

Mapping Unequal Vote

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For Bersih Electoral Reform Roundtable

24.6.2025

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Quick Facts and Concept

Malaysia has 222 parliamentary constituencies and 600 DUN constituencies

Dewan Rakyat determines total number of seats and carry out the allocation of parliamentary seats to the states

Dewan Undangan Negeri determines total number of DUN seats

EC **propose** redelineation for both DUN and Parliamentary constituencies but Dewan Rakyat has the **final say** of the process (together with Prime Minister's influence) – approve/reject

Quick Facts and Concept

- **Three triggers for redelineation**
 - Alteration of state boundaries and admission of new states
 - Change of count of Parliamentary and DUN seats
 - Minimum of 8 years lapsed after the previous redelineation report was tabled to the Prime Minister
- All Malaysian constituencies are geographical and send one representative (SMTR)
- EC proposes redelineation of constituencies based on 13th Schedule. There are no more than 2 rounds of public consultation for the redelineation review
- Prime Minister can determine when to table the redelineation report in the Dewan Rakyat

Reform 1

- Originally, Merdeka Constitution stipulated total count of Dewan Rakyat seats. Independent EC carry out the redistribution of seats to the state using population/electorate count
- We need to form an ad-hoc, independent and separate body for redelineation works - Electoral Boundaries Commission (EBC)
- EBC is given the final authority of the redelineation process but subject to judicial review
- EBC shall be composed of individuals such as Federal Court Judge, member of EC, DG of Mapping and Survey Department, Chief Statisticians and other qualified individuals

Reform 2

- Tackling Interstate and Intrastate malapportionment
- Problem:
 - EC has lost powers to redistribute constituencies from 1973
 - Malaysia Act 1963 instituted inequality of voting power between regions
 - Vague definitions for constituency electorate size
- Consequences:
 - Bangi has an electorate size (320 971) bigger than Perlis (197 221)
 - Inequality of voting power among constituencies within a state

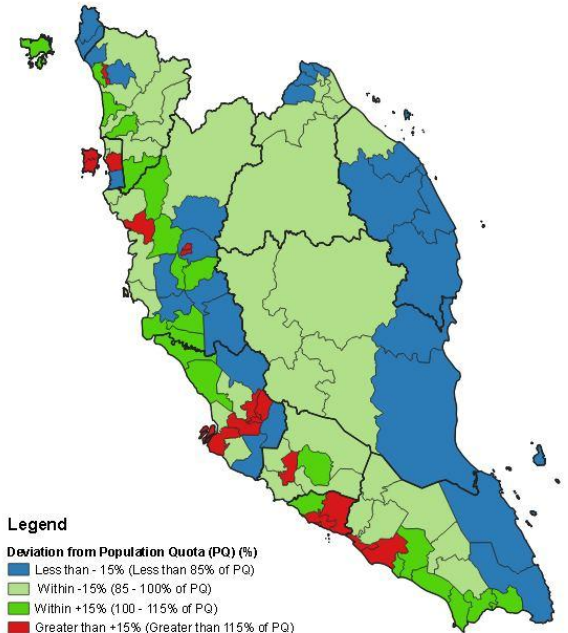
Reform 2

FIRST TWO REDELINEATIONS OF MALAYA



TINDAK
MALAYSIA

1958 REDELINEATION



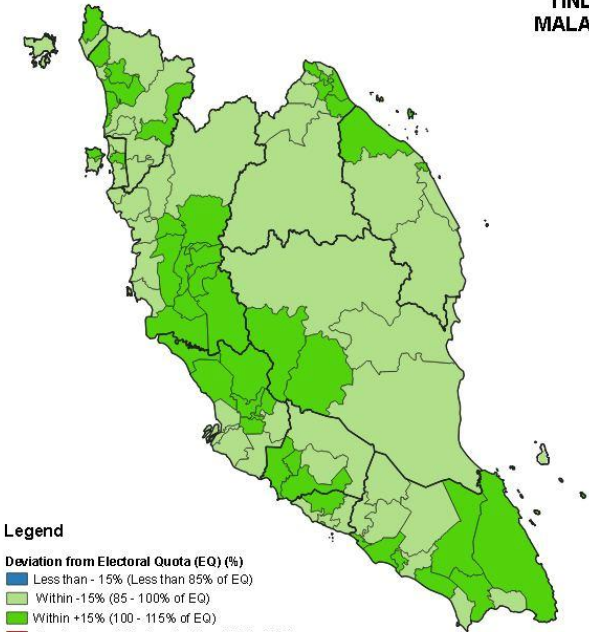
Legend

Deviation from Population Quota (PQ) (%)

