

Manifesto Rakyat Pillar 3: Towards a Just, Equitable & Democratic Society

3a: Electoral Reform

Preamble

For a democratic nation, we have an archaic electoral system. Electoral reform is fundamental to ensure a level playing field for all and to ensure that the people's voices are heard.

I: Anti-party-hopping Law/Mechanism

Following the Sheraton Move, the infamous party switching that brought down the first-term government of Pakatan Harapan in 2019, the people have grown increasingly concerned at the problems caused when such “party-hopping” by elected representatives happens in numbers that can effect a change in government. Since February 2020, we have seen the collapse of two federal governments, resulting in three prime ministers in three years, and the collapse of seven state governments, all brought about by party-hopping or the withdrawal of support for the incumbent prime minister or chief minister.

1. Work towards establishing an anti-hopping mechanism that will not require re-election.

Change the electoral system to allow the winning candidate's party to retain the seat should the elected representative leave the party, i.e. a Closed-List Proportional Representation (CLPR).

(drshamkk, Proposal 3A-1)

Under current laws and the First-Past-The-Post (FPTP) system, the elected representative's freedom of association as guaranteed under Article 10 (1)(c) of the Federal Constitution ensures their right to change party affiliations and bring

the seat they represent with them. For the party to retain the seat, a proportional electoral system would have to be in place, whereby seats are allotted according to the percentage of votes won by a party. In such a system, if an elected representative leaves the party, the next person on the party list will take over the seat, thus dispelling the need for a by-election.

2. Enact a law based on anti-hopping and recall election considerations.

Incorporate in the new law provisions on anti-hopping and recall elections to effectively deal with the problem of party-hopping. In tandem with this, Article 10 of the Federal Constitution, pertaining to freedom of association, should be amended to include a limitation clause for party-hoppers.

II: Representation

Concerning representation, the two major issues are gender and malapportionment of parliamentary constituencies. While a record number of women candidates were nominated in the fourteenth general election, merely 14.4% succeeded in becoming members of Parliament. Meanwhile, the recent elections was built on unfair electoral boundaries where it distorted the electoral results. The unfair electoral boundaries were built on malapportionment (unequal constituency electorate size) and gerrymandering (manipulation of electoral boundaries with partisan intent). Malapportionment has violated the principle One Person One Vote One Value.

Although the Thirteenth Schedule of the Federal Constitution, Section 2(c), states that "the number of electors within each constituency in a State ought to be approximately equal", the Election Commission (EC) has chosen to focus on the exception: "except that, having regard to the greater difficulty of reaching electors in the country districts and the other disadvantages facing rural constituencies, a measure of weightage for area ought to be given to such constituencies." As a result, rural constituencies are over-represented with far fewer voters than urban ones, which are under-represented. To make matters worse, in spite of the principle outlined in Section 2(d) which states, "regard

ought to be had to the inconveniences attendant on alterations of constituencies, and to the maintenance of local ties”, the EC has repeatedly ignored local authority boundaries where it suited them and divided up villages and housing estates to produce a certain preferred electoral outcome.

3. Incentivise the fielding of more women candidates in elections.

A seat-based direct funding for political parties can strengthen women’s representation in the legislature.

(Danesh Prakash Chacko, Tindak Malaysia, Proposal 3A-2)

BERSIH 2.0 has proposed an allocation of RM10 million annually for political parties, to be divided proportionally according to the number of female members of Parliament it has. This provides an incentive to political parties to not only nominate more women candidates, but also treat them as serious candidates by putting them in winnable seats.

4. Fairer delimitation of constituencies.

(Jusni Yusoff, IKRAM, Proposal 3A-3)

- i. Transfer the power vested in Parliament to apportion seats to a separate Boundary Commission.

(Danesh Prakash Chacko, Tindak Malaysia, Proposal 3A-4)

- ii. Free the EC from the influence of the Executive through reforms in the appointment process, staffing and budget.
- iii. Form a permanent Standing Committee on Election Matters in Parliament to ensure that the EC is answerable to the Legislature.

III: Governance & Accountability

Currently, there is no solid redress mechanism to hold political parties accountable for their wrongdoings. Weak governance, combined with a lack of transparency and accountability within the political system, has given rise to a political environment highly prone to corruption, in which official misconduct, victimisation of people, abuse of power and non-performance permeate every level of the government hierarchy.

5. Design an annual Key Performance Indicator (KPI) for elected representatives.

The public can measure the progress of campaign pledges and the credibility of their elected representatives by assessing their performance based on their election campaign pledges.

(Jhasinta, Proposal 3A-5)

IV: Separation of Politics & Business

Lack of transparency or openness in government tenders and political appointments in government-linked companies (GLCs) has encouraged the formation of different levels of patronage networks within the nexus of politics and business, further exacerbating governmental corruption.

6. Ban elected representatives from being involved in business.

Elected representatives should not be involved in businesses, since their governmental position grants them access to first-hand information that can be exploited for their own advantage. For example, in the area of public procurement, elected representatives may be among the first to know of government tender projects and use that knowledge to secure the projects for their own businesses, contradicting the principle of competitive tendering.

7. Institute open tender in the awarding of government projects.

Corruption that takes place within the upper tiers of government has resulted in much leakage and loss of funds that rightly belong to public coffers. A major incentive for party-hopping to the side of the government is access to lucrative government contracts; the process of awarding such contracts should therefore be transparent to disincentivise and prevent this form of corruption.

(John Ku, Proposal 3A-6)