

Electoral System Change for a More Democratic Malaysia? Challenges and Options

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CHAPTER 1 INTRODUCTION

On August 27th 2020, the Chairperson of the Electoral Reform Committee (ERC), Abdul Rashid Abdul Rahman, handed the ERC report to Prime Minister Muhyiddin Yassin, hence concluding a two-year mandate of the committee. The ERC was established by Prime Minister Mahathir under the Pakatan Harapan (PH) government to review all aspects of the election laws, process and electoral system 'so as to bring it on a par with advanced democratic practices at international level', to gather feedback and proposals from various stakeholders as well as to study the need to create an alternative electoral system (Kenyataan Media Tan Sri Ab. Rashid bin Ab. Rahman, Pengerusi Jawatankuasa Khas Pembaikan system dan Undang-undang Pilihan Raya, 27 August 2020; 'Govt officially sets up election Reform Committee', *New Straits Time*, 16 August 2018). The ERC Head announced that the report makes 49 recommendations on electoral reform, and if approved, 32 of them could be implemented within three years while the rest could take between five and 10 years ('ERC submits 49 election reform recommendations', *Bernama*, 27 August 2020). The recommendations cover a wide range of subjects, such as to improve the legal and regulatory framework within which the Election Commission (EC) is constituted and operates, and to strengthen the legal provisions and criteria regulating boundary delimitation, apportionment of voters, clean-up of electoral roll, postal voting, monitoring of election campaign and media coverage as well as voter education. Of particular relevance to the subject of this study are the recommendations that

1. the electoral system to elect the parliament be changed from the first-past-the-post (FPTP) system to closed-list proportional representation (CLPR) system;
2. 30% female quota be imposed on the list of candidates proposed by each political party.

Currently, the Malaysian electoral system consists of single-member constituencies whereby the candidate who obtains the most votes would be declared as the sole representative for each constituency, referred to as FPTP throughout this report. A CLPR system divides the country into multi-member constituencies each of which would elect more than one representative. Under the CLPR system, each contesting party would announce before the election the list of candidates they nominate for each of the multi-member constituencies, in the order of which they would be appointed based on the number of seats the party wins – hence the name 'closed-list'. When casting the vote, voters will choose the party or party-list of candidates they support, and the percentage of votes obtained by each party would determine the number of seats it wins.

The number of seats allocated to each multi-member constituency in a proportional representation (PR) system can vary widely. In Israel, the whole country is considered a single, multi-member electoral constituency and hence all the elected lawmakers represent the whole country and not a particular geographical location. In Indonesia, multi-member constituencies (with between three and ten legislators) are delineated

and hence the designated number of elected legislators represent a particular geographical constituency. In a CLPR system, a female quota can be imposed through a legislative provision which requires at least 30% women in the list of candidates put forward by a party. Even more effectively, parties could be required to place at least one woman after every two male candidates throughout the list to ensure that there will be a woman for every three successful representatives from each party.

Following the submission of the ERC report, the Perikatan Nasional (PN) government headed by Muhyiddin Yassin had set up a special committee led by senior minister Azmin Ali to review the recommendations. The then de facto Law Minister Takiyuddin Hassan had assured the parliament that upon completion of the review process, the government would make the report public ('Govt sets up new committee to review proposed electoral reforms', *Malaysiakini*, 14 December 2020). The same minister also affirmed in a written parliamentary reply on 28 July 2020 that the government was open to reviewing options to replace the FPTP electoral system ('MACC opened 1,296 investigations on politicians, civil servants since 2018', *Malaysiakini*, 29 July 2020).

As the ERC report has not yet been made public, it is difficult to gather more details of the changes proposed by the ERC. Nonetheless, the ERC Chair had granted numerous interviews to news outlets during the two-year period while the committee was operating, and hence some glimpses of the proposal may be gathered. The CLPR system as proposed by the ERC appears to maintain the number of parliamentary seats for each state as stipulated under Article 46 of the Federal Constitution and make each state into a multi-member electoral constituency. In an interview with *Malaysiakini* journalist, Abdul Rashid said that the PR system recommended by ERC

*is probably slightly different from what other countries do for the same system, but we have peculiarities. ... We have Parliament seats allocated to the states in our Constitution. In most other countries, they do not have state ... For this one, we need to respect the allocation given to every state in the Constitution. ('ERC moots jettisoning current election system for proportional representation', *Malaysiakini*, 30 December 2019).*

The 30% female quota for candidates is presumably a condition to be imposed as part of the CLPR system when political parties nominate their list of party candidates.

An eventual change in the electoral system would be a major game-changer for the Malaysian electoral politics. As will be discussed, an electoral system could shape the pattern of party competition, the composition of the legislature and the likely form of government to be constituted. This would exert profound impacts on the future political landscape and dynamics in Malaysia. Hence it is high time for an in-depth study on such a proposal. While the various proponents of electoral system changes may have their valid reasons in making their proposals, the rationale given was usually to address a particular issue. However, the impact of an electoral system is multidimensional, and possible unintended negative outcomes which could arise should be carefully assessed in a holistic way.

On top of that, the success of any electoral system requires the cooperation and buy-ins from among the voters, as ultimately, their acceptance and appreciation of the electoral outcomes would determine the legitimacy of the electoral institutions including the electoral system. How would voters regard possible changes in the electoral process and politics under a CLPR? What are the key features in the current electoral system viewed as important by them? For a very significant change such as the electoral system, it is important to weigh the options and their implications carefully.

The earliest works which had taken a sustained interest on the systemic effects of the FPTP electoral system in Malaysia was Sothi Rachagan (1980, 1984, 1987). Rachagan (1980) notes that except for 1969, the Alliance managed to win two-thirds majority of the parliamentary seats during all general elections between 1959 and 1978 even though they only acquired an absolute majority of the popular vote, thanks to the 'bonus seat' effects of FPTP. This had unfortunately enabled the Alliance government (and its successor, the Barisan Nasional or BN government) to amend the federal constitution which it otherwise would not have been able to do. Rachagan (1984) discusses the dilemma of the underrepresentation of ethnic minorities due to partisan delimitation and rural weightage as compared with the equally unenviable alternative of their polarisation by acting as a cohesive group under a proportional representation system.

The possibility of reforming the electoral system was subsequently explored by Lim (2002). He nonetheless acknowledged that a radical electoral system change from FPTP to some form of PR is the least politically feasible option as the FPTP system continued to 'command widespread electoral support and even legitimacy', and 'Malaysians are probably more appreciative, certainly more lectured, than most of the advantages of strong government' (p. 138).

The idea of reforming the electoral system also received some attention in a research project on electoral politics initiated by IKMAS in 2001, the findings of which were published as an edited volume *Elections and Democracy in Malaysia* edited by Mavis Puthuchery and Norani Othman in 2005. A section of the volume offers reflections on electoral system reform or makes reference to it (cf. Clive 2005, Horowitz 2005, Norani 2005, Rashila 2005). The chapter of Horowitz (2005), in particular, weighs the pros and cons of six goals that reformers may be looking for through electoral engineering in a holistic way, while pointing out that some of them may not be mutually compatible with each other. In addition, he also warns that behavioural patterns only evolve gradually even with a change in the configuration of electoral incentives, though such incremental change can be 'surpassingly important' (p. 386).

Wong (2011)'s PhD thesis posits that the current FPTP electoral system has led to the 'thriving of electoral one-party state in Malaysia'. Following the 13th general elections, the impact of the electoral system on the Malaysian electoral politics has received

increased attention by scholars (cf. eg Saravanamuttu 2015, Lee 2015, Saravanamuttu *et al.* 2015). The incremental momentum built up by the civil society in Malaysia has ensured that electoral system reform remains on the reform agenda even as the hegemony of 'one-party state' (Wong 2010) was shattered during the 14th general elections (GE14) in 2018.

Given the diverse trajectories of national development, historical context, demographic and ethnic composition and political culture of nation-states worldwide, there does not really exist a 'best', one-model-fits-all electoral system. Each system exhibits different inclinations in promoting certain electoral outcomes, and some electoral systems may be more suited to a specific political societal context than others, even to a particular historical juncture of an electoral trajectory. Hence in appraising which electoral system is more suitable for Malaysia, it is necessary to think of the strength and weaknesses of the two electoral systems in terms of trade-offs.

This study examines the possible implications of the proposed change in electoral system in Malaysia to CLPR and explores possible positive and negative impacts of several options currently on the table. It also analyses and evaluates the various reasonings put forward by the proponents and opponents of an electoral system change. Besides, salient findings from the focus group discussions which informed a nationwide survey will provide preliminary perspectives of the Malaysian public on the proposed electoral system change¹. Common scenarios generated by CLPR and FPTP electoral systems and electoral processes have been integrated into the questionnaire so as to elicit respondents' perspective on these features. Relevant survey findings will be reported when discussing each of the four issues put forward by proponents as the bases for an electoral system change in Chapter 3: malapportionment and gerrymandering, women's political representation, party hopping and political stability, and lastly, small party representation. More than 50 in-depth interviews had also been conducted with political party leaders, civil society leaders and former officials to gather their opinions. It is hoped that this study will contribute to informing public debates and deliberation on this subject so as to explore the best options forward for Malaysia.

¹ See Appendix 1 for a brief background information on the survey and respondent profile. For further information, cf. Ting & Kam (under review).

CHAPTER 2 SETTING THE CONTEXT

Origins of the Proposed Reform of the Electoral System

The proposed electoral system change by the ERC is a culmination of years of advocacy work by a growing electoral reform movement in Malaysia, in particular the Coalition for Clean and Fair Elections (Bersih)². Electoral system reform was stated as one among eight items of the long-term reform agenda Bersih has put forward when it was first launched on 23rd November 2006 in the Parliament House. The very first joint communique of the coalition criticised the ‘incredibly high disproportionality’ in the translation of popular vote into seats in the 2004 general election and the malpractices of gerrymandering and malapportionment in the Malaysian FPTP electoral system. As part of a long-term reform agenda, it suggested to

introduce party list representation in the electoral system which requires the parties to nominate sufficient candidates from discriminated groups and, as a temporary measure, a minimum 30% of women in their nominations for every legislative body (Bersih, ‘Joint Communique’ on 23 November 2006).