- Less than -15% (Less than 85% of PQ)
- Within -15% (85 - 100% of PQ)
- Within +15% (100 - 115% of PQ)
- Greater than +15% (Greater than 115% of PQ)

Equalization principle of 1958 redelineation follows parts of 1954 delineation exercise (emphasis on population and no clear deviation limits)

1960 REDELINEATION



Legend

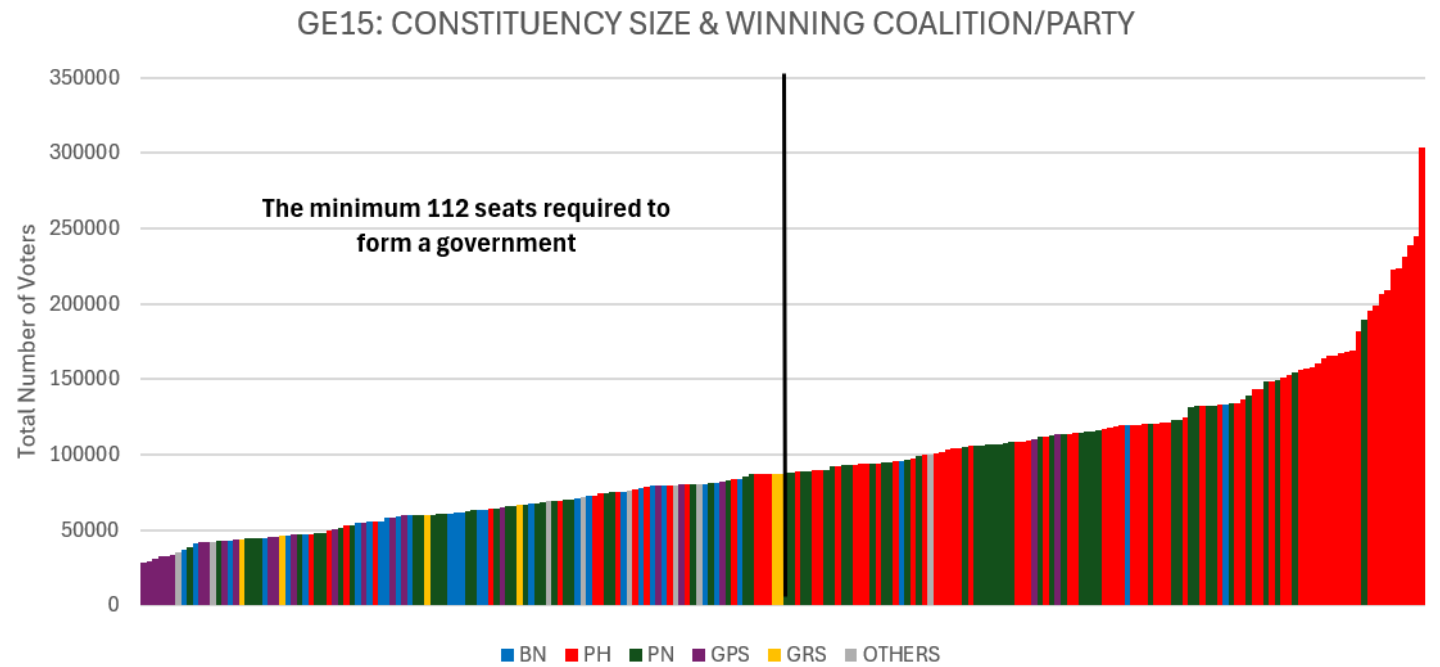
Deviation from Electoral Quota (EQ) (%)

