Electoral Reform Proposals

by Tindak Malaysia

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Electoral Reform proposals by Tindak Malaysia

A. Setting the Stage - 24 months

1. Month 1 – 6: Rejuvenate the Election Commission (EC) and restore public confidence.
2. Month 1 – 12: Propose Amendments to the Federal Constitution & all related legislation.
   a) All-stakeholder consultation and discussion - ensure Constitutional legitimacy and consistency.
   b) Draft Amendment Bills.
3. Month 13 – 24: Present, approve and implement proposed amendments.

B. For early Implementation

1. Expand the anti-hopping legislation to include Recall Elections.
2. Establish a Boundaries Commission (BC) and an Election Ombudsman Office (EOO).
3. Establish a bipartisan Parliamentary Select Committee to determine, with input from the general public and relevant organisations, the functions and scopes of responsibility of the EC, the proposed BC and the proposed EOO and to advise the Yang di-Pertuan Agong on appointments to these bodies.
4. Reform the elections system to improve representation of the voter's preferences (Appendix 1).
   a) Restrict the number of Constituencies a person can hold to just one (Parliament or State) at any single time to ensure that sufficient attention is given to the represented constituency. If a Candidate contests and wins both Parliament & State seats, the State seat shall be relinquished and the next biggest majority Candidate of the relinquished seat shall be awarded the win.
      i) Additionally, a person shall not continue to represent a Constituency if he or she becomes a Senator, a Councillor in a Local Council, a President or Deputy President or a Mayor or Deputy Mayor of a Local, Municipal or City Council.
      ii) No member of the EC or BC shall, within five years after he or she ceases to be a member, be eligible to be elected to be a member of the House of Representatives, Legislative Assemblies of the States, Senate or Local Councils.
   b) Fix the election date and define a fixed 5-year term of office, to be reduced only if the Government loses a vote on Budget or a no-confidence motion, in which case the replacement government shall sit only for the remainder of the term until the fixed dissolution date of Parliament.
   c) Transfer regulatory powers over political parties and political NGOs from the Registrar of Societies to the EC.
   d) Clearly define with no room for alternate interpretation, the regulatory powers of the EC over political parties including the power to take disciplinary action. The following are to be included within the scope of responsibilities of the EC:
      i) Maintain a register of all political parties (including coalitions)
      ii) Determine what organisations qualify to be political parties
      iii) Examine financial reports of political parties
      iv) Make orders in respect to all political parties (including but not limited to requiring office bearers to be Malaysian citizens and to ensure political parties are in compliance with principles laid out in the Societies Act)

e) Reduce the clause on "*no elections for casual vacancies"* from the current two final years of the term to the final one year of term.

f) Mandate that the Speaker must call for a **Vote of No Confidence** if so requested by the Opposition Leader

g) Restructure all Polling Districts (constitutional amendment not required), ensuring that they fulfil the following criteria:

i) To have an electorate of 2-4% of the Electoral Quota of Parliamentary Seats in the State

ii) To have at least two publicly accessible polling centres that are wholly within the parent polling district and not shared with other polling districts

iii) To have a boundary shape that respects local council, administrative and other local ties

iv) To maintain correct association between voters and localities

v) To have a name that corresponds to the local area

5. Improve the implementation of Postal Vote and other Reforms

a) Classify Overseas Malaysians and members of candidate's team (EA, PACA etc) as eligible postal voters

b) Allow continuous registration and updating of postal voters, avoiding last minute rush

c) Expand civil society participation in various election tiers

C. For implementation within 9 months from above Amendments

1. Introduce guidelines on the duties and limitations of a Caretaker Government as well as a Code of Conduct governing all parties during the period of dissolution of Parliament or any State Assembly

D. For implementation within 24 months (by the proposed BC)

1. Restore the spirit of Article 46 of the 1963 Federal Constitution where Sabah & Sarawak (SS) have the opportunity to block Constitutional amendments that go against MA63 by redistributing the Senate seat allocations (Part 7 of Appendix 1).

a) Revamp Senate representation with a hybrid of FPTP representation for each of the States of Malaya (SoM) and proportional Party representation for each of the Territories of the SoM, Sabah and Sarawak.

b) Combine Perlis with Kedah for Senate representation.

c) Extend the term of the Senate to 5 years to coincide with the term of the Lower House, dissolving upon dissolution of Parliament.

d) Conduct Senate elections concurrently with Parliamentary elections.

2. Define the Electoral Quota (EQ) separately for SoM and SS based on the current seats and elector numbers (Appendix 2).

a) Proposed EQ for SoM – 106K electors per constituency. Merge Putrajaya with Kuala Lumpur to fulfil the EQ requirement

b) Interim EQ for SS – 65K electors per constituency until ready for equalisation with SoM.

c) Redistribute the Lower House seats between the states to comply with the EQ.

3. Restore the sunset clause on the distribution of seat numbers between SoM & SS and equalise the EQ of the two regions within 20 years of implementation.

4. Introduce a hybrid Proportional Representation (Mixed Member Majoritarian - [Appendix 3](#)) electoral model comprising both First Past The Post (FPTP) contests for Constituencies and Candidate List (List) contests for Party representation at the National level.
5. Reinstate Article 46 of the Independence Constitution, empower the newly formed BC to define the total number of FPTP & List seats required and to reallocate the number of FPTP seats to each state based on the EQ.
6. Reverse the 1983 amendment which removed the requirement that State Constituency (DUN) numbers should be multiples of Parliamentary Constituencies (PAR).Define the DUN EQ for each State according to state elector numbers and the revised number of DUN seats.
7. All deviations from EQ of PAR and DUN Seats for SoM shall be within ±10% of SoM EQ and for SS shall be within ±20% of SS EQ, the two to be equalised as rural communications infrastructure improves in SS.
   (a) After 2030, the spread limit for PAR and DUN seats for SoM shall be +/-5% of EQ, and for SS it shall be +/-10% of EQ.
8. Propose new constituency delineation based on the revised guidelines and seat distributions in preparation for the next General and State Elections.