The issue of electoral system was not prominent in the press statements issued by Bersih during the first ten years of their public presence as their focus was on the more immediate concerns of electoral reform. The issue was nonetheless kept in sight when a special bipartisan Parliamentary Select Committee (PSC) on Electoral Reform was formed on 3 October 2011: studying alternative electoral systems for Malaysia was included as one of the five areas of deliberation. The final report of the PSC recommended that the EC ‘examines this proposal (to improve either FPTP system, or to study any other electoral system such as the mixed system or the proportional system) because it involves policy which needs to be considered by the Government’ (Parliament of Malaysia 2012a: 71). It also required that the EC reports back to a Special Parliamentary Select Committee to be set up to monitor all follow-up works from the report³. Bersih was not entirely happy with the outcomes of the PSC in particular the proposed mechanism and timeline to implement some of the recommendations which they felt could be attended to immediately. Nonetheless, their response related to the electoral system reform was simply stating that they agreed ‘that studies should be carried out on alternative electoral systems’ (‘Response from

² Bersih (signifies ‘clean’ in the Malay language) was established following the formation of a joint action committee for electoral reform in 2005 consisting of leaders from non-governmental organisations and the opposition political parties. It was renamed as Bersih 2.0 in 2010 when political parties were excluded from the coalition (Khoo 2020).

³ The official website of the parliament made available the final PSC recommendations in two languages: a full report in the Malay language and an English-language document which contains only the final recommendations. They appear to differ on the conclusions reached on the subject of electoral system reform. The English language version states that the Election Commission (EC) ‘should study how to improve the current simple majority or first-past-the-post system as this proposal involves policy which needs to be considered by the Government’ (Parliament of Malaysia 2012b: 14).

Bersih 2.0 to the recommendations of the Parliamentary Select Committee on Electoral Reform on 3 April 2012’).

2015 to 2018 was marked by intensified public scrutiny of the constituency boundary review proposals made public by the EC and the subsequent mobilisation and objections filed against perceived irregularities, particularly blatant malapportionment and gerrymandering. The process first began with Sarawak throughout 2015, whose new constituency redelineation plan was subsequently gazetted in December 2015, just in time for the 2016 state election. The review process for the new electoral maps of West Malaysia and Sabah was then launched in 2016. After bulldozing through strenuous efforts of the civil society actors and opposition party leaders in contesting the irregularities identified⁴, the government tabled the new electoral maps and got them approved in the parliament at the end of March, just in time for GE14 on 9 May, 2018.

The unsuccessful efforts in challenging the newly drawn electoral boundaries had strengthened the resolve of Bersih 2.0 in pushing for a change of the electoral system to address the malapportionment and gerrymandering. In December 2017, Bersih issued a press statement calling for Malaysians to ‘seriously study the desirability and feasibility of a switch from FPTP to MMP after GE14’ which would make ‘gerrymandering and malapportionment simply pointless’, hence ensuring a proportionate translation of votes into seats (‘Bersih Media Statement: Malaysia’s Electoral System Must Now Change’, 7 December 2017). MMP stands for ‘mixed-member proportional’ electoral system which elects part of the legislators using FPTP and the remainder using a PR system⁵. The suggestion to switch to an electoral system which produce more proportionate electoral outcomes was repeated in subsequent press statements released by Bersih 2.0.

In the same statement, Bersih also suggested ways to improve women’s representation in the legislatures. It urged the non-BN state governments to introduce ‘Non-Constituency Seats’ (NCS) exclusively for women for their state assemblies which would be ‘allocated to all parties based on their vote shares’ as an interim measure. According to Bersih, this would render the electoral system at the state level ‘more inclusive and stable’, resembling the mixed member majoritarian (MMM)⁶ electoral system or a ‘diluted variant’ of MMP. It was explained that the idea of adding NCS was proposed at a recent National Conference on Gender and Electoral Reform organised by Institut Wanita Berdaya, a state-funded women empowerment agency in Selangor, as a means to introduce gender quota for a greater female representation in the state assembly (‘Bersih: Malaysia’s Electoral System Must Now Change’, 7

⁴ For analyses of the partisan nature of the redistricting exercise, see Welsh (2018), Ostwald (2019) and Chacko (2019). Chapter 3 provides a historical perspective of the problems related to electoral boundary delineation and gerrymandering and discusses scholarly findings on the 2018 boundary delimitation exercise.

⁵ See Chapter 3 for a more in-depth discussion on MMP.

⁶ See Chapter 3 for a more in-depth discussion on MMM.

December 2017 media statement). Actually, the idea emerged earlier, from a similar National Conference organised in August 2016 in Penang. More details of the idea and design of NCS will be discussed in Chapter 3 under the section which discusses the issue of women's representation in relation to electoral system. Suffice here to mention that the proposal originated from women non-governmental organisations who have been unhappy with the overly male dominance of the legislatures, whereby female lawmakers stood at a dismal 10.4% in the parliament and 11.5% in state assemblies at that time (PWDC 2016).

The issue of electoral system reform also cropped up in discussions related to anti-party hopping. The unexpected collapse of the PH government in February 2020 due to the defection of some of its Members of Parliament (MPs) have prompted the formation of a bipartisan parliamentary caucus led by Mohamed Nazri Abdul Aziz, an MP from the United Malays National Organisation (UMNO), to explore ways to reform the electoral system to curb party-hopping. UMNO was the victim of numerous party-hopping acts of its lawmakers to Parti Pribumi Bersatu Malaysia (Bersatu) during the time under the PH federal government. Nazri's intervention in the parliament noted that there was unhappiness among Malaysians that the PN government was not the government they had elected during the last general election; in his word, not the 'government by the people'. Citing the court judgment *Nordin bin Salleh & Anor v Dewan Undangan Negeri Kelantan & Ors* in 1991, he ruled out anti-hopping law which the presiding judge argued as against the constitutional rights of the lawmakers to freedom of association. As a way around it, Nazri proposed to amend the law so that only party logo would be used to contest in the general election and representatives would then be assigned to the seats the party wins. He reasoned that in this case, if the person resigned, he could not bring the seat with him as it belonged to the party. He foresaw that such a measure would not only maintain political stability but also curb corruption whereby lawmakers cannot 'sell themselves' to party leaders desperate to cobble together a majority (Parliament of Malaysia 22/7/2020) – an indirect shot at Bersatu, UMNO's rival party which was dominating the PN government even though UMNO MPs were also included in the PN cabinet.

Another argument to introduce a PR component to the electoral system is that it would provide space for small, non-communal parties to grow (Wong 2018: 47). The complaint is that FPTP system is unfair to weaker parties and disproportionately penalises them, a well-known effect of the FPTP system. The candidates of a small party may lose in several constituencies and yet garnered a sizeable number of votes when aggregated together. They may have a sizeable base of supporters who may be geographically dispersed and hence posing an obstacle for them to win any seats at all. As will be discussed in the relevant section in Chapter 3, the political constraints posed by the FPTP system on the electoral fate of Parti Sosialis Malaysia (PSM), an ideologically progressive party with very committed and principled leaders but a small support base, illustrates well such dilemma.

Hence it may be summarised here that the main arguments offered by proponents in support for a switch to either the PR or the MMP system are:

- to ensure proportional translation of votes into seats, hence curbing the longstanding problems of partisan gerrymandering and malapportionment;
- as a means to impose a quota for female representation;
- to stop party-hopping to ensure political stability; and
- to provide room for the representation of small parties.

Chapter 3 will deliberate on these arguments to assess whether they are well-grounded. The change in electoral system was proposed as a solution to fix a specific problem; but beyond the issues concerned, introducing a new electoral system would have multiple political implications which have often not been considered holistically. For instance, is a change to the PR system a good solution to fix the party-hopping problem to encourage political stability? Contrary to the pre-electoral coalition building encouraged by the FPTP system (Horowitz 2014, Ting 2020), the PR and MMP electoral systems usually bring about electoral outcomes which require post-electoral coalition building, a feature which may have implications in terms of political stability in Malaysia (Horowitz 2005).

Comparing First-Past-The-Post and Proportional Representation Systems

Despite more than a century of study on electoral systems, experts are not unanimous in their preferred electoral systems, neither the bases of their preference (Bowler *et al.* 2005). While dissent among academics is commonplace and not only about electoral systems, some of the disagreements over electoral systems may arise from fundamental differences in normative positions which need to be unpacked, but also from the challenges and complexity involved in devising robust comparative framework to analyse empirical effects of electoral systems.

This ambivalence is well demonstrated by the findings of an international survey in search for a consensus on the ‘best’ electoral system among 170 political scientists (Bowler *et al.* 2005). It found that the proportionality of outcome was indicated as the most desirable attribute of electoral systems. Yet the pure CLPR system did not seem to be well liked, trailing behind MMP, single transferable vote, open-list PR and alternative vote systems in its ranking, and also received very low number of first-preference rating. Personal role of a representative was ranked quite low by these academic respondents as a desired property, which explains why FPTP⁷ – an electoral system which, as opposed to the CLPR, allows the voters to express their choice on preferred candidate but not good at ensuring vote-seat proportionality – was ranked

⁷ In Bowler *et al.* (2005), the term ‘single member plurality’ is used instead of FPTP, which is a more concise term in describing the characteristics of what we refer to in this report as the FPTP system. FPTP principle can be used in either a single-member or multi-member constituency. Unless otherwise stated, the term FPTP is used here to describe the electoral system in Malaysia as it is the most commonly used expression.

low too: right after CLPR. Yet FPTP received the third most counts of the first-preference rating, indicating polarised views on it among respondents. Even for MMP, the most popular system among the respondents, only about 30% put it as their first preferences (Bowler *et al* 2005), and its popularity seemed to derive more from the fact that it is situated somehow in the middle of a continuum – with FPTP and CLPR on the two extremes of the continuum – hence less disliked by both the FPTP and proportionality enthusiasts.

Basic Features of Electoral Systems

Different electoral systems set distinct rules to decide how popular votes are translated into seats, and there could also be indefinite technical variations within the same family of electoral systems which could bring about very notable differences in effects. Among others, variation can come about by adjusting any of the four basic features of an electoral system, namely,

- district magnitude (number of seats per district);
- ballot structure (how voters can express their choices), and
- electoral formula (how votes are counted to allocate seats);
- electoral threshold (minimum votes needed by a candidate/party to secure representation).

The FPTP or single-seat plurality system as practised in Malaysia has a district magnitude of one seat per district. Presuming that the system proposed by the ERC is one in which each state and territory maintain their current number of seats as a multi-member constituency, it would mean, for instance, that the whole of Selangor would be a 22-member constituency whereas Sarawak would be a 31-member constituency. If the whole of West Malaysia is designated as a single unit of multi-member constituency, then all the 165 MPs elected by West Malaysian voters under CLPR would be regarded as representing the whole West Malaysia.

In terms of expressing choices, the ballot papers used in FPTP require that voters express their choice by marking a cross next to the logo of the preferred candidate. Under the CLPR, voters would express their support for one among the parties who have made known their respective list of candidates they have offered. The voters may either accept wholesale the party-list of candidates, or vote for an alternative party if s/he objects strongly to any of the candidates in the party-list.