- Less than -15% (Less than 85% of EQ)
- Within -15% (85 - 100% of EQ)
- Within +15% (100 - 115% of EQ)
- Greater than +15% (Greater than 115% of EQ)

The 1960 redelineation is based on strict 1957 Merdeka Constitution limits where constituencies should not exceed +/-15% of Electoral Quota of a State

Source: EC 1958 & 1960 Redelineation Reports, Tindak Malaysia (2023)

Reform 2



Reform 2

■ Solutions

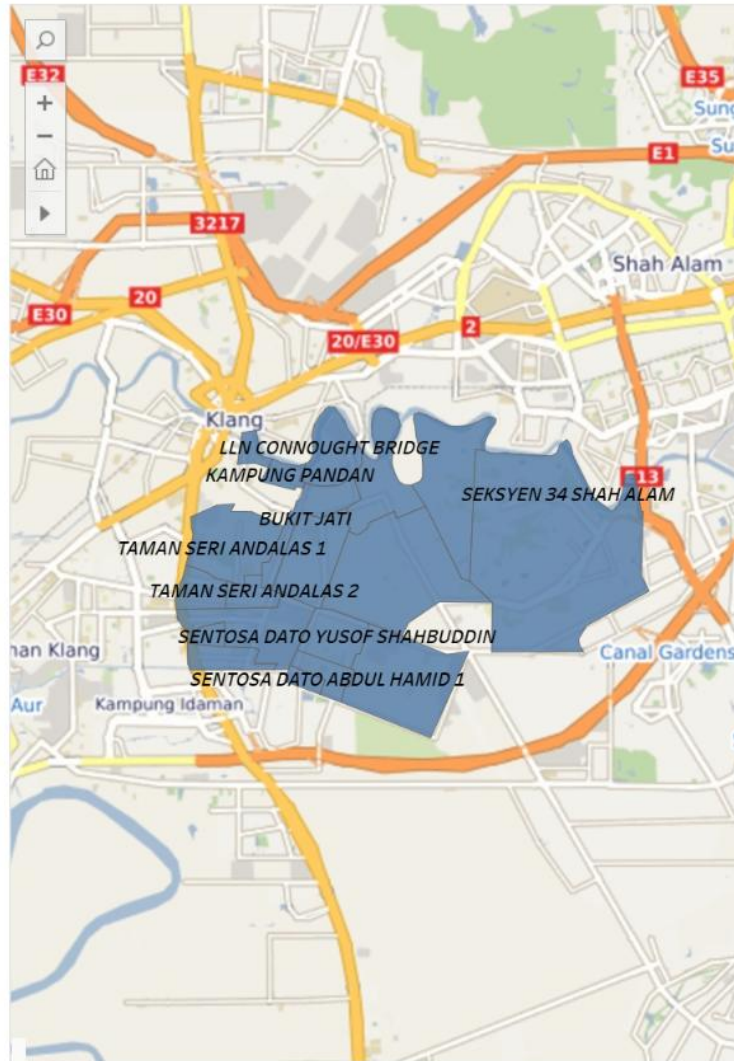
- Parliament should not allocate constituencies by state
- Separate Malaysia into three regions for equalisation – Peninsular Malaysia, Sabah and Sarawak
- Equalisation limits of +/-10% among the states and within states in Peninsular Malaysia (exception to Labuan and Putrajaya)
- Equalisation limits of +/-20% within regions of East Malaysia
- EBC to advice the Government of the Day to strengthen infrastructure growth in constituencies
- Reinstating Principle of Simple Multiple (Number of DUNs shall be the same or multiple of Parliamentary Seats)