E. To look into trial implementation within 24 months
1. Implement biometric ID validation at Barung SPR.
2. Make Barung ID validation mandatory for admission to Saluran.
3. Simplify and expedite the Saluran identification process.
4. Allow electors working away from home as well as PACA to register as Postal Voters (or Advance Voters with a suitable Ballot collection protocol).
5. Initiate Early/Staggered Voting for remote areas in Sabah/Sarawak and allow consolidation of small Saluran into shared Ballot Boxes to protect the ballot secrecy of the small Saluran.
6. Investigate the use of eVoting on a trial basis to supplement Postal Voting

F. Moving forward
1. Establish elected Local Councillors to handle all local administrative and maintenance issues such as local infrastructure.
2. MPs and ADUNs to focus on governance issues instead of local maintenance issues - physical extent of Constituency should not matter anymore, thereby enabling the equalising of elector numbers.
3. Establish regular consultation/feedback between elected representatives and the people to avoid the more confrontational encounters that often result during ad hoc meetings and improve the quality and effectiveness of the representation.
4. Establish a procedure to conduct Referendums in order to give the people a voice in domestic and international matters that require but are not getting sufficient attention and in areas where the Elected Representatives don't appear to display awareness of the prevailing expectations of the electorate.

Appendix 1 - Proposed Revisions to Parliament (Lower House & Senate)

Proposal to make major changes in the structure and composition of our Dewan Rakyat (Lower House) and Dewan Negara (Senate) in order to improve the balance in voter representation and to secure constitutional guarantees.

A. The problem of Malapportionment

When our Independence Constitution was drafted by a Commonwealth Team, several safeguards were put into place to protect the principles of democratic government. One of them was the principle of an Electoral Quota (EQ) to ensure that constituency sizes were *approximately equal*. Provision was made for access difficulty in allowing rural constituencies to, in the interim, have smaller elector numbers. The Merdeka constitution made it clear that the loose pre-Merdeka constituency apportionment for the 52 initial seats should be phased out after the first General Elections. This change was indeed implemented by the EC during the 1960 redelineation exercise, but the changes were annulled by Parliament and the EQ provision removed by a subsequent constitutional amendment. Another attempt at seat redistribution by the EC in 1968-69 was also annulled. A 1973 amendment gave the power of deciding seat numbers to Parliament.

The principle of equal votes was abandoned, the constitution amended numerous times and a severe mismatch in the relative value of a vote was allowed to grow. These proposed reforms aim at correcting this failure in safeguarding the spirit of the constitution.

a. Constituency malapportionment

This is a straightforward matter. Constituency sizes must be *approximately equal* in order that every vote carries the same value. At present, there are severe variations in Constituency elector numbers. The concept of EQ needs to be restored and the range within which actual constituency size variations can be allowed should be unambiguously defined.

b. Inter-State seats malapportionment

The removal of the Election Commission's (EC) power to define the suitable number of Parliamentary Constituencies and to allow Members of Parliament (who had vested interests) to decide on the number of seats resulted in a growing mismatch in the number of electors per seat contested between each State. The states with the largest growing population suffered from this neglect. This has made it impossible to attain any nationwide vote equivalence in constituency sizes.

A normalization of the seat allocation between States based on EQ is necessary. Also, the responsibility for determining the proper number of constituencies for each state should be assigned to the proposed Boundaries Commission (BC) so that vested interests don't impact electoral decisions.

B. First Past The Post imbalances

With a First Past The Post (FPTP) basis for determining the winner combined with severe malapportionment of constituency sizes, the beneficiary party (which includes coalitions) was able to win a simple majority of seats with as little as 20% of the popular vote in 2008 & 2013 (The results of 1974 are ignored as an anomaly since 47 seats were won uncontested - zero votes). The data also show that the dominating coalition was able to hold a 2/3 majority with as little as 34% of the popular vote in 2004.

Analysis of Alliance-BN domination of the Dewan Rakyat since inception

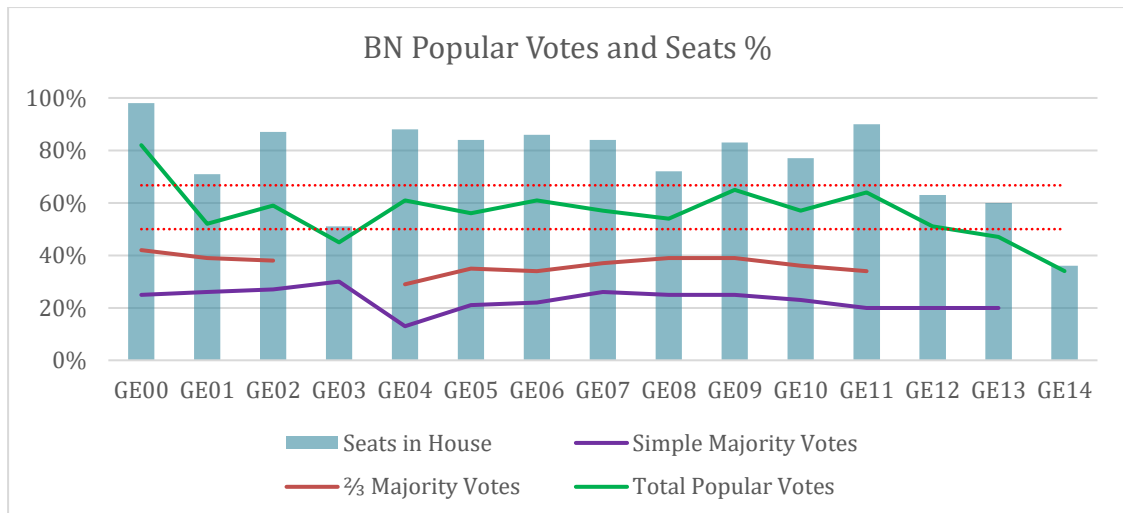| GE	Year	Seats Not Contested	Valid Ballots Cast	Simple Majority			2/3 Majority			House Total		Appointed Seats
				BN Seats	BN Votes	Popular Vote %	BN Seats	BN Votes	Popular Vote %	BN Seats	BN Seat %	
00	1955	0	1001167	26	250918	25.06%	35	421184	42.1%	51/52	98.1%	-
01	1959	3	1546770	52	406358	26.27%	70	605391	39.1%	74/104	71.2%	-
02	1964	2	2047012	52	542922	26.52%	70	782641	38.1%	90/104	86.5%	55
03	1969	20	2396836	72	716297	29.89%	-	-	-	74/144	51.4%	-
04	1974	47	2120119	77	270022	12.74%	103	609663	28.8%	135/154	87.7%	-
05	1978	9	3565186	77	747320	20.96%	103	1249272	35.0%	130/154	84.4%	-
06	1982	12	4165688	77	916124	21.99%	103	1433127	34.4%	132/154	85.7%	-
07	1986	6	4656853	89	1196668	25.70%	118	1722832	37.0%	148/177	83.6%	-
08	1990	2	5487483	88	1379228	25.13%	117	2126268	38.7%	126/175	72.0%	-
09	1995	12	5960881	96	1487520	24.95%	128	2348149	39.4%	160/192	83.3%	-
10	1999	1	6656835	97	1515908	22.77%	129	2381035	35.8%	148/193	76.7%	-
11	2004	17	6975935	110	1458357	20.91%	146	2375022	34.0%	198/219	90.4%	-
12	2008	7	7942803	111	1610234	20.27%	-	-	-	140/222	63.1%	-
13	2013	0	11054887	111	2177301	19.70%	-	-	-	133/222	59.9%	-
14	2018	0	12082979	-	-	-	-	-	-	79/222	35.6%	-