Under the FPTP system, a candidate is elected if s/he gets the most votes among all the candidates standing in the same constituency. The electoral formula to allocate winners among the competitor parties under the CLPR is based on the percentage of votes each party has received in each multi-member constituency. In the hypothetical CLPR system for Malaysia, a party which gets 50% of the total votes in Selangor would be allocated 11 seats, having the first 11 candidates in its list to be elected. There are different formulae to determine how to allocate seats based on popular vote under PR

systems, with some delivering more proportional outcomes than others, which will not be discussed here⁸.

No electoral threshold is imposed in FPTP, though in a one-on-one contest, the winning candidate needs to acquire more than 50% of the valid vote cast. In multi-corner contests, a candidate can win with much less percentage of popular support, depending on the number of candidates competing for the same seat and the distribution of votes among them. In the case of CLPR, a party could theoretically get one seat if it obtains 4.55% of the total votes cast in Selangor without the requirement of a minimum threshold; whereas if the threshold is fixed higher, eg at 5%, then those parties obtaining less than 5% would not get any seat. Hence electoral threshold is critical in determining whether a party with a smaller support base could get any representation. The CLPR system in Turkey imposes one of the highest electoral thresholds for parties to get seats, i.e. a nationwide threshold of 10%.

The FPTP electoral system implemented in Malaysia and many other commonwealth countries is usually appreciated for its simplicity and straight forward manner in determining the winner based on a plurality of vote. A frequent criticism of FPTP is that in a multi-cornered contest, the winner of the FPTP is not required to win an absolute majority (more than half) of the popular vote, and hence may not represent the choice of an absolute majority of the constituency.

To address this defect, some countries require a second round of runoff election between the top two candidates of a multi-cornered contest in which none wins an absolute majority. This is commonly done in presidential elections to bolster the winner's political legitimacy and also in legislative elections in many French-speaking countries. But it is logistically more costly, and could also lead to voter fatigue in going to the poll for a second time.

A second solution is the alternative vote system⁹ as done in the election of the house of representatives in Australia, whereby voters can rank their preferences among the candidates so that should their most preferred candidate does not make it to the top, their vote can be counted to support their second preferred candidate and so forth, until one of the candidates obtains an absolute majority of the popular vote. It was apparently one of the suggested electoral systems for Malaya in 1954 but rejected for fear that the complications involved in vote counting might confuse the voters (Lim 2002).

A key feature of the proportional representation (PR) family of electoral systems is to allocate seats based on the proportion of valid votes obtained by each party which attains the minimum stipulated threshold in a multi-member electoral constituency. A main variant of CLPR is open-list PR systems which address the complaints that under CLPR, voters are not able to express their preference for a particular candidate in the

⁸ For an example of a discussion on the complexity and impact of electoral formula used to allocate seats to party lists in list PR systems on the vote-seat proportionality, cf. Lijphart (1990).

⁹ It is also called 'instant runoff voting' system.

party-list. Open-list PR system is practised in Indonesia but it engenders very different electoral dynamics from CLPR. As there could be many variations of technical details within the system even with the same name¹⁰, this report will only focus on comparing FPTP and CLPR since the latter is what the ERC has proposed.

Majoritarian/Adversarial versus Proportional/Consensual Electoral Systems

The FPTP, runoff elections and alternative vote systems belong to a family of electoral systems commonly known as majoritarian electoral systems (even though the FPTP may allow a candidate who obtains less than an absolute majority of the votes to win the contest). Its design is not to ensure proportional representation of voters' choices but to decide on a clear winner for each electoral district. Rather than using the term 'majoritarian', Norris (2006) prefers to refer to this family of electoral systems as 'adversarial', noting that its advocates emphasise that a democratic political system should maximise government accountability, facilitate governability and encourage responsiveness by engendering decisive electoral outcomes, as well as an effective parliamentary opposition to scrutinise government policies and actions, acting as its check and balance.

The CLPR system proposed by the ERC belongs to a different family of electoral systems using a proportional formula. While the majoritarian electoral systems emphasise decisive popular control by the party in government, the logic of electoral systems using proportional formulae is the inclusion of all voices which usually requires post-electoral inter-party bargaining and negotiation in the process of forming government and policy making. PR family of electoral systems is based on a different set of normative principles of how representative democracy should be and what functions the electoral system should perform, that Norris (2006) calls 'consensual'. It emphasises negotiation, compromise and power-sharing, which often renders the scenario of party alignment fluid and uncertain as some of the opposition parties could be invited to join the ruling coalition in order to attain a parliamentary majority. Where this is not possible, opposition MPs may also reach some form of agreement with the minority ruling party/coalition so as not to vote against the annual budget tabled by the latter or to vote them out in the form of vote of no confidence. The former may in some cases also be consulted in some form of 'consensual' decision making process¹¹. This may produce a situation whereby the line of democratic accountability is blurred, contrary to the majoritarian or adversarial system whereby government responsibility on policies is clear cut. But a majoritarian system could also lead to what its critiques called 'elective dictatorship' whereby the government could push through unpopular

¹⁰ Alan Wall, on a webinar organised by the International Institute for Democracy and Electoral Assistance in 2020, stated that there are more than 17 significantly different ways of implementing open-list PR system.

¹¹ While the word 'consensual' may convey a 'kinder and gentler' connotation of the politics under PR systems, it is misleading at best. The empirical reality of bargaining and horse-trading political dynamics under PR systems could be equally ruthless and adversarial.

policies despite widespread opposition without effective check and balance by the opposition.

Mixed-member Electoral Systems

As mentioned in the introductory section, civil society leaders in Malaysia have also suggested from time to time to implement a 'mixed system' of FPTP and CLPR instead of a pure CLPR system. A mixed system refers to a system in which part of the parliament would be elected using the current FPTP method (nominal list) while the remaining seats would be allocated based on the popular votes obtained by each party (party list). The mixed-member systems came about in an attempt of electoral reformers to combine 'the best of both worlds – the direct accountability of members to the districts in which they are elected, and the proportional representation of diverse partisan preferences' (Shugart & Watterberg 2005a: xxi). Once regarded as a rare form of electoral system pioneered by Germany, 1990s had seen a number of countries adopting it.

But the term 'mixed-member system' conceals a wide variation of technical rules among the countries implementing it even though it generally contains both the majoritarian and proportional components and the voters are given two votes, one to choose a constituency-specific candidate and another a party. Shugart and Wattenberg (2005b) provide a framework of two typologies of 'mixed system': mixed-member proportional (MMP) system and mixed-member majoritarian (MMM) system. The main distinction they made between the two is whether the majoritarian and proportional components of the electoral system are linked or whether one component is more dominant than the other in terms of their effects on the seat-vote proportionality.

In an MMP system, the size of popular vote obtained by each party, usually from the proportional party-list component, is used to determine the overall proportion of seats allocated to each party, a measure meant to 'compensate' the seat-vote disproportionality arising from the majoritarian component of the system (Shugart & Wattenberg 2005b). Hence in a 100-member legislature, if a party obtains 15% of popular votes for the party-list, it would be allocated as many additional seats on top of those it has won in the majoritarian component to make up 15 seats in the parliament. If it has already won 15 or more seats in the nominal list, no seat will be added though none would be subtracted as well. In other words, the total seats obtained by a party based on both the majoritarian formula and proportional formula are linked in such a way to ensure seat-vote proportionality based on the party's vote in party-list. In some systems, the calculation of popular votes obtained by the party may also be linked in different ways to the votes obtained by the party in the majoritarian component.

However, in reality, no electoral system, even PR or MMP system, could ensure perfect vote-seat proportionality but it is more in relative terms (Rae 1971). The extent to which this proportionality is ensured in an MMP depends on the technical rules adopted in

the system such as the relative size of seats allocated respectively for the nominal and party lists, and whether the number of seats allocated to the party list is fixed (Bochsler 2007). What happened at times is that major parties which expect to win big in the nominal list (hence not expected to be compensated with additional seats in party list) may resort to strategic vote splitting tactics by asking their supporters to give their votes to their smaller ally parties for the party list, hence maximising seat gain for itself and its ally parties in such a way that the final outcomes in terms of the relationship between popular vote obtained from the party-list component and the proportion of seats for each party could be very disproportionate indeed (Bochsler 2007).

The MMM system, on the other hand, does not use the size of popular vote obtained by each party to adjust the overall number of seats allocated to the parties. The PR vote is merely used to allocate the designated PR seats proportionately to each party, regardless of the number of seats obtained by the party from the nominal component – hence it is also called a ‘parallel’ system as both tracks do not affect each other.

Hence MMM system does not bring about a more proportional seat allocation in correspondence with the popular vote obtained by the parties, unless the PR component contributes a much higher proportion of seats in relation to the majoritarian component. In Timor Leste, for instance, 85% of the seats are filled based on CLPR in its MMM system. Even though the size of popular vote obtained by each party merely determines the PR seats without taking into account of the distribution of the 15% of FPTP seats, it would mechanically offset much of disproportionality of its majoritarian component to deliver a higher vote-seat proportionality. In contrast, Reilly (2007) notes that many of the East Asian countries have adopted highly disproportionate forms of MMM with a low proportion of national PR list in comparison with seats elected by plurality rules, emphasising efficiency over proportionality. To sum up, an MMP system may be regarded as a special PR system which is designed to integrate the personalised geographical component of the majoritarian system, while MMM is a modified majoritarian electoral system to accommodate some minority representation. MMP emphasises proportionality while MMM prioritises the ease in forming a majority.

In Search for the ‘Best’ Electoral System

Based on the survey of Reynolds *et al.* (2008), 46% of the 199 states and territories in the world which conducted elections regularly adopted electoral systems within the majoritarian family, with the FPTP taking up slightly more than half of them (24%). 36% use list PR systems based on proportional formulae, and 15% use mixed systems. PR systems have gained much popularity towards the end of the 20th century, having been adopted by many newly formed Eastern European countries after the fall of the Berlin Wall. PR systems have been favoured by activist academics and experts sponsored by the United Nations who advised and assisted in the rebuilding efforts of many post-conflict countries over the past few decades (Reilly 2012).

