideal)	8
101% to 115% (Ideal)	1
Above 115%	8

- Quick Overview of Malapportionment in Selangor (Dec 2021) – After Undi18

Deviation from Electoral Quota (EQ – Average)	Number of Federal Seats
Below 85%	5
85% to 100% (Ideal)	8
101% to 115% (Ideal)	2
Above 115%	7

Malapportionment in Selangor

- 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.34 Bukit Gasing
85 – 115% (Ideal)	N.18 Hulu Kelang, N.35 Kampung Tunku, N.41 Batu Tiga
Above 115 %	N.50 Kota Kemuning

Implications of Undi 18 for Malapportionment

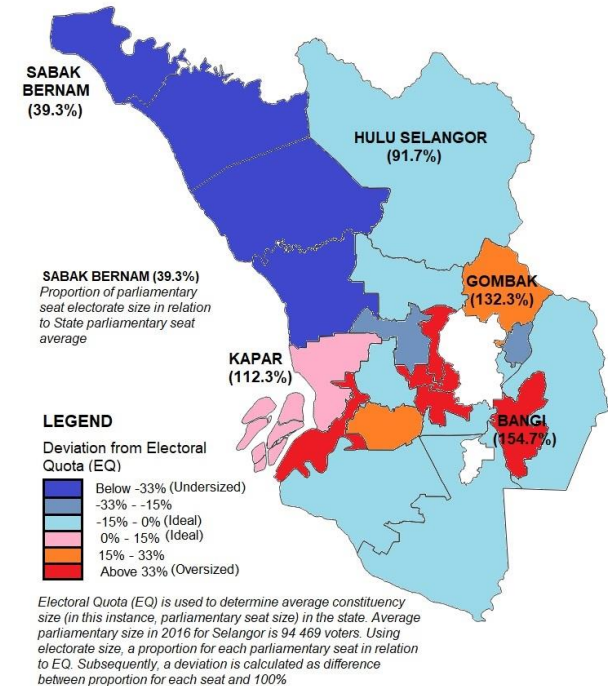
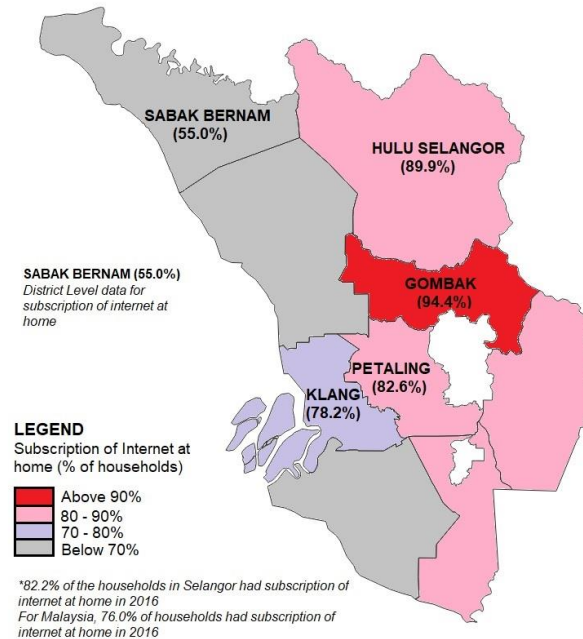
- Before Undi18, Kinrara (Largest DUN seat) was **4.8 times** bigger than Sungai Air Tawar (Smallest DUN seat)
- After Undi 18, Kinrara (Largest DUN seat) was **5.9 times** bigger than Sungai Air Tawar (Smallest DUN seat)
- Generally speaking (referring to EQ), those who are undersized became more undersized. Those who are oversized became more oversized
- With the implementation of Undi18, Kapar moved from oversized parliamentary seat to one who is equalized
- Bangi went from **4.68** times bigger than Sabak Bernam (Dec 2020) to **5.79** times bigger than Sabak Bernam (Dec 2021)

Malapportionment in Selangor

ASSESSMENT OF DIFFICULTY IN REACHING ELECTORS

SUBSCRIPTION OF INTERNET AT HOME BY DISTRICT (2016)

MALAPPORTIONMENT AMONG PARLIAMENTARY SEATS (2016)