The imbalance in Dewan Rakyat representation become evident in the following graphic representation of seats. Since the total number of seats is different from one election cycle to another, the total numbers were normalized to percentiles for easy comparison.

GE01 appears to have the most natural distribution despite the fact that the provisional malapportionment of the pre-Merdeka election was still being retained. The subsequent elections show that no attempt had been made to equalize growing disparity in electorate sizes despite the specific constitutional provision for this. In fact, the EC did try to redistribute the seats and reapportion the electorate as per constitutional requirements. But the redelineation was annulled by Parliament and the powers of the EC were curtailed. The formation of Malaysia further aggravated the imbalance.

Dominance of Alliance/BN in Parliament
Due to severe malapportionment of elector population to Seats
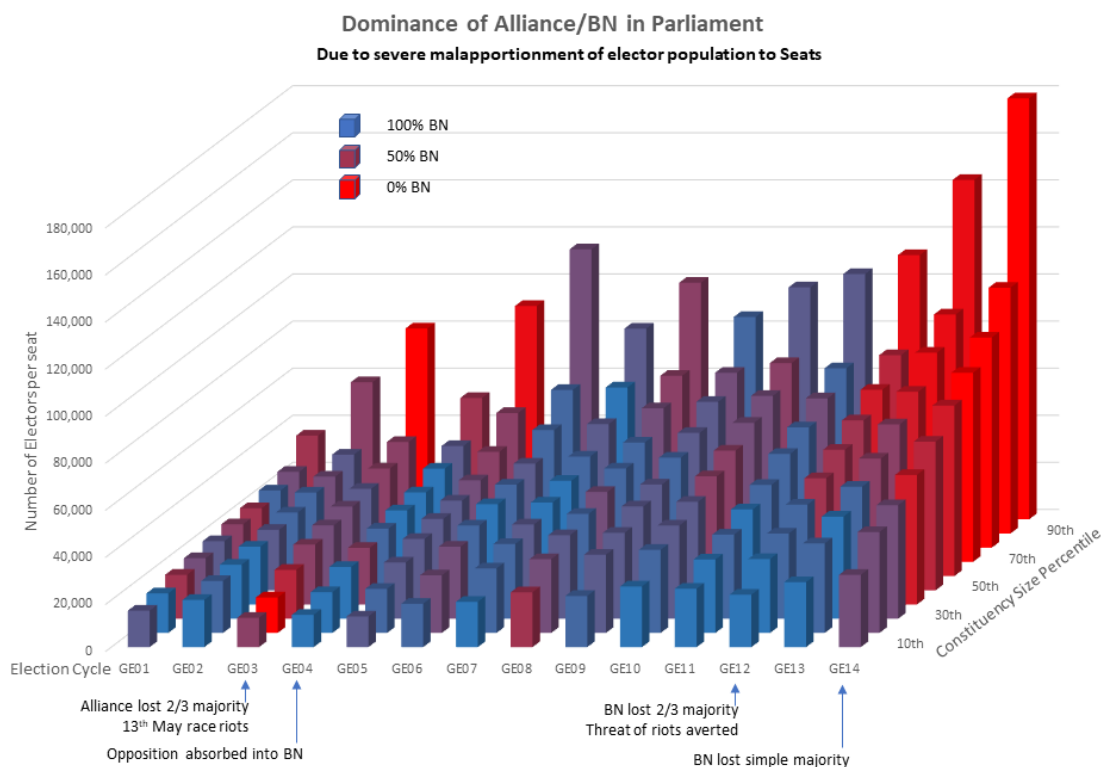
The results of GE03 caused shock waves. Parliament was suspended and a National Operations Council was established. Democracy was restored after much of the opposition was absorbed into a new coalition, the Barisan Nasional (BN). GE04 was a tame affair where 47 seats were not even contested. With control of 2/3 of the Dewan Rakyat and virtual control of Senate and the EC, the limits of democracy were sorely tested in the subsequent election cycles.