In the meantime, end of the 20th century also began to see a number of other countries switching to some forms of mixed-member systems, a trend which seems to continue beyond the turn of the century. This has led Shugart and Wattenberg (2005a) to wonder whether ‘what once was an unusual variant now holds out the promise of being *the* electoral reform of the 21st century’ (p. xxi). It is worth pondering briefly over the bases for this gravitation towards mixed-systems, particularly for our purposes, those whose pre-existing electoral systems were either FPTP or CLPR. In his brief analysis of five country cases which decided to switch to a mixed system, Shugart (2005) summarises the factors that he saw as ‘inherent’ to the electoral systems (or what Rae (1971) called ‘proximal’ effects of electoral laws) which had motivated the electoral system reform. Among them, Italy, Israel, and Venezuela – which had implemented CLPR previously – decided to switch to different shapes of mixed systems which integrate more majoritarian components. A common trait which runs through the description of the ‘perceived pathologies’ of the three countries can be summarised as *paralysis*:

Alternation in government is not feasible because the party system is not arrayed along a single dimension in such a way as to promote the centripetal competition that would allow parties to present competing government options. Instead of being responsive to voter choice at election time, government formation represents complex multidimensional bargaining among numerous sectoral parties. (Shugart 2005: 46)

A major criticism of the PR system is that it does not provide the voters with clear choices from possible competing government options. A majoritarian system (and in our case, the FPTP) encourages parties to align themselves in a pre-electoral coalition to ensure one-on-one contests to maximise their chances of success, hence providing clear alternatives for the voters. Due to the ease for small parties to obtain seats under the PR system, it usually leads to them competing separately during the election, after which they can negotiate for coalition formation based on the strength of their popular support. Hence PR usually requires post-electoral negotiation among party leaders to form a coalition government over which the voters have no say. To add salt to the wound, a party may be returned to the government for not doing well in the election, as remarked by Pinto-Duschinsky (1999):

Apart from the sometimes dubious nature of the deals behind coalitions, the bargaining process can have paradoxical results. Sometimes a party which does unexpectedly well in the election presents a threat to other parties and, for this reason, is ousted from a coalition. On the other hand, a party which has failed with the electors may for that very reason become a more attractive, malleable coalition partner¹².

¹² Pinto-Duschinsky (1999) gives the example of the Dutch Labour Party which gained ten seats in 1977 but became the opposition, yet could return to government in 1981 after losing nine seats. In Norway, the Conservatives lost over a quarter of their electoral support in 1989 and yet was rewarded the position of premiership in its return to the government.

Post-electoral coalition negotiation may also give rise to coalitions with strange line-ups of parties which are normally perceived as ideologically incongruent or incompatible¹³, or a small party being able to punch above its weight and stay in government perpetually through shifting alliances¹⁴.

In some cases, countries under the PR system had to make do with minority government as no majority could be constituted. Some countries under the PR system experienced long periods of time without a democratically constituted government or frequent changes of government. An extreme case is Belgium, which broke the world record in taking 541 days to form the federal government after the federal election held in June 2010, and the country was effectively without a democratically elected government for 589 days. After another inconclusive federal election in May 2019, it took 493 days for a new government to be formed (AFP, 'After 493 days, Belgium finally gets a PM', *Free Malaysia Today*, 30 September 2020).

In Venezuela, CLPR strengthened the oligarchic grip of a small group of insular top party leadership over the party and provided no incentive for legislators to respond to voters' demands such that Venezuelans called it 'particracy' (*partidocracia*) (Crisp & Rey 2005).

On the other hand, New Zealand which is the only country case study of Shugart (2005) changing from FPTP to MMP did so due to widespread unhappiness over the disproportionate under-representation of emerging minor parties, and the perceived 'arrogance and unresponsiveness' of the executive dubbed as 'elective dictatorship' supported by a parliamentary majority which enjoyed less than 50% of popular vote (Denemark 2005). In the 1992 referendum, 84.7% voted for a change of electoral system and 70.5% chose the MMP system. Another referendum was held in 2011 to allow New Zealanders decide whether to maintain the MMP system. It is interesting that the proportion of voters in support of keeping MMP has come down to 57.8% - admittedly still a respectable majority – while 46.7% voted in support of changing the electoral system back to FPTP (McGuinness 2021).

Evidently, what Shugart (2005) summarised as the 'inherent factors' of each type of electoral system may manifest themselves in less extreme forms, or be judged as more 'tolerable' in some countries than others which may develop ways to work around them.

¹³ Lardeyret (1991) gives the example in Greece whereby right-wing groups preferred to form an alliance with the communists (extreme left) in order to keep the socialists out of the government.

¹⁴ A frequently cited example is the small Free Democratic Party in Germany which was able to participate in most of the governments formed during the second half of the 20th century as a junior but powerful coalition partner which determined the balance of power. It held the necessary 'swing' seats to decide which main parties would be in government through its shifting alliances with them. The New Zealand First Party also played a similar role under the MMP system in New Zealand until it was voted out in the 2020 general election. During 1945-1992 in Italy under the open-list PR system, the Christian Democratic (CD) Party remained part of every government and monopolised the prime ministership. Nonetheless in the Italian case, CD which was centrist in its ideological orientation was not a small party but always won a plurality of the vote. Under pressure from public wrath over persistent corruption and non-competitiveness of the party system under PR, Italy switched to a comparatively more majoritarian MMP during 1994-2005 though fragmentation and instability persisted (Giannetti & Grofman 2011).

It also depends on the stage of political trajectory of a country, for instance, whether the opposition forces are competitive against the ruling party. There is nevertheless some basic consensus on the general impact of the two families of electoral systems, for instance, that the PR systems usually produce fragmented representation that requires post-electoral negotiation to form a majority to govern while the majoritarian systems are more likely to deliver a majority. Generally, the more proportional the system gets, the more fragmented would the outcome be. The PN government formed in the aftermath of the collapse of the PH government has given the Malaysians a taste of what a political scenario of fragmented multi-party system could be like in the Malaysian context. Are Malaysians ready to exchange decisiveness and political stability for proportionality? We will find out from the survey findings to be discussed in Chapter 4.

Inherent Dimensions of FPTP and CLPR

Table 1 below compares some of the attributes between FPTP and CLPR systems. It should be noted that they are what Shugart (2005) called the ‘inherent’ dimensions of the electoral systems which describe the well-known *tendencies*, while how the systems actually play out in a historical context and in different countries may vary, as it not only depends on the specificities of each society but also on ‘contingent’ human, political and circumstantial factors.

Table 1: Comparison of the Main Attributes of First-past-the-post and Closed-list Proportional Representation System

Attribute	First-past-the-post	Closed-list Proportional Representation
Party System	Favours bi-party system or formation of 2 competing blocs of parties	Encourages multi-partyism; may give rise to a proliferation of parties which can lead to excessive fragmentation of party system
Formation of majority	Single-party or pre-electoral coalition government	Coalition government based on post-electoral negotiation
Accountability	Voters usually have a clear choice between the incumbent and the opposition; easier and clearer alternation in government; individual legislators are held accountable to respective constituents	Voters have no say over government formation which is determined by party leaders in post-electoral negotiations; minor parties could be part of successive governments by joining strategically a coalition of convenience, or even determining the major partner party in government
Inter-party relations	Dominance of two major parties; often disadvantages small parties from being elected on its own unless they are geographically concentrated; incentivise like-minded parties to form coalition to ensure one-on-one contests	Easy for small parties to be elected; strategic minor parties can have disproportionate veto power over larger parties in coalition
Vote-Seat Proportionality	The strongest party often gets a ‘seat bonus’, ie a higher proportion of seats than popular vote partly because candidates could win based on a simple	Generally more proportional allocation of seats based on popular vote share though it depends on the electoral formula used to allocate seats; the bigger the multi-member district, the more

	majority/plurality; this problem could be exacerbated by malapportionment and gerrymandering of constituencies	proportional and fragmented is the outcome; however, a high number of contending parties in combination with a high electoral threshold could produce a high proportion of wasted votes which would affect the proportionality of the final electoral outcomes (due to votes in support of small parties or candidates not reaching the minimum threshold being discarded)
Governance	Usually more decisive and efficient in policy formulation due to a greater internal cohesion of ruling party/coalition; with a strong majority, government may push through unpopular policies and be perceived as unresponsive to popular sentiment	Emphasise compromise, negotiation, power-sharing and consensual approach in decision-making. It could at times be difficult to make quick and coherent policy decisions due to incompatibility of orientation in a coalition of convenience
Constituent ties	Individualised geographical representation; voters can have a say in electing their representative and it is more straightforward in demanding accountability	Weak links between elected legislators and voters as they are beholden to their party leaders to be elected, not the voters
Women's representation	Dependent heavily on party commitment. Usually unfavourable to a higher female representation as parties tend to field more male candidates	Often a gender quota can be integrated into the PR system to ensure a minimum female representation

References: Reynold et al. (2008), Norris (1997, 2006)

What about the mixed-member systems which consist of a range of combination between majoritarian and PR systems? How do their characteristics differ from FPTP and CLPR systems? Academics have not achieved a consensus on this, with some such as Duverger suggesting that MMP would favour two largest parties while others arguing that it behaves rather like a special form of PR dubbed 'personalised PR' as it is the PR component which determines the overall seat distribution (Bochsler 2007). Its research is complicated by the range of variation in technical details which are present in different countries adopting the so-called mixed-systems. Research in this area is relatively new, and the scope of this study focuses its attention mainly on the comparison between FPTP and CLPR systems to keep it manageable. However, it is possible to get some glimpses of their systemic effect based on limited literature review and observation.

Robert Peden, a former Chief Executive of the Election Commission of New Zealand, explained in a Bersih webinar interview in October 2020 that the design of the MMP was to strike a balance between proportionality (40% party list seats) and effective parliament and stable government (60% FPTP seats). He explained that New Zealand did not implement PR system as it could lead to a proliferation of smaller parties which might result in a less stable government. After adopting the MMP, incidents of party fragmentation did occur though not as excessive as certain countries under the pure PR system, and the effective number of parties grew moderately under MMP (Barker et al. 2005, Vowles 2008). The dominance of the two traditional parties appears to be

tempered by their need to negotiate with minor parties to form the government as was intended by the proponents of MMP. In fact, since implementing the MMP in 1996, New Zealand had been governed most of the time under a minority government and only managed to form a majority coalition in 1996 which took two months to negotiate (McGuinness 2021). The 2020 electoral results whereby the Labour Party was able to attain a majority alone are based on an unprecedented popular support not seen in at least 50 years.

The varied MMM systems as adopted by East Asian countries tended to strengthen the majoritarian component of their electoral systems in order to avoid the scenario as described under MMP (Reilly 2007). Nonetheless, the early experience of the introduction of MMM in Russia provides some food for thought. Russia's MMM system was introduced as an interim step in 1993 by President Boris Yeltsin and had turned out contrary to what was intended. The Post-Soviet period had seen very weak party formation, and the PR component of the MMM was meant to encourage national party formation while maintaining a majoritarian inclination and elements of local representation. Instead, Yeltsin saw its centrist reformist allies doing worse than ultranationalist and leftist opposition parties in the PR component, while the FPTP component was dominated by non-partisan local personalities without any party doing particularly well – with its party system remaining as fractionalised as ever. Rather than agreeing to further strengthen the majoritarian component, the elected legislators who were given the power to decide on the definitive shapes of the Russian electoral laws basically retained the interim design of the MMM which had brought them into office (Moser & Thames 2005). The moral of the lesson is that a change in the electoral system needs to anticipate for unintended consequences and the possibility that whatever undesirable outcomes that may arise could be difficult to be rectified subsequently as the system could produce beneficiaries of such system who would oppose any further modification that threatens their political survival.