Reform 3

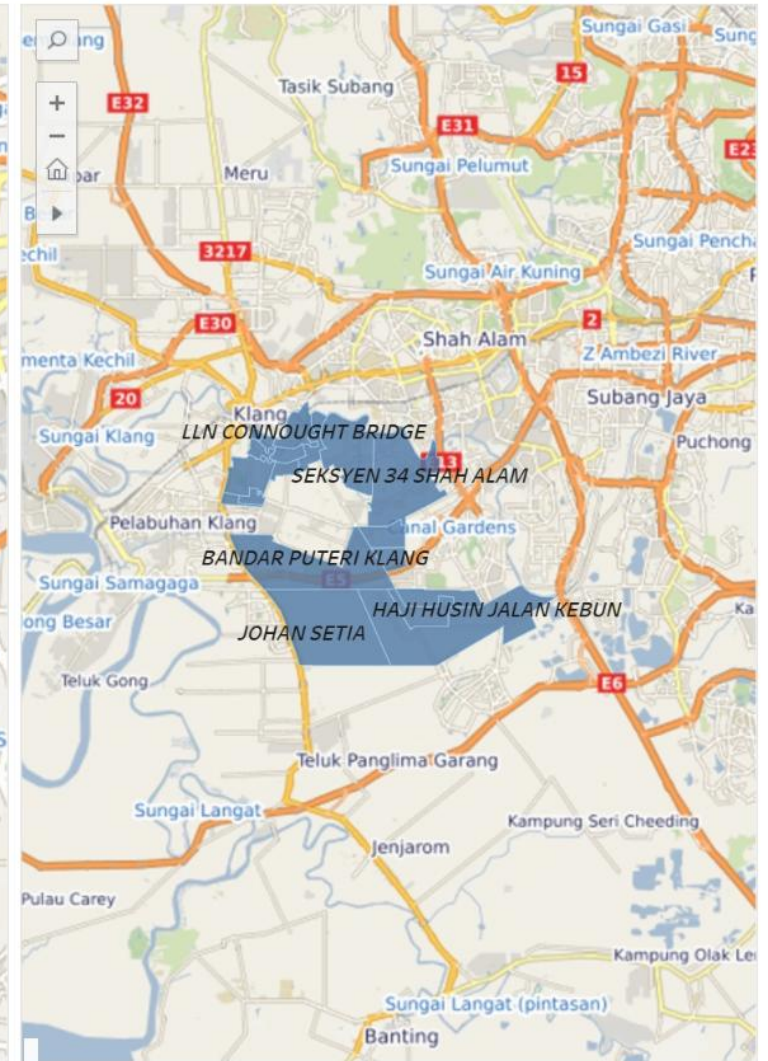
- **Tackling Gerrymandering**
- **Problem:**
 - Vague definitions of 13th Schedule
 - Historical non-independent EC doing the bidding of the incumbent
- **Consequences:**
 - Constituencies spanning over multiple local authorities and district boundaries
 - Highly irregular and illogical constituencies

Reform 3

Seri Andalas (Before Redelineation)