BN Popular Votes and Seats %

Legend: Seats in House | Simple Majority Votes | ⅔ Majority Votes | Total Popular Votes

The domination of the simple and 2/3 majorities continued with about 20% share of the popular vote for simple majority and less than 40% for the 2/3 majority. While the overall popular votes garnered hovered between 50 to 60%, the coalition continued to dominate the majority of seats in the House. Parties that obtained a significant share of the popular votes but secured wins in fewer seats were left with minimal representation. In GE13, popular votes dropped to below 50% yet enough seats were won by the dominant coalition to hold the simple majority in the House.

Due to the simplicity of FPTP, the electoral system was easily manipulated by malapportionment, gerrymandering, electoral roll irregularities, vote buying and violations during conduct of elections. These weaknesses in the system need to be rectified by the establishment of a more representative electoral system and by restoring the checks and balances that used to be present in the Federal Constitution.

C. Hybrid system

To address these failures, a hybrid system is being proposed deploying FPTP for Constituencies complemented with List seats for National apportionment (Appendix 3).

While voting for Candidates contesting the seats in the Constituencies, electors also vote for their preferred party or coalition (Party Votes) to represent them Nationally in the Dewan Rakyat. Parties are allocated seats according to the percentage of Party Votes they receive. In the Mixed Member Proportional Distribution model, the number of their Candidates who win FPTP seats is subtracted from the allocated National seats and the remaining places filled from a List of Candidates registered with the EC by the Party at Nomination. In the Majoritarian Distribution model, List seats are apportioned separately from FPTP seats.

Simple illustration of a Mixed Member Proportional Distribution model:
There are 100 seats being contested.
Party A wins 40% of the Party Vote and is therefore eligible for 40 seats.
27 of the party's Candidates win in the FPTP contests.
Therefore 40 - 27 = 13 seats remain for that party.
Those 13 seats are filled from the List submitted by the party on Nomination Day.

Simple illustration of a Mixed Member Majoritarian Distribution model:
There are 100 seats being contested – 60 FPTP seats and 40 List seat
Party A wins 40% of the Party Vote and is therefore eligible for 40% of the 40 seats.
Therefore Party A gets 16 List seats.
27 of the party's Candidates win in the FPTP contests.
Therefore the party gets 16 + 27 = 43 seats in total.
The FPTP win is not tempered by proportionality.

D. How many seats?

A study of other major Commonwealth countries has yielded the following result:

Country	Electors	Seats	Electors per seat
Australia	17,371,123	151	115,041
Canada	27,366,297	308	88,852
UK	46,560,452	650	71,631
India	879,800,000	543	1,620,258
Malaysia	21,173,638	222	95,377

Excluding India as a far outlier, Malaysia falls comfortably between Australia and Canada/UK in terms of electors per seat. Using the mean for Australia, Canada & UK as a reference, Malaysia's elector population can comfortably support around 257 Lower House seats. We are proposing a more comfortable adjustment.

Our proposal is to drop the current FPTP seats by 20% to 178 (Appendix 2), rebalance the distribution between States using EQ and **add 100 List seats** to give a total House of 278 seats (64% FPTP, 36% List PR)*. The reduction and rebalancing will give most states fewer FPTP seats than they currently have except for Selangor which is grossly underrepresented at this time. The number of FPTP seats should not be looked upon by the states as an entitlement but as a means to achieve equitable democracy. Given the total increase in seats, they will still have substantial representation in Parliament. Detailed Table in Appendix 3

 *120 New Zealand Lower House Seats are divided into 60% FPTP and 40% List PR

E. Proposed revised FPTP Seats

Perlis	1	Pahang	9
Kedah	12	Selangor	28
Kelantan	11	KL-Putrajaya*	9
Terengganu	7	Negeri Sembilan	6
Pulau Pinang	9	Melaka	5
Perak	15	Johor	20

States of Malaya (SoM) FPTP seats   132

Labuan	1
Sabah	21
Sarawak	24

Sabah/Sarawak (SS) FPTP seats   46

Malaysia Total   178 FPTP seats + 100 List seats = 278 Dewan Rakyat seats

- In 1963, the share of Sabah and Sarawak seats in the Dewan Rakyat was 25.15%. This proposal largely retains the 25% value in the revised FPTP seats.
- We propose that Putrajaya be merged with Kuala Lumpur, jointly referred to as Federal Territory, so that EQ can be maintained nationwide.

Explanation of KL - Putrajaya merging

While Kuala Lumpur and Putrajaya are not adjacent to each other, equalization for Kuala Lumpur and Putrajaya will not be possible if the non-contiguity principle is not adopted. Due to its administrative boundary, the Parliamentary seat of Putrajaya is the smallest in the country.

During the formation of the first state constituencies of Sabah in 1966, Labuan and Beaufort (which are separated by sea) were grouped into a single Parliamentary seat. This was retained until 1984 when Labuan was excised from Sabah and made into a Federal Territory.

In Malaya, when the first federal constituencies were drawn in 1954, the island of Langkawi was grouped with Alor Setar although they are not adjacent. Langkawi only became a Parliament seat during the 1994 redelineation exercise.

Unlike the islands of Langkawi and Labuan, the non adjacency between Kuala Lumpur and Putrajaya is overcomed by road and railway connectivity and there should be no administrative issues. A constitutional amendment is needed to allow this exception of interstate constituency for Kuala Lumpur and Putrajaya

F. Variation from EQ

The key principle of ensuring the equivalence of the value of a vote is to determine that the elector populations of constituencies are *approximately equal* as required in the Federal Constitution (13th Schedule Para 2(c)).

To satisfy this requirement while allowing for the demographic differences between the SoM and SS, the proposal is to define the EQ separately for the two regions. Based on the elector numbers of GE15, the tentative EQ proposed are 106,041 for SoM and 64,508 for SS. Also, since most parts of the SoM have good communication access, a range of ±10% in the distribution of elector numbers is tolerable. For SS, the interim range proposed is ±20%, to be reviewed according to improvements in communications infrastructure.

We recommend that, by 2030, SoM should achieve a ±5% spread while SS should strive for ±15%. This is possible even while conforming to Municipal District boundaries if the Polling District sizes are normalized.The important point to note is that the primary responsibility of Members of Parliament is in the Dewan Rakyat. The number of electors represented is more critical than the physical extent of the Constituency.