Conclusions

This chapter sets the context of the study by examining two subjects: the political context in which the proposal to change the electoral system has gathered steam in Malaysia, and some basic features of different families of electoral systems and the academic and normative debates surrounding them.

The most important proponents for a change of electoral system in Malaysia have no doubt been civil society actors led by Bersih 2.0, and it was one of the long-term goals defined in its electoral reform agenda from its foundation. Nonetheless, the last push which sharpened its resolve was the drawn-out struggle against the EC during the electoral boundary delimitation review exercise between 2015 and 2018. Despite strenuous mobilisation to challenge the apparent irregularities and inconsistencies that existed in the new delimitation plan, the EC and the government eventually succeeded in pushing it through in time for the 2016 Sarawak state election and 2018 general election. Aware of the politically Herculean challenge to persuade an incumbent

government to let go of its advantage in influencing the EC and election management in their favour, an introduction of a PR component is thought by its advocates to be able to address the perennial issue of partisan malapportionment and gerrymandering.

Another driver of the critiques of the FPTP derives from the women's groups which are critical of the slow progress of women's political representation in the country. On another front, some activists also believe that a PR component would provide opportunities for the development of non-communal parties as FPTP typically favours the two strongest parties or coalition. One more recent factor which has generated some bipartisan support for a move to the CLPR system was the rampant phenomenon of party-hopping which had led to the collapse of the PH government in 2020 and the politically and socially consequential 2020 Sabah state election. More often than not, the arguments put forward by proponents of electoral system change articulated it as a remedy for a specific issue without a holistic view of the potential multidimensional effects of changing an electoral system – the reason for which this study was initiated.

The second part of the chapter discusses some basic features of two different families of electoral systems, i.e. the majoritarian or adversarial electoral systems and the proportional or consensual electoral systems. The names for both could be misleading, as a 'majoritarian' system such as the simplest design of FPTP allows a candidate to win based on a plurality of votes. Other alternatives within the same family of electoral system may address a number of the concerns as raised by the FPTP but present other drawbacks.

Similarly, the so-called 'proportional' or 'consensual' model may also be misleading, as in reality, the consensus reached may be contrived and superficial or even contradictory though there is no denying that the lack of a decisive majority would oblige all party leaders to be more conciliatory and flexible in choosing their political partners or making policy decisions. Compromise may be deemed necessary in some circumstances but may also be detested by some voters as betrayal, inconsistency, manipulation or a lack of principle. Empirically, an electoral system from the consensual or proportional family of electoral system may also deliver outcomes that are not so proportional, as will be discussed in greater details in the next chapter.

The distortion of the proportionality may arise from various technical rules such as electoral threshold, district magnitude and electoral formula to allocate seats. Some of the technical tweaking may be based on a good intention to address other undesirable outcomes such as excessive fragmentation of party representation but in its turn introduce other effects perceived as negative. In effect, the more proportional the electoral outcomes, the more difficult it could be to form a majority government for effective governance. Politicians may also try to outsmart the system by encouraging strategic way of voting to maximise their political advantage in disregard for proportionality.

Ultimately, the choice of an electoral system may boil down to deciding between two different normative visions of what constitute a democratic political representation and what role an electoral system should do to enhance democratic governance. The

majoritarian systems encourage more decisive electoral outcomes and the relative ease to form a majority government, a clearer line of political accountability and a clear-cut political divide of differentiated political orientations. The voters get a clearer view of alternative choices of the political line-up as well as a direct say on the legislator representing their respective constituencies. However, critics of FPTP argue that a strong government could lead to 'elective dictatorship' whereby the government may not be responsive enough to the people's grouses.

The proportional systems, on the other hand, are premised on the importance of electoral outcomes which should reflect as closely and widely as possible the voters' preferences, in particular the minority groups. Their proponents prioritise consensus building, negotiation and power-sharing – which may also be perceived by its detractors as indecisiveness and political compromise. The political divide among parties with different political orientations may be blurred, changeable or ambiguous, in particular when negotiating to form a post-electoral majority government. In effect, governing based on a minority government or a long period of delay in forming a government due to intricate inter-party negotiation is quite commonplace in some countries under a PR electoral system such as in Italy or Belgium.

Electoral system change does not occur easily as the incumbents who rise to power through it would not want the change which is expected to be detrimental to their future political fortune. It usually occurs during an unprecedented conjuncture of crisis, and the final form which is agreeable by all is often an imperfect compromise which may deviate from the original intention or what may rationally be judged to be the ideal. On top of that, even if the design is as intended, the electoral outcomes brought about by the new system may not turn out as planned – as the Russian case demonstrates. Hence an electoral system may persist not because it is the 'best' or the most democratic but simply because those who thrive on the existing electoral system would do anything to maintain the status quo. Great care should be taken in the deliberation of a matter which could exert significant impacts – both desirable and undesirable – on the political landscape of the country.

CHAPTER 3 ADDRESSING THE ISSUES

Malapportionment and Gerrymandering

The foremost motivation for electoral reform activists to push for a change of electoral system in Malaysia appears to be the problem of malapportionment and gerrymandering which had repeatedly been condemned and fought against by the electoral reform movement. As analysed in Chapter 2, the unaddressed irregularities raised by the civil society and legal obstacles to challenge the last round of the re-drawing of electoral boundaries just before the 2016 Sarawak state election and GE14 appear to be the last straw which broke the camel's back.

Historical Context

The decision on the use of FPTP system in Malaysia originated from a 46-member committee formed in 1954 in preparation for the first federal election of part of the Federal Legislative Councillors in 1955¹⁵ (Lim 2002). The committee decided in favour of FPTP system even though proportional representation, alternative vote, and limited vote systems were also deliberated. It was thought that these alternatives could be a bit complicated and difficult for the voters to grasp. Acknowledging also that FPTP tends to exaggerate the representation of the party with the largest share of the votes, it was judged to be acceptable as it could help in forming a strong government. In addition, the committee also liked the idea that FPTP system

.... generally gives rise to a small number of large parties and keeps the electoral process lively and vigorous by emphasizing changes produced through even a small swing in the feeling of the electorate. (cited in Rachagan 1993: 7)

The committee also decided consciously not to institutionalise communalism by rejecting to provide for reserved seats for minority groups such as the Indian community:

separate nomination would be undesirable in so far as it might delay the realization of a united Malayan nation where the separate racial groups would be integrated and would find their political voice through bodies organised on non-racial lines (cited in Rachagan 1993: 7).

Examining ethnic representation, Rachagan (1984) observes that on the one hand, the accommodation of 'communal representation' through measures such as reserved seats, separate communal registers or adopting a PR system were rejected. On the other hand, partisan constituency delimitation had increased significantly the Malay majority seats, leading to the FPTP system distorting grossly 'the relative strength of the various communities and political parties in Parliament' (p. 127). He notes the dilemma of alternative options which would be for the ethnic minorities to retain 'their

¹⁵ For a historical context of this first federal election, see Fernando (2002).

own group identity and solidarity, ... acting as a cohesive unit' but nevertheless would 'accentuate their separateness from the larger society and involve their continued isolation and political impotence (p. 136)¹⁶.

The problem of partisan delimitation dated back to the early years of independence. An important issue of current contentions concerns rules governing electoral boundary delineation. Among other rules of constituency delineation for the 1955 federal election, the committee appointed by the Federal Legislative Council to examine the issue affirmed the conventional principle that each constituency should consist of more or less equal number of voters, but accepted some form of 'rural weightage', taking into consideration of the accessibility and disadvantages facing the rural constituencies at that time:

the Committee would not regard such weightage as unreasonable if in some instances a rural constituency should contain as little as one-half of the constituents in the more populous areas (cited in Lim 2002: 105).

The 1957 Federal Constitution reduced this allowance to a 15% deviation from the average size constituency while taking into consideration of two factors: distribution of the different communities, and differences in density of the population and the means of communication (Article 116(4) as cited in Rachagan 1993: 55). However, the Alliance government amended the constitution in 1962 and increased the weightage allowed back to 50% of urban constituencies. In 1973, even this 50% limit for deviation was completely removed through another constitutional amendment, though the expression 'approximately equal' is retained as is currently provided in the Thirteenth Schedule of the Federal Constitution, as follows:

the number of electors within each constituency in a State ought to be approximately equal except that, having regard to the 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 (Part I, 2(c)).

The constitution was further amended in 1984 which has rendered the regulation of boundary delimitation even more flexible, by providing in Article 113(3A)(iii) that the EC need not comply with the provisions as provided in the Thirteenth Schedule if such modification is considered as necessary (Sothi 1993: 65). These successive amendments effectively give the EC *carte blanche* in drawing the electoral boundary as it deems fit.

¹⁶ Rachagan (1987) subsequently expresses his agreement with the committee's stand that 'communal elections strengthen communal feeling and would seriously impair any possibility of working towards a cohesive and united society' if separate communal rolls were to be introduced (p. 19).

Literature Review

Studies on electoral delimitation in Malaysia have accumulated strong evidences of political partisanship involved in its execution. The study of Lim (2002) details how Malay electoral advantage was magnified significantly above their numerical strength due to rural weightage and the existence of more Malay majority seats well above their demographic weight in the electorate. The percentage of Malay-majority parliamentary seats had increased notably from 42% in 1969 to more than 50% from 1974 onwards (Lim 2003). In the 1995 re-delimitation exercise in East Malaysia, the electoral advantage of Muslim bumiputera voters were similarly enhanced above their numerical strength (Lim 2002).

Ong and Welsh (2005) analyse the pattern of 2002 delimitation exercise in the state of Kedah using Geographical Information System-generated maps and find that even as existing guidelines were generally complied with, they were being followed inconsistently. They demonstrate how partisan gerrymandering was accomplished by changing electoral boundaries and voter distribution which dilute the political advantage of the opposition Islamic party PAS in favour of its rival party UMNO. Ostwald (2013) shows that the degree of disproportionality among electoral districts is 'exceptionally high' in international comparative perspective. He also finds that the incumbent BN were clearly far more successful in winning almost all seats of smaller electorate size in the 2013 general election whereas seats with the most populous electorate were predominantly won by the opposition coalition then, Pakatan Rakyat. Using regression analysis, he confirms that this clear disparity in electorate size cannot be satisfactorily explained by non-partisan factors such as voter density and size of constituencies.