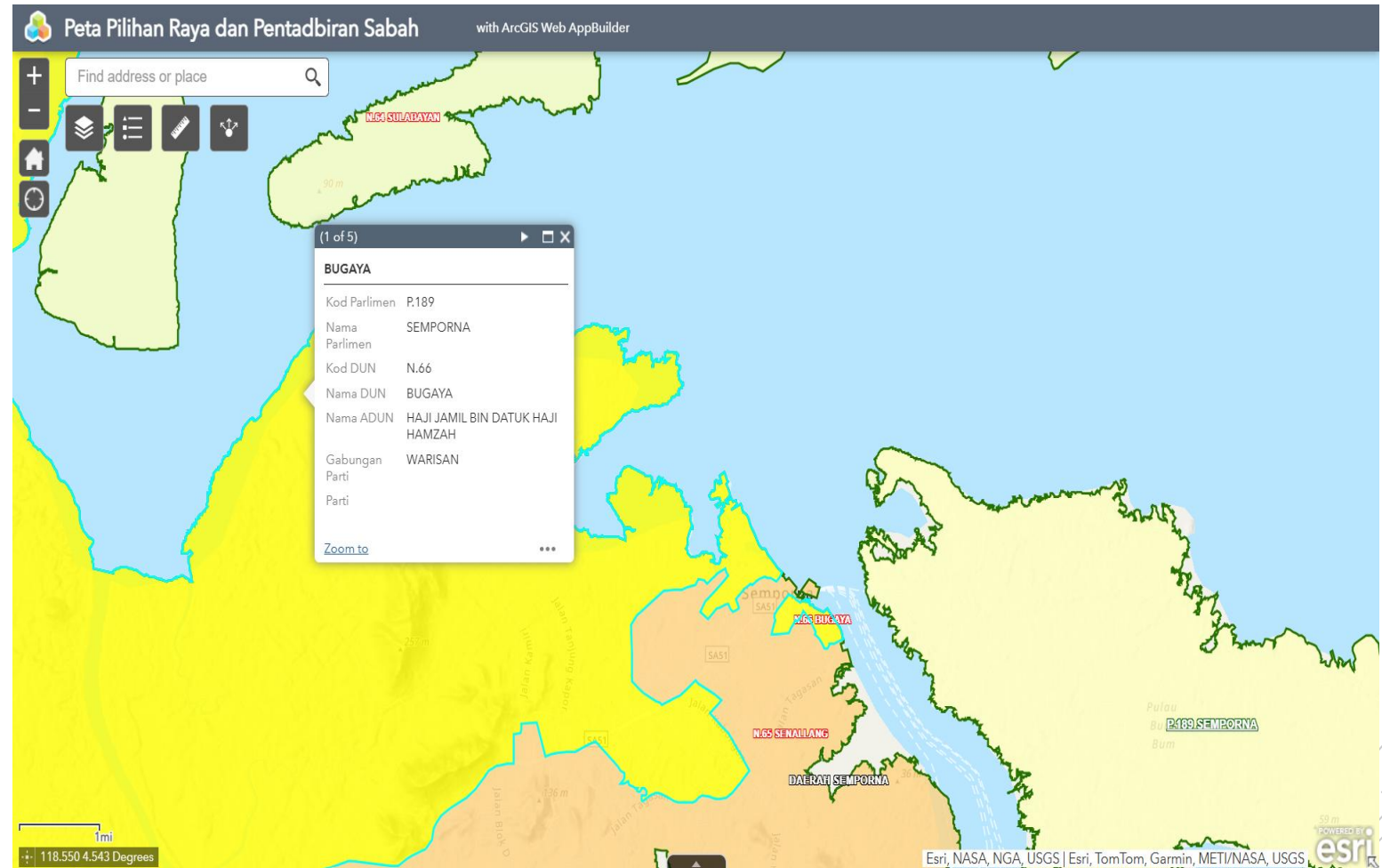


Sungai Kandis (After Redelineation)