G. Elected people-representative Senate

One of the major concerns about protecting the interests of the territories of Sabah and Sarawak is that, with Singapore leaving the Federation, the States of Malaya command more than ⅔ of the seats in the Dewan Rakyat. Amendments have been made to the constitution that have eroded some of the promises made in the Malaysia Agreement 1963. While these deficiencies can be rectified during the term of a strong, reform minded government, we need to ensure that a similar situation cannot be allowed to develop in the future.

Our proposal is to allow the Territories of Sabah and Sarawak to have the ability, in the Dewan Negara, to stop amendments that fail to take into account the interests of those Territories. To this effect, we propose the following Dewan Negara seat distribution:

2 elected seats from each of the 10 States of Malaya (Perlis & Kedah taken as a single representative area) and 2 elected seats for the Federal Territories (Kuala Lumpur-Putrajaya and Labuan). These elections are to be conducted simultaneously with Dewan Rakyat elections.

23 seats to be filled from the Seat List of the respective parties in the States of Malaya based on the percentage of the Party Votes won by the parties.
22 seats to be filled from the Seat List of the respective parties in the Territory of Sabah based on the percentage of the Party Votes won by the parties.
23 seats to be filled from the Seat List of the respective parties in the Territory of Sarawak based on the percentage of the Party Votes won by the parties.

This will give the SoM together with the Federal Territories a total of 45 seats while Sabah with 22 seats and Sarawak with 23 seats will give SS the same total of 45 seats.

With this arrangement, the Senate can act as an effective check and balance.

H. Illustration of Senate seat allocation

FPTP Senate Seats for States of Malaya				
State	FPTP Seats	State	FPTP Seats	Total FPTP
Kedah-Perlis	2	Selangor	2	22
Kelantan	2	Wilayah Persekutuan	2	
Terengganu	2	Negeri Sembilan	2	
Pulau Pinang	2	Melaka	2	
Perak	2	Johor	2	
Pahang	2			

Total Senate Seats for All Malaysia			
Electoral Unit	FPTP Seats	List Seats	Total Seats
States of Malaya	22	23	45
Territory of Sabah		22	45
Territory of Sarawak		23	

I. Illustration of Proportional List Seat Apportionment

List Senate Seats Apportionment for States of Malaya						
Party	Popular/Party Vote	Vote %	Round 1 Seats	Remain-der	Round 2 Seats	Total Seats
A	5,700,146	8.59	8	.59	1	9
B	4,666,000	7.03	7	.03		7
C	3,700,088	5.57	5	.57	1	6
D	653,090	0.98	0	.98	1	1
E	281,730	0.42	0	.42		0
F	194,200	0.29	0	.29		0
G	53,400	0.08	0	.08		0
H	16,480	0.02	0	.02		0
Total	15,265,134		20			23
Factor*	663,701					

* (Total Valid Votes)/(Seats Contested)

List Senate Seats Apportionment for Sabah						
Party	Popular/Party Vote	Vote %	Round 1 Seats	Remain-der	Round 2 Seats	Total Seats
I	343,954	7.14	7	0.14		7
J	281,732	5.85	5	0.85	1	6
K	167,063	3.47	3	0.47		3
L	94,085	1.95	1	0.95	1	2
M	88,726	1.84	1	0.84	1	2
N	84,045	1.74	1	0.74	1	2
Total	1,059,605		18		4	22
Factor	48,164					

List Senate Seats Apportionment for Sarawak						
Party	Popular/Party Vote	Vote %	Round 1 Seats	Remain-der	Round 2 Seats	Total Seats
O	67,539	5.16	5	0.16		5
P	65,311	4.99	4	0.99	1	5
Q	57,579	4.40	4	0.40	1	5
R	52,054	3.98	3	0.98	1	4
S	29,874	2.28	2	0.28		2
T	16,437	1.26	1	0.26		1
U	12,061	0.92	0	0.92	1	1
Total	300,855		19		4	23
Factor	13,081					

J. Conclusion

While the changes proposed may be seen as radical and it may be difficult to obtain support from Parliament, we suggest that these changes are critically important if our democratic process is to be salvaged from past irregularities. Those past irregularities should not become the *new normal*.

We urge all parties to set aside vested interests and act in concert to solidify the base of our democratic system.

Appendix 2 - FPTP Seats Rebalancing Based on Electoral Quota (EQ)

A. States of Malaya

State	Total Electors	Current Seats	EQ	EQ Based Seats	Reduced EQ Based	Proposed FPTP Seats	Change
Perlis	195,927	3		1.85	1.47	1	-2
Kedah	1,575,805	15		14.86	11.80	12	-3
Kelantan	1,404,763	14		13.25	10.52	11	-3
Terengganu	922,856	8		8.70	6.91	7	-1
Pulau Pinang	1,226,626	13		11.57	9.18	9	-4
Perak	2,036,872	24		19.21	15.25	15	-9
Pahang	1,136,944	14		10.72	8.51	9	-5
Selangor	3,677,848	22		34.68	27.54	28	+6
KL & Putrajaya	1,194,288	12		11.26	9.01	9	-3
Negeri Sembilan	850,865	8		8.02	6.37	6	-2
Melaka	657,324	6		6.20	4.92	5	-1
Johor	2,616,575	26		24.68	19.59	20	-6
States of Malaya	**17,496,693**	**165**	**106,041**	**165**	**131**	**132**	**-33**

B. Sabah & Sarawak

Territory	Total Electors	Current Seats	EQ	EQ Based Seats	Reduced EQ Based	Proposed FPTP Seats	Change
FT Labuan	44,484	1		0.69	0.56	1	0
Sabah	1,689,387	25		26.19	21.13	21	-4
Sarawak	1,943,074	31		30.12	24.31	24	-7
Sabah/Sarawak	**3,676,945**	**57**	**64,508**	**57**	**46.00**	**46**	**-11**
Malaysia Total	**21,173,638**	**222**	**95,377**	**222**		**178**	**-44**