As was mentioned in Chapter 2, the last round of delimitation exercise review was conducted during 2015-2018, and vehement objections were mounted by the electoral reform watchdogs to challenge the irregularities they had identified. Analysis performed by Chacko (2019) found that when compared with the previous electoral map, the number of 'approximately equal' parliamentary seats (relative to the state-wide average size of constituency) in many states has actually increased moderately, from a total of 68 to 75. In addition, the number of constituencies with a moderate degree of malapportionment decreased from 50 to 39 while those with a high degree of malapportionment increased from 46 to 50¹⁷. While this may superficially appear to be a partial improvement, he also noticed that the redistricting was done rather selectively, whereby strongholds of the incumbent federal government were generally left untouched while the opposition state of Selangor was subjected to apparently arbitrary movements of voter population: some grossly oversized seats got additional voters while others got less, and in some cases, in disregard additionally for other

¹⁷ Chacko (2019) defines an 'approximately equal' constituency as one whose deviation from the average constituency size is less than 15% while a deviation of more than 15% to 33% as 'moderate' degree of malapportionment. A high degree of malapportionment is when the deviation is more than 33%. There are errors in the numbers as provided in the Table 3.3 (p.68). The author would like to register her appreciation to Chacko who has provided the corrected figures for this report.

constitutional provisions such as the respect for administrative boundaries and maintenance of local ties. The EC did not attempt to provide satisfactory explanations to these irregularities. Welsh (2018)'s analysis affirms that manipulation of the latest redistricting exercise was done with a greater degree of sophistication and hence not as obvious as before. More than just ethnicity, it appeared to be more of a political nature to give the incumbent an electoral advantage based on past patterns of electoral support in each geographical location and other factors.

In global surveys conducted by Perception of Electoral Integrity (PEI) index, Malaysia has been ranked at the bottom level of more than a hundred or so nation-states. Electoral boundary has been one of the aspects which had scored very badly in terms of partisan electoral manipulation, which has contributed to Malaysia being classified among the worst performers in the world in terms of perception of electoral integrity (Ostwald 2019).

Public Perception on the Role of the Election Commission

The survey of this study asked the respondents for their assessment of the performance of the EC in their management of the various aspects of the electoral process, as well as their level of trust for the EC to carry out these tasks in a politically impartial way. It found that there is a much higher level of public awareness and dissatisfaction on the performance of the EC in boundary delineation and mistrust towards their political impartiality when compared with other aspects of election management (see graph in Box 1)¹⁸. The notable public perception on this subject could have been a result of the campaigns conducted by several civil society groups such as Rise of Sarawak Efforts (ROSE), Tindak Malaysia and Bersih 2.0 during the 2015-2018 period. Efforts were made to mobilise voters in filing objections on what they judged as irregularities in boundary delimitation so as to oblige the EC to carry out local enquiries during the 2015-2018 period.

Box 1: Perception of Election Commission

Two sets of questions with regard to the various aspects of the electoral process managed by the EC were posed in the questionnaire. One set asked the respondents to rate their level of satisfaction (on a scale of 1 to 7, with 1 signifying the least satisfied and 7 as "absolutely satisfied") with the performance of the EC in terms of their efficiency and professionalism. A second set of questions asked them to rate their perception of the extent to which the EC was impartial and free from partisan politics when managing the same aspects of the electoral process.

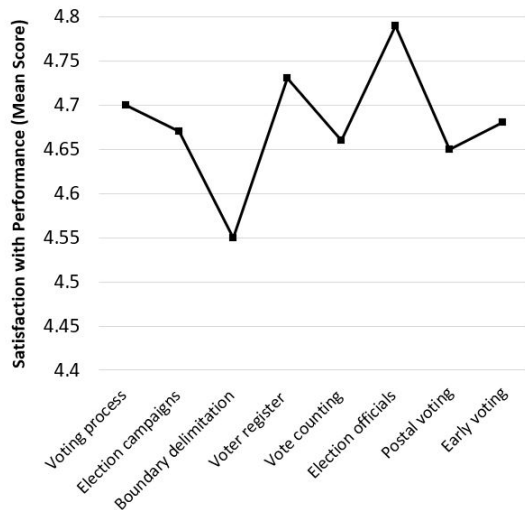
The Election Commission of Malaysia (EC) is an agency responsible for administering matters related to elections in Malaysia. On a scale of 1 to 7, please indicate your level of satisfaction with their performance in managing the following electoral matters in terms of **efficiency and professionalism**

¹⁸ For a more detailed discussion on the findings on public perception of the EC and election management, cf. Ting & Kam (under review).

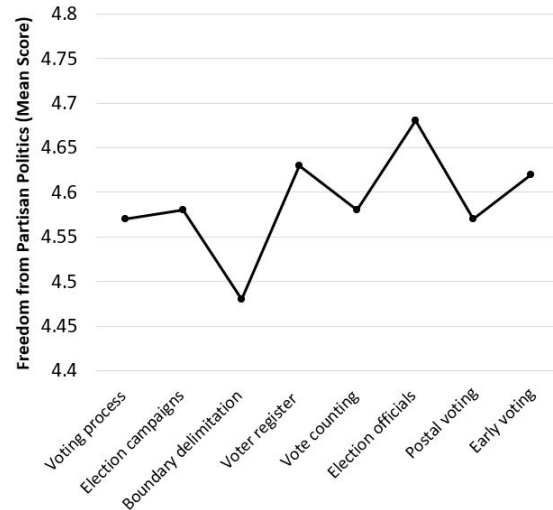
(1 signifies 'very dissatisfied' and 7 signifies 'very satisfied'):

The Election Commission of Malaysia (EC) is an agency responsible for administering matters related to elections in Malaysia. On a scale of 1 to 7, please indicate your perception of the extent to which the EC is **free from the influence of party politics** with regard to the following electoral matters (1 signifies 'very unfree' and 7 signifies 'absolutely free'):

Satisfaction with Performance: Professionalism & Efficiency



Freedom from Political Interference



PR System as an Antidote to Malapportionment and Gerrymandering?

There are two dimensions to the issue of malapportionment in the Malaysian context: inter- and intra-state malapportionment. As the number of seats allocated to each state is fixed by Article 46 of the federal constitution since the constitutional amendment effectuated in 1973, inter-state distribution of seats becomes a matter of political decision rather than a technical exercise based on the size of population in each state¹⁹. This has introduced distortion in terms of equitable inter-state distribution of parliamentary seats, with Selangor and Kuala Lumpur areas as particularly underrepresented territories. Within each state, the EC is tasked to delineate constituency boundaries based on demographic changes to ensure that intra-state malapportionment be minimised. They nonetheless do not have the final say on the new electoral maps as they can only make recommendations to be submitted to the prime minister and the parliament for approval based on a simple majority. The final

¹⁹ This is beside the point that Sabah and Sarawak are being allocated roughly 25% of the parliamentary seats despite their relatively smaller population size in honour of the Malaysia Agreement.

say to determine new electoral boundaries has been taken from the EC since the 1962 constitutional amendment (Rachagan 1993, Lim 2002).

There are hence three inter-related dimensions to address in tackling the issue of malapportionment and gerrymandering here:

- Inter-state malapportionment of seats which would require a political decision based on a two-thirds parliamentary majority to address it;
- Intra-state malapportionment which appears to be perpetuated by the executive and its parliamentary majority with the connivance of the EC;
- Partisan gerrymandering which arguably was done to favour the federal ruling coalition.

From the point of view of Bersih 2.0, it is a logical step to push for a change of the electoral system given the political circumstances and their futile efforts in opposing the EC during their more than three years of frustrating effort. On the other hand, the ERC has proposed to change the electoral system to a CLPR system while maintaining the existing inter-state distribution of parliamentary seats in accordance with Article 46 of the constitution. It seems to be following a path of the least resistance in anticipation of the difficulties in persuading some of the states to let go of their seats to achieve a better inter-state seat distribution based on their population. But this is effectively a half-baked solution as inter-state malapportionment would not be addressed. This would effectively perpetuate an extremely unequal inter-state distribution of seats per voter, from the average of less than 40,000 voters per seat in Sarawak, 50,000 voters per seat in Perlis, to the almost 110,000 voters per seats for Selangor²⁰. In addition, the solution does not address the problem of malapportionment in the delimitation of state seats.

This is clearly an extremely unsatisfactory solution which defeats the purpose of changing the electoral system to arrive at a better respect for the principle of one-citizen-one-vote. In reaction to ERC Head's revelation of his recommendation, Bersih chairperson Thomas Fann, had proposed that the former suggested to the government to repeal Article 46 or amend it to adjust the inter-state distribution of seats to ensure a greater proportionality. He noted that the repeal of Article 46 would allow the whole of West Malaysia to be contested as a sole, multi-member constituency which would address inter- and intra-state malapportionment in one go ('Elections – overcoming Article 46 hurdle for true proportionality', *Malaysiakini*, 26 January 2020). This is however equally unsatisfactory, as it would mean that the 165 elected MPs would collectively represent the whole of West Malaysia without specific link to any of the geographical area on the peninsula.

In the same interview, Fann also mentioned that the PR system would be able to ensure the proportionality of the seat-vote distribution. He pointed out that there were three

²⁰ The calculation is based on the number of voters for the 2018 general election as indicated on <https://election.thestar.com.my/>. The attribution of 25% of the total seats to East Malaysia based on the understanding at the formation of Malaysia is acknowledged.

instances whereby the coalition forming the federal government did not win an absolute majority of the popular vote (1969, 2013 and 2018) ('Elections – overcoming Article 46 hurdle for true proportionality', *Malaysiakini*, 26 January 2020). It should nonetheless be noted that 2013 was the only general election whereby the FPTP delivered an 'anomalous' result, in the sense that the opposition coalition, Pakatan Rakyat, won a slim popular vote over BN but lost the election. In the 1969 and 2018 general elections, it was a coalition that won a plurality of popular vote which could govern with a simple majority of the seats in the parliament²¹, which could still be justified and accepted to be consistent with the basic rule of FPTP.

As mentioned, FPTP tends to lend the leading party some advantage over the runner-up parties due to this 'bonus seat' effect. While this dynamic is regrettably not good for small parties, it generally contributes to an electoral outcome whereby the strongest party or coalition can govern with a working majority, hence avoiding the laborious and unpredictable negotiation among parties to form post-electoral coalition. The anomalous outcome as in 2013 could happen but very rarely. In the Malaysian case, it would certainly not have happened had it not for the notable malapportionment and partisan gerrymandering that existed, which is clearly unacceptable.