Formation of gerrymandered constituency of Sungai Kandis

Reform 3



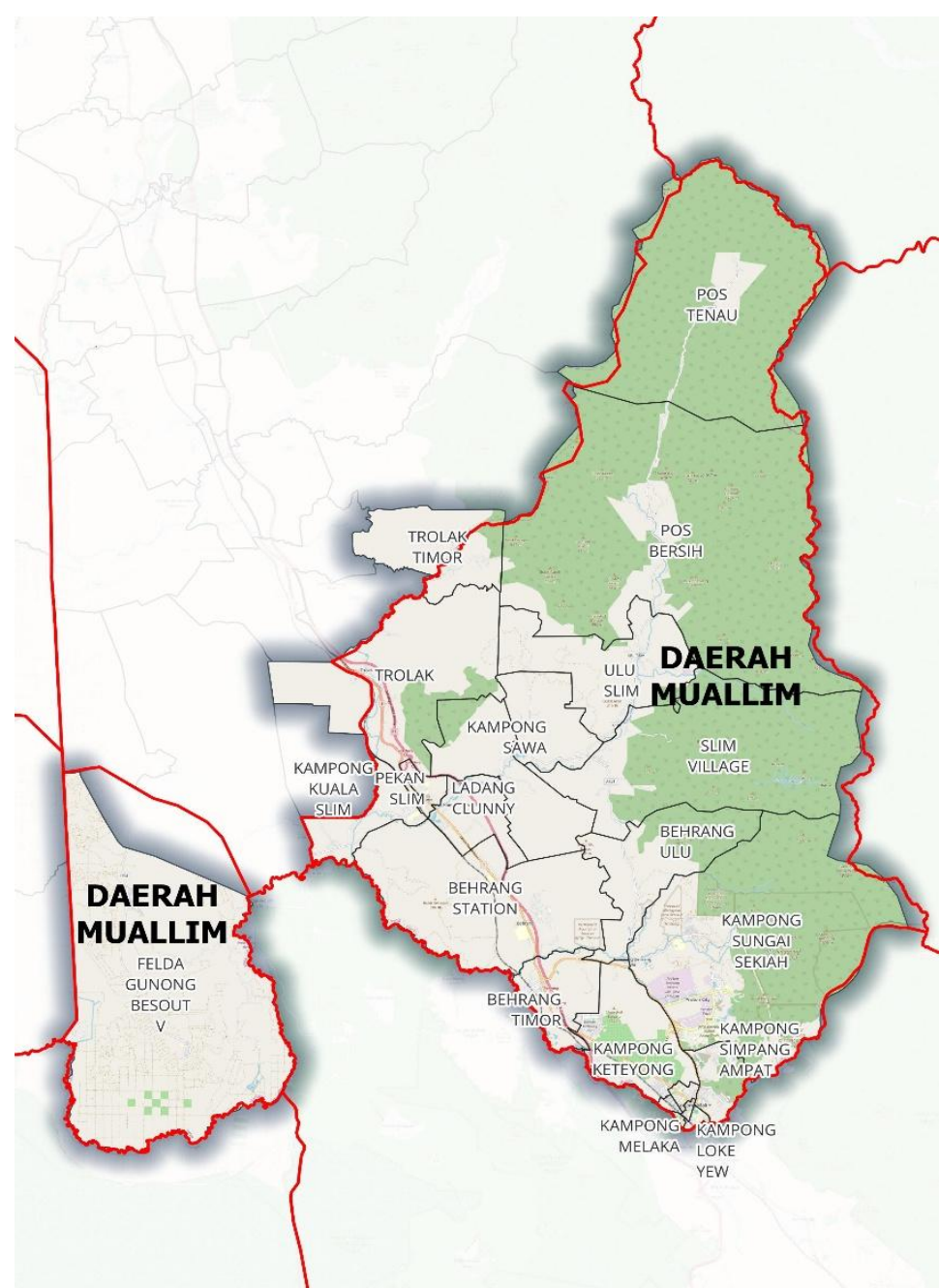
An Exclave for DUN Bugaya (Sabah)

Reform 3

■ Solutions

- Institute the concept of non-discrimination. Fragmentation of geographical minorities not allowed
- Codification of representative nature of constituencies (i.e. respecting local authority boundaries, highways)
- State constituencies, where possible, shall not go beyond one local authority or district
- Parliamentary constituencies, where possible, shall not go beyond two local authorities or district
- All parts of the constituency is accessible from a central place
- However, Constituencies should not follow the district or local authority boundaries that are not logical (Muallim, Padawan)

Reform 3



Formation of Proposed DUN Muallim, Perak (2016)

Reform 4

- Redelineation Reviews disables people from making effective representation
- Problems:
 - Insufficient information communicated in accessible manner
 - Short time frame of 30 days to download, analyse and organize a response to proposed redelineation
 - Lawyers denied from participating in redelineation local inquiries (unless said Lawyer is part of the objector group)

Reform 4

■ Solutions

- Proposed recommendations must transparently lay out the guidelines and methodologies that underpin formation of constituencies
- Extend the period to make representations from 30 days to 60 days
- Additional 14 days be given for public to comment on the lodged representations
- All relevant data, information and maps needed for affected voters to make informed representations or objections to EC's proposal, and these must be easily accessible and without cost
- Reasons must be given when an objection is rejected, and an objector is not invited for a local inquiry
- Lawyers should be included in the local inquiry

Conclusion

- Reforms in general:
 - Instituting the formation of Electoral Boundaries Commission/Delimitation Commission
 - EBC/DC to be made the final approving authority on the redelineated boundaries but also subject to judicial review if needed
 - New equalisation rules where EBC/DC is allowed to reduce interstate and intrastate malapportionment
 - Rules to avoid discrimination
 - Defined terms for representative nature of constituencies
 - New requirements to ensure transparency and effectiveness of public participation for the redelineation review