Appendix 3 - Peoples' Representatives Selection Model

A. The election model currently in place

a. From its inception, Malaya and then Malaysia adopted the British *First Past The Post* (FPTP) model of selecting Representatives. Candidates contested for Seats and the person getting the most votes in each Constituency was declared the winner. The Party getting the most Seats formed the government.

b. This model was simple to implement but failed to take into consideration the interests of all elector communities. If the demographics of the population was evenly distributed nationally, this simple approach would be advantageous to the majority demographic but minorities would be poorly represented.

c. If minorities were concentrated in some areas, they may be able to vote in candidates to represent them. But that approach would result in the development of ghettos of demographic concentration.

d. This model is easily exploited through boundary gerrymandering and can result in bigotry during campaigning and after elections.

e. This model does not accommodate political parties whose voting base is not ethnic centred or theme based and where the views are dispersed across nation (example - environmental concerns)

f. Specifically for Malaysia, past electoral irregularities (such as suspicious voters cropping up before GE14, bribery) could impact the outcome of FPTP elections

g. We have faced all of the above challenges and need to address them effectively.

B. More equitable representation of all interests

h. An election system that takes into consideration the total number of votes obtained by a party can effectively represent the interests of all electors.

i. Seats are assigned to each contesting party according to the share of the total Party Vote they win. This way, all interests will be represented in proportion to the nationwide support (Proportional Electoral System).

j. Unfortunately, if representatives no longer represent specific geographic areas, electors will not have a face to relate to and no specific channel through which to present their needs.

k. An ideal representation model would be a mix of Constituency representatives who win the usual FPTP contests plus National representatives based on the share of the Party votes obtained during the same election. Voters will have 2 Ballots - one for the Constituency representative and another for the Party List.

l. The EC shall determine the FPTP winners based on the votes obtained by the Candidates and allocate the List Seats based on the Party Votes according to the Candidate Lists submitted for Party Seat distribution.

m. For this model, the target number of Peoples Representatives appropriate for the population must be determined. This is then divided between Constituency Representatives (FPTP) and National Representatives (List).

n. The Electoral Unit is divided into the required number of Constituencies and these are contested in FPTP mode.

o. During Nominations, parties nominate Candidates for the FPTP contests as well as submit Candidate Lists for the Party Seats.

p. The share of the Party Vote obtained by each party will determine the Party Total number of seats they will have in the House.

q. Using the Mixed Member Proportional (MMP) model, the number of FPTP seats won by the party will be subtracted from the Party Total. The remaining Seats are then distributed following the respective Party Lists, excluding Candidates who have won FPTP seats.

C. Mixed Member Majoritarian (MMM) model

r. The Mixed Member Majoritarian model is a parallel form of mixed member representation. It has a combination of FPTP constituencies and List of Proportional Representation (PR) seats. List PR seats complement, but do not fully compensate for the influence of FPTP.

s. In MMM, there are two ballots - one for FPTP (choosing a candidate, whether party affiliated or independent) and List of PR (choosing a party, whether a registered party or registered coalition)

t. In a mixed system, there are benefits for voters, political parties and other stakeholders
   i. For voters, they can choose two different parties (or independents) or affiliations to suit their immediate Constituency and National needs
   ii. For political parties, they can opt to collaborate for FPTP (vote pooling) and compete against each other for List PR representation. This frees up political parties from needing complicated discussions on seat allocations. Malaysia's current FPTP system is bogged down with pre-electoral coalitions and this may be one of the factors in the several enlargements of the Parliament.
   iii. For other stakeholders, List PR seats allow representation of thematic views (environment, ageing population, ethnic minority concerns) and translation of regional views at national level. This will mitigate the concerns of states that can expect to lose FPTP seats when the seat allocations between states are normalised.

u. In the FPTP seats, the candidate who wins the most valid votes wins the seat. With the exception of other candidacy requirements (e.g. a candidate who got listed on both FPTP and List PR seats or a candidate winning both Parliamentary and DUN seats concurrently), the MMM does not take away FPTP winner from his or her seat.

v. The simplest model for Seat distribution based on Party vote would be to assign the Seats in direct proportion to the Party votes won by the party.

w. Large parties with wide national presence will naturally enjoy an advantage in winning a larger share of the votes.

x. This approach will serve the majority well but may not give adequate voice to minority interests.

y. Illustration of distribution of List Seats of MMM

Party	A	B	C	D	E	Total
Party Votes	123,456	104,123	99,287	51,400	19,227	397,493
Vote %	31.06	26.19	24.98	12.93	4.84	100
Seats	69	58	55	29	11	222

D. Mixed Member Proportional (MMP) model

z. The Mixed Member Proportional (MMP) model is a compensatory form of mixed member representation. It has a combination of FPTP and List of PR constituencies. The mathematical calculations of MMP aims to create a more proportional outcome where List PR seats are added accordingly to ensure that the share of party seats corresponds to party votes.

aa. Other principles of MMM highlighted in 3(b) and 3(c) are also applicable for MMP

bb. If a party received more seats (via FPTP) than what is entitled from the Party Vote share, it will create overhang seats.

cc. There are a number of calculation models to determine the seat distribution quotient. The basic premise is that seats are allocated in successive iterations based on the number of seats previously allocated. Parties having fewer seats will get a higher allocation quotient for each subsequent distribution.

dd. By this mechanism, parties with low representation are given a higher presence, thereby improving the representation of the people they are speaking for.

ee. One mechanism for determining seat allocation is the [Sainte-Laguë method](), also called the Webster method.

ff. This method, which is used in New Zealand, constructs a matrix of decreasing allocation quotients for each party and then, using the Rank() function of a spreadsheet, determines the sequence in which seats should be allocated to each party.

gg. The allocation process continues until all the List Seats are fully allocated.

hh. While this method is designed to offer better representation to the smaller communities, it is quite complex and not easy to explain.

ii. In the Malaysian context, this being a first time implementation, to avoid bloating the numbers in Parliament, List Seats need to be taken partially from the current FPTP seats. This means all parties will lose some of their previously held FPTP Seats. The major parties, already having been deprived of some seats, are not likely to be receptive to further loss to smaller parties because of List distribution.

jj. These last two factors would make it very difficult to get support for implementing such a system.

kk. Having said that, once society has transitioned from FPTP to mixed member representation (like MMM), society should become ready for MMP implementation. The end goal is to bring the best of FPTP and List PR in a manner that respects voter preferences.