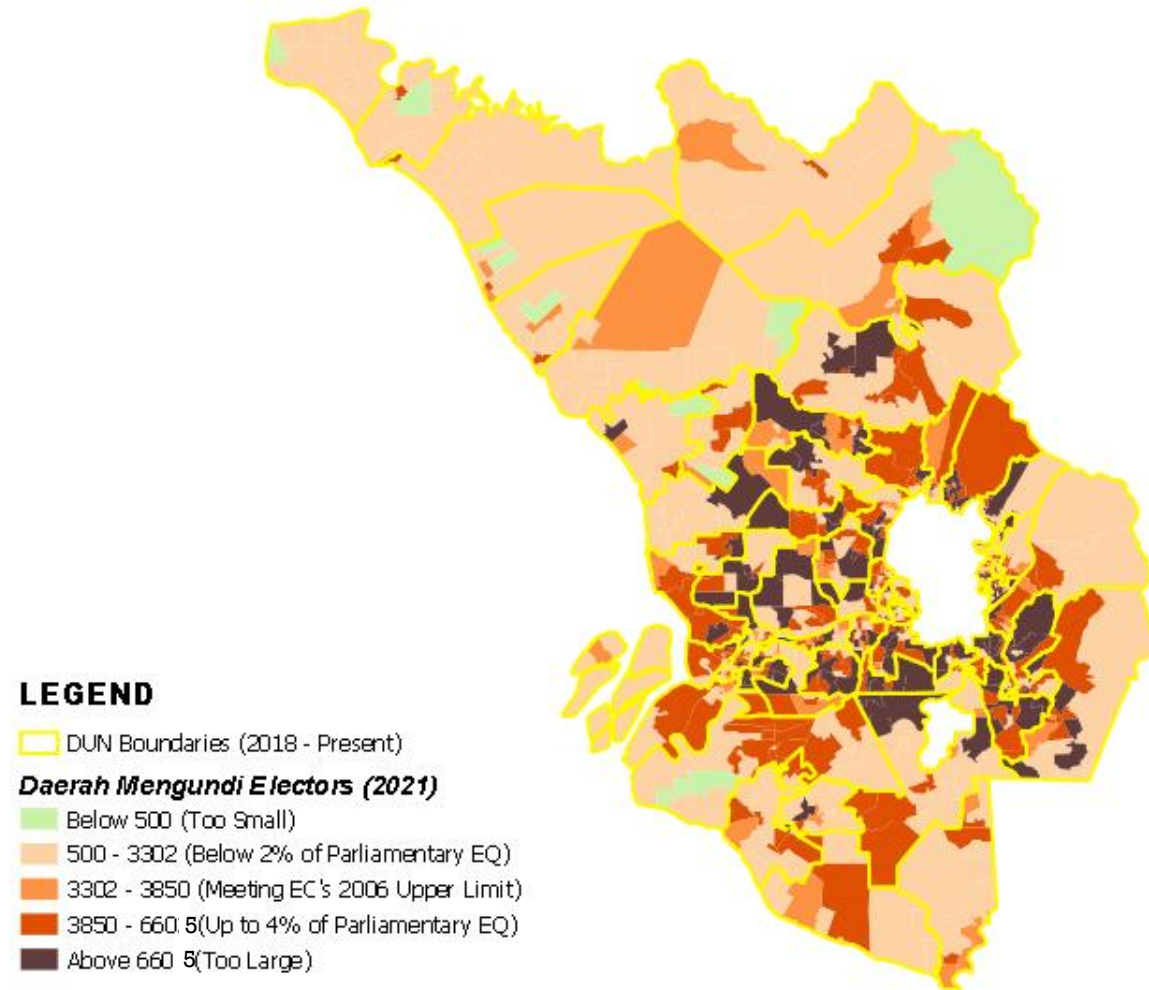


Source: DOSM, Election Commission, Tindak Malaysia, Danesh Mapping Consultancy

In 2016, there was variation of internet access that is quite apparent in Selangor. By 2019, all districts have 80% or more of its households having internet subscription. One should argue for +/-15% as there is no difficulty in reaching electors!

Malapportionment in Selangor (micro version)

MICRO MALAPPORTIONMENT (2021) IN SELANGOR




Source: Election Commission, Tindakan Malaysia (2022)

Root Cause of Malapportionment – Too much variation in DM
Electorate Size. 125 (Kampung Lubuk Jaya) to 20550 (Taman
Pinggiran Putra)

Polling Centres: Available or Shortage

[illegible]

 Boundaries of DUN Bukit Gasing
 Direction of Voters from their home Polling District to their assigned polling station of their home polling district

First Step to fix unfair redelineation is to address 13th Schedule 2 (b). Was Dun Bukit Gasing drawn in a manner where there is insufficient polling centres. Why voters of Two DMs had to vote in other constituency?

Polling Centres: Available or Shortage

Some Key Statistics for Polling District Design for Selangor

- Out of 945 Daerah Mengundis (DMs),
 - **15 DMs have elector less than 500** (Too Small)
 - 469 DMs have electors between 500 and 3302
 - 330 DMs have electors between 3302 and 6605 (inclusive EC's 2006 Upper Limit of 3850 electors)
 - **131 DMs have electors greater than 6605 electors** (Too big)
- Ideally, a DM should house a school (SK, SJK, SMK, SMJK) as schools are conducive for polling. Following are the reasons
 - Effective partition of salurans
 - Secrecy of elections is preserved
- Community Centres, Halls, Kindergartens etc should consider as back-up. NOT the main polling centre for Daerah Mengundi
- In Selangor, around 401 out 945 DMs were drawn without a school as potential polling centre facility
- From those 401 DMs, 30 were rural DMs, 74 were semi urban DMs and **297 urban DMs**. Hence, it is no surprise to see what happened in Bukit Gasing

Polling Centres: Available or Shortage

- Summary of school distribution by polling districts

Presence of no School within Polling District

Number of Electors (Ranges)	Urban	Semi Urban	Rural
Below 500	3	1	3
500 - 3302	160	59	26
3302 - 6605	100	12	1
Above 6605	34	2	0

131 DMs that have electors with more than 6605 electors

- 36 has no in house schools
- 41 has ONE SCHOOL
- 54 has more than one school within the polling districts

Additional Reasons why schools should be considered as polling centres (Refer to Elections Act 1958 Part V Section 14) (in BM)

- “Suruhanjaya Pilihan Raya boleh menggunakan dengan percuma sebagai pusat mengundi mana-mana sekolah atau mana mana bahagian sesuatu sekolah yang menerima bantuan, atau yang berkenaan dengannya bantuan diberikan, daripada wang yang diperuntukkan oleh mana-mana Kerajaan dalam Malaysia, atau mana-mana bangunan atau premis awam yang lain atau mana mana bahagiannya.”

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 Selangor for now. Subsequently, bring it down to 5% by 2030
- Place every DUN within one local council **so long equalization is attained**
- Our 66 DUN proposal can be found here: <https://arcg.is/1PeTfm> (may be updated if new electoral figures are found)

Moving Forward (For Polling Districts)

- A polling district in Selangor 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. After Undi18, polling districts should have 3302 to 6605 electors
 - Correct association of voters (i.e. localities) to polling districts
 - Meaningful names that represent the area

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