Empirical Evidence in Comparative Perspective

It is actually possible to reduce malapportionment to the minimum if delineation is performed conscientiously by competent and impartial officers. In a regression analysis of 160 countries, Ong *et al* (2017) found that malapportionment is not statistically associated with electoral systems per se, ie FPTP systems are found not to be more prone to malapportionment when compared with countries under PR systems. They proved that a high degree of malapportionment is associated more with new democracies and authoritarian regimes which have robust political opposition, while established democracies and electoral authoritarian regimes without competitive opposition forces experienced a lower degree of malapportionment. The explanations offered is that the nature of regimes shapes the incentive for politicians whether to recourse to electoral manipulation. In consolidated democracies, stronger institutions of check-and-balance are in place to ensure an impartial election management body or an independent judiciary which invalidates instances of violation of sound regulatory principles of fair delineation. In non-competitive electoral authoritarian countries, on the other hand, the ruling elites may not see it necessary to recourse to malapportionment to ensure their stay in power. With a more frequent alternation of government, political parties would theoretically also be motivated to ensure that the

²¹ In the 2018 general election, Pakatan Harapan won a plurality of the popular vote against BN or PAS/Gagasan Sejahtera. In 1969, the election was only completed in West Malaysia while elections in Sabah and Sarawak were halted when the ethnic riots broke out in Kuala Lumpur. The Alliance won 66 parliamentary seats out of a total of 104 and 48.4% of the popular vote, partly due to the fact that it won 9 seats without contest (Ratnam & Milne 1970). The bulk of the remaining 51.6% were shared between two separate blocs of PAS and DAP-Gerakan-PPP (People's Progressive Party). DAP, Gerakan and PPP achieved a prior electoral understanding to not compete with each other against the Alliance candidates.

election management body is truly independent to ensure free and fair elections (Ong *et al.* 2017).

Under the PR electoral system, unless the whole country is designated as a single, multi-member constituency, malapportionment could still happen. If the electoral districts are smaller, then boundary delimitation still needs to be updated periodically based on demographic changes. Similarly, gerrymandering can happen too in countries adopting PR systems which require delineation of multi-member constituencies (Bickerstaff 2020). If the electoral constituencies are confined to natural or political boundaries such as states or provinces, malapportionment could occur through inequitable allocation of seats to each state. In fact, after Tunisia adopted CLPR system following the Jasmine Revolution, malapportionment more than doubled as compared with the mixed system used under President Ben Ali (Ong *et al.* 2017). Indonesia which is under an open-list PR system has a much higher malapportionment score than many countries using FPTP electoral rules such as India, the Philippines and Singapore, not to say established democracies such as Canada, UK, USA and Australia. Ostwald (2013) estimates the malapportionment score in Indonesia as 0.1323, which is much closer to Malaysia (0.1725) than India (0.0684) or the Philippines (0.0144) (p. 525).

It should be noted that even without electoral manipulation, proportionality may not be assured in the presence of many small competing parties even in a PR system due to the existence of 'wasted' votes²². It is also empirically untrue that the PR system produces lower number of wasted votes as the system encourages a proliferation of small parties. Consequently, votes in support of numerous minor parties and candidates which do not reach a minimum threshold are not translated into any seats. The open-list PR system in Iraq had resulted in over a million wasted votes (more than 9.6% of valid votes) which went to candidates who could not garner enough votes in the 18 governorates (which serve as multi-member electoral districts) to reach the minimum threshold in its 2018 general election²³ (Musawy 2018). Wasted votes in the 2019 Indonesian legislative election amounted to more than 13 million (9.7% of the valid votes). In Tunisia's 2019 general election using CLPR, 20.66% of the valid votes went unrepresented. An extreme case was the Turkey general election held in 2002 under the CLPR system with multi-member electoral districts with 44% of 'wasted votes'. The two political parties which gained collectively 54% of popular vote were

²² Blau (2004) disagrees with the interpretation that such votes are 'wasted', as even voting for a losing cause or candidate is important to many people as an exercise of freedom of expression and they do not just see voting in an instrumental way.

²³ Unhappiness with the Iraqi electoral system was widespread, resulting in the turnout rate in the 2018 national election attaining only 44%. A survey conducted by its Independent Electoral High Commission found that 90% of the respondents stated that the electoral system did not ensure accountability, and 87-88% stated that it did not support desired political stability neither contribute to the creation of cross-sectarian bloc (Musawy 2018).

allocated more than 98% of the seats because the rest of the 16 political parties could not reach the unusually high threshold of 10%.²⁴

Would Bersih's alternative proposal to adopt the MMP system be able to address malapportionment? As discussed in the previous chapter, it depends on the relative ratio of the PR versus the FPTP components. In the 2005 national election in Albania which implements MMP (29% PR seats), strategic vote splitting by parties had resulted in 30% vote-seat disproportionality (Bochsler 2007). Under the MMP, New Zealand also experienced more apparent vote-seat disparity when unrepresented vote increased to 7.8% in the 2020 general election. Labour Party which obtained 50% of the list vote is allocated 54.2% of the seats, affording it a rare single-party majority since New Zealand switched to MMP. Since adopting the MMP, most of the successive governments formed in New Zealand were minority government, which means that they did not enjoy an absolute majority of popular vote as well.

The Indispensable Neutrality of Election Management Body

Besides malapportionment, it also goes without saying that in a PR system which requires delineation of smaller multi-member constituencies, gerrymandering cannot be prevented without an impartial election management body. It is evident that in order to resolve the problem of malapportionment and gerrymandering, the final say on all the three needs to be handed over to an independent and impartial election management body. In addition, the EC should be headed by members who 'enjoy public confidence'²⁵ (Article 114 (2)) and is ready to engage transparently with the public and stakeholders to resolve any issues and complaints related to election management that arise. Given the fact that the EC chairperson and members are currently appointed by the King based on the prime minister's advice, it is difficult to avoid the perception of political bias towards the executive even if it may not necessarily be true. To ensure that the EC hence appointed is politically impartial through existing procedure could be quite haphazard. It is high time the government considers the proposals made by civil society leaders to reform the procedure in appointing people to such an important office of responsibility as the EC.

Clearly the political resistance to reform is great, as the incumbent would normally never want to vote themselves out of power or let go of any power which would guarantee a better chance of their future political survival. This was especially the case when BN never envisaged themselves to lose the federal power, having governed for over six decades and morphing virtually into a one-party state. Nonetheless, the political instability that followed the collapse of the PH government may provide a chance for building bipartisan consensus on this subject. Given the uncertainty over

²⁴ As a comparison, in the 2018 general election in Malaysia, if we take party representation at the national level, votes which went to unrepresented parties or individuals taken collectively amounted to less than 2.5%. Granted, this is not denying the fact that there existed inter-party disparities in terms of vote-seat distribution.

²⁵ The original text proposed by the constitutional drafting commission headed by Lord Reid was 'enjoys the confidence of all democratic parties and of persons of all communities' (Rachagan 1980: 258), which as modified by the Alliance leaders while finalising the constitution.

who could win the next general elections, perhaps all parties could be persuaded that it is in their best interest to institutionalise an independent EC which could guarantee a level playing field for all parties, and to transfer back the final say over delimitation from the executive to the EC. Electoral reform movement should really give priority to pressurising the government on this respect. Otherwise, a more regular change of government through general elections may also eventually incentivise politicians to ensure a greater autonomy and impartiality of the EC.

In this respect, the government should consider the following inter-related recommendations made by the ERC. There are at least seven related recommendations, though whether the constituency delimitation should be done by a separate body from the EC could be further deliberated. These suggestions aim at both the empowerment of an independent EC and instituting a more robust legislative framework to regulate the delineation of electoral boundaries:

- To improve appointment process of EC commissioners
- Allocate more authority and resources to EC
- Constitutional amendment to provide basis and procedure of election management
- Create separate body for constituency delineation
- Specific legislation on boundary delimitation
- Legislate clear criteria and categories in constituency delineation to eliminate malapportionment
- Limit deviation from the average size of constituency.

Female Political Representation

The National Context

The adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995 had given the Malaysian government some impetus to look into institutional and legal provisions in relations to the protection of women's rights and interests (Malaysia 2006, Ting 2007). The Ninth Malaysia Five Year Plan (2006-2010) made commitment to increase women's representation in decision-making positions in the civil service to 30%. The Plan also outlined efforts to appoint more women as local councillors (Malaysia 2006: 288, 293). In 2009, the government launched the National Women Policy which pledged to achieve the target of 'at least 30% women in state assemblies, parliament and senate' and study 'the possibility of fixing a minimum of 30% female electoral candidate quota to be fielded by each party for state assemblies and the parliament' (KPWKM 2009: 190-191).

Table 2: Malaysia Gender Gap Index (MGGI) score, 2017-2019

Sub-index	2017	2018	2019
Economic participation and opportunity	0.726	0.727	0.717
Educational attainment	1.040	1.054	1.053
Health and survival	0.961	0.958	0.958
Political empowerment	0.061	0.106	0.108
MGGI Score	0.697	0.711	0.709

Source: Jabatan Statistik Malaysia (2020)

Despite these official promises, female political representation in Malaysia is dismally low when compared with other areas of achievement attained by Malaysian women. Table 2 above shows the Malaysia Gender Gap Index (MGGI²⁶) scores between 2017 and 2019 and the breakdown of the four sub-indices which constitute it. The exceedingly low sub-index for women's political empowerment (0.108 in 2019) is a stark contrast to the over-attainment of educational achievement (1.053 in 2019) by Malaysian women when compared with men (Jabatan Statistik Malaysia 2020). The sub-index for political empowerment has improved over the years, but at a glacial pace when compared with other aspects of women's lives.

Civil society in Malaysia has been fighting for gender equality and women's welfare for decades (Lai 2003, Tan & Ng 2003), and female party leaders had also contributed over time to the amelioration of women's rights and well-being (Ting 2007). In the general election held in 1999, feminist organisations had supported the late Zaitun Mohamed Kasim as a candidate for gender rights to contest within the framework of the opposition Barisan Alternatif. Even though she was unsuccessful, the initiative had brought about a heightening of political awareness and the propagation of narrative on the importance of political representation to fight for women's issues (Ting 2007).

On 7th March 2021, all the 33 female members of the Malaysian parliament unprecedentedly issued a joint statement in conjunction with the World Women's Day, calling for a gender sensitive parliament in Malaysia ('Seruan Ke Arah Parlimen Malaysia Yang Peka Gender', 7 March 2021). The statement listed six ways the Malaysian parliament could advance towards that goal, pledging the signatories' commitment to prioritise: legislation promoting gender equity, ensuring gender balance, responsiveness and sensitivity in the various dimensions of parliamentarians' work – working environment in the parliament, parliamentary debates, budget allocation in government assignments, parliamentary Special Select Committee

²⁶ MGGI is a composite index indicating the gender gap across four aspects: economic participation and opportunity, educational attainment, health and survival, and political empowerment. Perfect gender equality would get a score of 1.

programmes; and evaluating the possibility to reform the electoral system to ensure a more balanced gender representation in the parliament. What is symbolically important is the bipartisan nature of the joint declaration by the women MPs. This united voice demonstrates an emerging consensus among women politicians on the need to promote an enabling environment for an increased role of women's participation in politics. Their suggestion to evaluate electoral system reform to ensure a more balanced gender parliamentary representation may also have in mind the ERC's proposal for a 30% female quota through the introduction of the CLPR system.