E. Proposed Hybrid model (for Dewan Rakyat)

ll. We have developed a Hybrid method of allocating List Seats which is much simpler, easy to explain and does not deprive the bigger parties of any List seats

mm. In the proposed Dewan Rakyat, there will be 178 FPTP Seats and 100 List PR seats

nn. The Candidate who polls the most valid votes in a Constituency wins that FPTP seat.

oo. For the List Seats, we offer two options, to be decided based on acceptance in Parliament.

F. Option 1 of Hybrid MMM

i.   Voters are given a single ballot. The single ballot has the name of the candidate with the political party affiliation (Registered Political Party/ Independent/ Coalition). This model is known as mixed single vote

ii. The voters shall determine who they want to be represented by geographically and nationally, generally favouring the party affiliation. The voter must understand that if he/she chooses a candidate of party A, the voter is also choosing party A for List PR seats. Split voting is not possible.

iii. Parties and coalitions are free to contest in either collaborative or competitive manner for FPTP and List PR seats.

iv. One major rule for List PR seats is that the candidates must be from a registered political party (eg.UMNO) or a registered coalition (eg. PH). Independents are limited to FPTP contests only.

v.   Illustration of this model is shown below:
  ● Key considerations. Total votes for each party is derived from total votes cast by the candidate for the FPTP system
  ● Additional List PR seats are calculated using the percentage of party votes in relation to the 100 List PR seats. The values are rounded (rounded up where the fraction is 0.5 to 0.9, otherwise rounded down)
  ● Grand Total is the summation of FPTP and List PR Seats

Party/ Coalition	FPTP Votes	Hypothetical FPTP Seat Count	Party Vote %	List Seats (General Rounding)	Grand Total of Seats (FPTP + List Seats)
A	5,896,142	66	38.73	39	105
B	4,666,529	60	30.65	31	91
C	3,455,7620	24	22.69	23	47
D	662,601	19	4.35	4	23
E	281,732	2	1.85	2	4
F	194,3241	5	1.28	1	6
G	52,054	1	0.34	0	1
H	16,437	1	0.11	0	1
Total	15,225,5814	178		100	278

The Pros of Option 1

i.   With the concept of singular votes, voters can easily transition themselves from FPTP to a more proportional system in future elections

ii. There is no increase in voter time as the voters choose the candidate and party in one single ballot. Less chance of errors for the voters.

iii. There is no additional counting time as vote counting of FPTP candidates and party votes is done concurrently. There is no increase in polling days to accommodate the separate vote count for party tickets.

iv. MMM is a simpler version of Mixed Member representation. As it is a parallel system, calculations to get a more proportional outcome are not needed unlike

MMP. MMM can be a suitable interim step to MMP since Malaysian society needs to become familiar with the new system.

    v. Subject to the voter choices, it is possible that final results will yield a limited gap in voter-seat disproportionality.

    vi. Political parties and future MP stakeholders can gain a better grasp of the system.

The Cons of Option 1

    i. By adopting single mixed vote, the voter is effectively constrained to vote along party lines, giving less emphasis on the candidate's history or potential.

    ii. The room for political parties to compete and collaborate is narrowed. Political parties must come to an agreement before nomination whether they would need to form and register a coalition. This is because the single mixed vote of this proposal favours coalition level arrangements. This retains the current downsides of permanent electoral coalitions of the FPTP.

    iii. The outcome of MMM will not create proportional shares for seat allocation.

    iv. Split voting is not available and the voter's choice is curbed.

    v. Due to the anti party hopping law which can prevent a Sheraton Move style coup, parties contesting under a Coalition ticket are rendered completely subservient to the Coalition leader.

G. Option 2 of Hybrid MMM

    i. Voters are given two ballots - Constituency FPTP and National List PR.

    ii. Parties and coalitions are free to contest in collaborative and/or competitive manner between FPTP and List PR seats.

    iii. One major rule for List PR seats is that the candidates must belong to a registered political party or coalition (eg, UMNO or PH). Independents are limited to FPTP only.

Example, component parties of the Pakatan Harapan Coalition can collaborate under a joint ticket for FPTP seats but contest individually to seek maximum share in the list of 100 National seats.

    iv. The first round allocation of List PR is distributed based on the **rounded down** share of the Party Vote.

    v. The second round will use the remainders from the above rounding to distribute (from highest to lowest) any remaining seats.

    vi. The following is a simplified illustration:

- There are 2 qualification criteria - a party must get at least 5% of the total Party Votes or win at least 1 FPTP seat to qualify. From these criteria, Party H (table below) is eliminated.
- To determine the distribution basis, a Hare Quota (Total Votes/List Seats) is used. In this illustration, there are 100 List seats.
- Rounded Down (Party Vote/Hare Quota) = First Round total seat entitlement for that party.
- The remainder from the above step is used to sequence distributing the remaining seats (largest remainders downwards)
- Finally, Total Seats will be FPTP Seats + List Seats

Party/ Coalition	FPTP Votes	Hypothetical FPTP Seat Count	Party Votes	Party Vote %	Round 1 Seats	Remain-der	Round 2 Seats	List Seats	Grand Total of Seats (FPTP+List)
A	5,896,142	66	5,700,146	37.38	37	0.38	1	38	104
B	4,666,529	61	4,666,000	30.60	30	0.60	1	31	92
C	3,455,762	24	3,700,088	24.27	24	0.27		24	48
D	662,601	19	653,090	4.28	4	0.28		4	23
E	281,732	2	281,730	1.85	1	0.85	1	2	4
F	194,324	5	194,200	1.27	1	0.27		1	6
G	52,054	1	53,400	0.35	0	0.35			1
H	16,437	0	16,480	0.11					
Total	15,225,581	178	15,248,654		97		3	100	278
Hare Quota			152,487						

The Pros of Option 2

i.   With the availability of two different votes, voters can choose the most appropriate candidate/party to represent them geographically and nationally

ii. Political parties are not confined to permanent pre-electoral coalitions and have greater space to compete and collaborate simultaneously

iii. MMM is a simpler version of Mixed Member representation. As it is a parallel system, complex calculations to determine a proportional outcome are not needed. MMM can be a suitable interim step towards a future MMP implementation, giving Malaysian society time to familiarise themselves with the new paradigm.

iv. While the outcome for MMM is not completely proportional, the List PR seats will accommodate small parties whose voting base is widely dispersed while FPTP seats will favour those that are geographically centred.

v.   The threshold principle is applied to exclude extreme or fringe parties with miniscule vote share gaining representation and potentially impacting the formation of governments.

The Cons of Option 2

i.   As Malaysia has been practising the FPTP system for more than 6 decades, the introduction of List PR and the concept of Mixed Member representation can cause confusion among voters and disrupt the campaign strategies of political parties.

ii. As MMM outcome is not proportional, it is possible for vote-seat disproportionality to persist. Though not as severe as FPTP, MMM may fail to effectively reflect voter preferences. The proposed Dewan Rakyat allocation which puts more weight on FPTP seats compared to List PR would still benefit larger parties. However, the impact of disproportionality is less than Option 1 of MMM

iii. As List PR will use a separate ballot, the time needed for counting the ballots will increase. This will require additional resources to ensure that the counting is done properly, monitored by authorised agents.

Some have argued that List PR seats would result in political instability, hindering the immediate formation of a stable government. GE15 has demonstrated that FPTP may not necessarily deliver the quick formation of a stable government. For too long, we have languished under the dominance of one strong political party. Now, since party support has generally become widely dispersed, we are able to look into more inclusive electoral models.

H. Future direction

pp. While our preference is for an election mechanism that recognizes the legitimate interests of all electors, our priority at this time is to get the reform process under way. To this effect, we have adopted a mechanism that is likely to obtain better support in the Legislature.

qq. At some such better time when our elected representatives are of a mind to support a more accommodative electoral process, this matter of which model to use for Proportional Representation needs to be revisited.

rr. The end goal of this process is to implement MMP (the hybrid of FPTP and List PR seats with proportionality as the final outcome).

Addressing Specific Concerns of Option 2:

ss. Confusion of two different ballots for Mixed Member representation.

One of the emerging matters of confusion will be the existence of two sets of rules to translate votes into seats. This may discourage participation, undermine system legitimacy and create wrong impressions about the respective importance of FPTP and List PR seats within the MMP.

To overcome this confusion, the New Zealand Electoral Commission has conducted good voter education to ensure clarity in distinction between FPTP and List PR. While voters in Germany and New Zealand have shown some confusion, there is no evidence to suggest that misunderstanding of the primacy of the party list vote affects voting behaviour. The lack of knowledge did not cause split voting, but the knowledge itself facilitated the split voting available to MMP.

tt. Impact on the Polling Process
The inclusion of an additional Party Vote Ballot Paper is expected to impact the polling process, causing delays and requiring additional Polling Stations. As an interim measure to minimise this impact, in the first implementation, Popular Votes obtained from the FPTP contests can be used to determine the Party List distribution.
The inclusion of the additional Ballot Paper can be done from the subsequent election. This will also help to mitigate voter confusion.

Appendix 4 - Comparison of the Options presented in this Proposal

Item	Future full MMP Implementation (New Zealand model - Ideal Solution)	Interim Hybrid Implementation (MMM - two ballot system)	FPTP Ballots Popular Vote based alternative (MMM - single mixed vote)
Method	Apply **Sainte-Laguë** formula to apportion **List** seats after taking into consideration the **FPTP** seats that have been won	FPTP seats are complemented with **Proportional Representation** based List seats	Use FPTP **Popular Votes** instead of a separate ballot to determine List distribution
Objective	Optimise representation of all segments, especially the smaller groups that usually get left out	Ensure representation of parties in some proportion to the choice of voters	Save the additional time and cost of having a separate ballot for National representation
Advantages	Outcome is Proportional (Reflection of Voter Share)	Outcome is Majoritarian (Due to non-compensatory nature of mixed representation)	With the concept of singular votes, voters can easily transition themselves from FPTP to a more proportional system in future elections
	Greater opportunities for smaller parties to be represented and influence government share	Moderate level opportunities for smaller parties to be represented while favouring larger parties	Easy to understand by voters and political parties
	Allows political parties to compete and collaborate simultaneously	Allows political parties to compete and collaborate simultaneously	Cost and time efficient process
Disadvantages	Complex method for LIST PR seat calculation for political parties and voter to comprehend	Outcome may not best fit voter preferences as the outcome is not Proportional	Voters are restricted to choosing party representatives without a practical option to assess a candidate's potential. No split voting
	Confusion of voters may result in wrong voter choices	Favours larger parties as FPTP seats are not being compensated	The room for political parties to compete and collaborate is narrowed.This reinforces the current downsides of permanent electoral coalition in the

			Malaysian FPTP
	System favours smaller parties, may be resisted by larger parties	Additional time needed to count the List ballots and compute the seat allocation for List PR seats	The anti party-hopping law may prevent a Sheraton Move style coup, but it effectively renders parties contesting under a Coalition ticket completely subservient to the Coalition leader
Cost increase estimates required	Petugas training & public education Additional ballot printing Polling time extension Counting time extension Seat tallying time extension		No additional costs envisaged