State-Level Initiatives

Incidentally, a separate initiative on this was launched by the Penang government in December 2020, announcing their plan to legislate on what they called the Top-Up Women-Only Additional Seats (TWOAS) for the Penang state assembly within a year's time. The idea of TWOAS is a culmination of years of collaboration efforts between women organisations and Penang government. The latter set up the state-funded Penang Women's Development Corporation (PWDC) in November 2011 to promote substantive gender equality. PWDC has been tasked with the mission to strengthen women's leadership and socio-political participation through advocacy, capacity building and strategic partnerships with societal leaders.

In 2017, Penang state government issued a guideline for at least one woman to be appointed to each of the 374 local Village Community Management Councils (MPKK, Majlis Pengurusan Kommuniti Kampung) which usually consisted of 15 councillors for a two-year term. The number of female office bearers was increased to 3 for 2019 and 5 for 2021, and PWDC was tasked to monitor the compliance to the guideline (Interview with PWDC CEO, Ong Bee Leng, 2021)²⁷. In addition, an all-women committee of 15 members known as Jawatankuasa Pembangunan Wanita dan Keluarga (JPWK, literally, Women and Family Development Committee) was set up since 2019 in each of the Penang state constituency to organise community development programmes on issues such as parenting, entrepreneurship and income generation, wellbeing and health. It is intended that the active role of the JPWK members at the community level could mainstream the idea of women as leaders ('Gov't extends Penang women's committee for 2 years', *Malaysiakini*, 18 February 2020). PWDC also intends that JPWK could become a springboard for interested and capable women leaders to gain experience and training for subsequent political involvement.

The idea of TWOAS originated from a National Conference on Gender and Electoral Reform entitled, 'Making A Difference' held in August 2016 organised by PWDC in collaboration with Penang state government, Penang Institute and Friedrich Ebert Stiftung. The main objective was to explore alternative electoral systems which would

²⁷ Similar encouraging initiatives to provide room for women's participation and leadership capacity building at grassroots level were also implemented in Selangor though there is no space to go into detail here.

enable a 30% female quota to be imposed to accelerate increase in women's political representation in the country. Speakers from Germany, New Zealand and Indonesia were invited to share their country experience on female representation in relation to their respective electoral systems. At the conference, Dr Wong Chin Huat (then from the Penang Institute) recommended that MMP could be a suitable electoral system to replace the FPTP system in Malaysia. Besides promoting more diverse and representative legislatures which includes gender representation, he argued that MMP would also reduce electoral volatility and uncertainty, offset problems of malapportionment, gerrymandering and voter transfer, promote healthier coalition politics due to post-electoral coalition formation and competition among coalition partners through party list, and a greater likelihood of a change of government²⁸. The conference also cautioned that structural reform such as electoral system reform which might help improve numerically gender balance in the representation of lawmakers, needed to go hand in hand with equal attention to enhance substantive representation and cultural changes to address gender inequality (PWDC 2016).

In 2017, PWDC came out with an advocacy handbook which recommended three options to increase women's representation in state assemblies, including the imposition of 30% female candidate quota on parties contesting in a general election, one third female quota in party list under MMP, or the designation of 15% of women-only additional party-list seats to be distributed based on FPTP popular vote to top up women's representation in the state assembly (PWDC 2017).

The idea of introducing additional non-constituency state legislators based on nomination (effectively a local version of party-list seats) was raised by Wong in a second National Conference on Gender and Electoral Reform entitled 'More Women, Better Nation'. It was organised in November 2017 in Subang, Selangor by Institut Wanita Berdaya Selangor (IWB, Institute of Empowered Women) with the support of the Selangor state government. Introducing nominated non-constituency state seats is a way to avoid the need for federal constitutional amendment to implement it, as Penang and Selangor governments which were perceived to be more open to the idea of gender quota were governed by Pakatan Rakyat which was the opposition coalition at the federal level²⁹. The main idea being pushed for has crystallised around the use

²⁸ With due respect, there appears to be a contradiction in the argument that a reduction of electoral volatility and uncertainty would go hand in hand with a greater likelihood of government change. The two expressions are actually different ways of saying the same thing, i.e. a greater electoral volatility and uncertainty of electoral outcomes would be translated into a greater likelihood of government change. Nonetheless, as the proceeding only provides the powerpoint of Wong in point form, he might have meant that post-electoral government was often unstable, hence there would be a greater likelihood of government change. MMP at the federal level, if aimed at circumventing malapportionment and gerrymandering (which has been shown to be uncertain in the previous section), does not address the same problem for state elections. It is also debatable whether post-electoral coalition building would promote a healthier coalition partner relations and cohesion than pre-electoral coalition building.

²⁹ Precedence of nominated state legislators has already been established in the Sabah state constitution, which allows the state government to appoint up to six nominated state lawmakers. Terengganu state constitution was amended in 2003 to allow for the appointment of up to four women and non-Muslim

of nominated seats which would consist of no less than 20% of all seats in a state assembly (IWB 2017). These seats would be designated as women-only additional seats if women's representation in the assembly is less than 20%; but equal number of males and females can be nominated for the party-list if women's representation in the assembly has already attained 20%. On top of that it was suggested that additional criteria for the inclusion of marginalised groups such as minority, indigenous people, youth and persons with disability may be imposed as additional criteria for the appointment of nominated lawmakers. The conference urged the delegates to lobby for their respective state governments to enact such legislation before the 2018 general election (IWB 2017). Nothing happened, until the announcement of the TWOAS initiative by the Penang state government in December 2020.

TWOAS proposes an electoral plan which ensures that Penang state assembly consists of a minimum of 30% women. In order to do so, it would calculate the number of nominated women legislators needed to top up based on the gender ratio of the elected lawmakers. The prescribed number of nominated seats would be distributed proportionately among political parties based on the size of their popular vote received for the FPTP seats.

TWOAS appears to be an innovative idea which could ensure an immediate attainment of 30% female presence in the Penang state assembly by providing an added impetus for all political party leaders to nominate more women candidates. It has received notable endorsement from a number of lawmakers, female and male alike, including a number of party women's wing leaders from both sides of the political divide. Based on my interviews with politicians,, there were also those who voiced their reticence towards it based on a range of rationales, ranging from the fear that the 30% quota may become the glass ceiling for women to go beyond, or that the quota may sacrifice the quality of candidates just to fulfil the numbers, or that it would be unfair to qualified male leaders, or that party leaders may actually use the quota as an excuse to argue that the party can maximise the fielding of male candidates in FPTP seats given the fact that female leaders would have their 'special channel' to become lawmakers. The last point of concern deserves to be taken seriously. There are limited seats to distribute among coalition parties, and established elected male legislators may not be willing to give up their seats for female quota. Instead of encouraging more women candidates to be fielded, political party leaders may end up looking at the party-list seats as a way to increase political opportunity for its party representation.

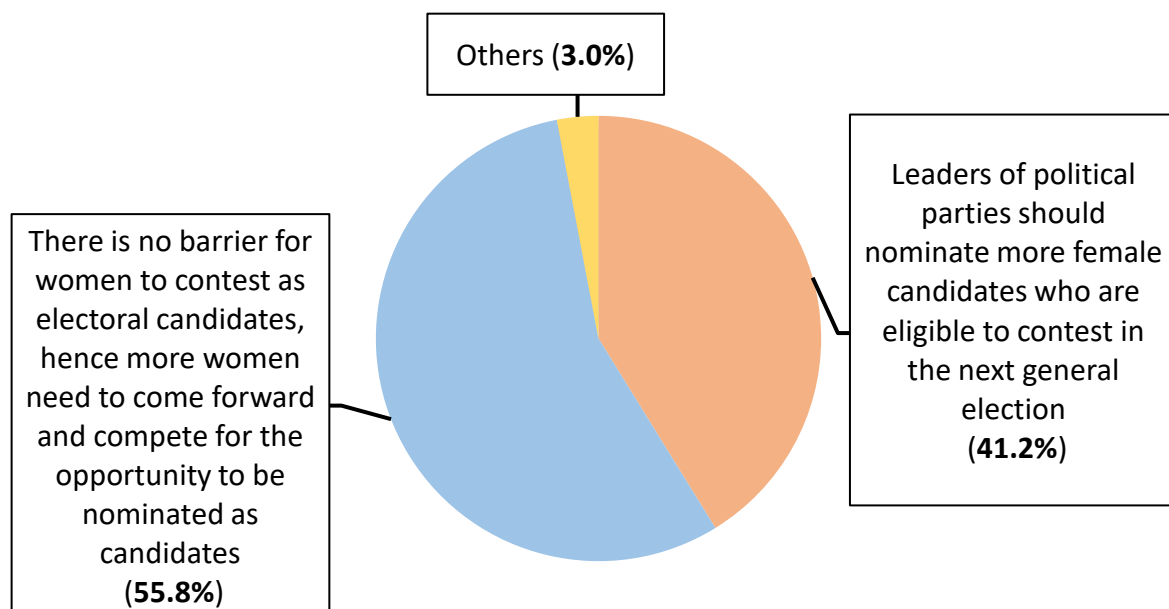
One lawmaker raised his reservations towards TWOAS on grounds that the arrangement may introduce political uncertainties as the nominated seats would be

representatives when none is elected (Wong 2020), and in November 2020, Pahang state constitution was amended to allow up to five lawmakers to be nominated by the state assembly ('Pahang votes to have nominated reps, opposition stages walk-out', *Malaysiakini*, 20 November 2020). Contrary to the idea of allocating seats based on party vote share which was proposed in the Selangor and Penang conferences, these appointments were the prerogatives of the state ruling coalition, and only in the case of Terengganu is women's representation in the state assembly being stipulated as one of the criteria of nomination.

distributed among parties based on vote share rather than the percentage of seats won by each party, hence possibly modifying the inter-party balance of power in a highly competitive state election. The last point may not have been considered carefully by many as most of its proponents focus on the aspect of women's representation and are not looking at other implications of a modified electoral system. We will now examine the attitude of Malaysians on female political representation based on the survey findings.

Public Perception on Female Political Representation and Gender Quota

Graph 1: 'Currently, only 15% of the MPs are female. In your opinion, how can this percentage be increased?'



In the survey, respondents were asked how the less than 15% rate of the current female representation in the parliament could be improved. They were given two alternative statements to choose from or to provide their own response. Almost 56% of them did not see any barrier for women being fielded as electoral candidates and thought that what was needed was for more women to get involved and compete for party nomination (Graph 1). On the other hand, 41.2% opined that the onus is on political party leaders to field more female candidates. The rest of the 3% who opted for the 'Others' response appears to be those who did not agree with both the statements or were unsure. Among their responses are: 'maintain' (the status quo), 'disagree', or 'inappropriate', even 'women stay at home', etc. The survey findings illustrate how the public is divided in their perception of the issue.

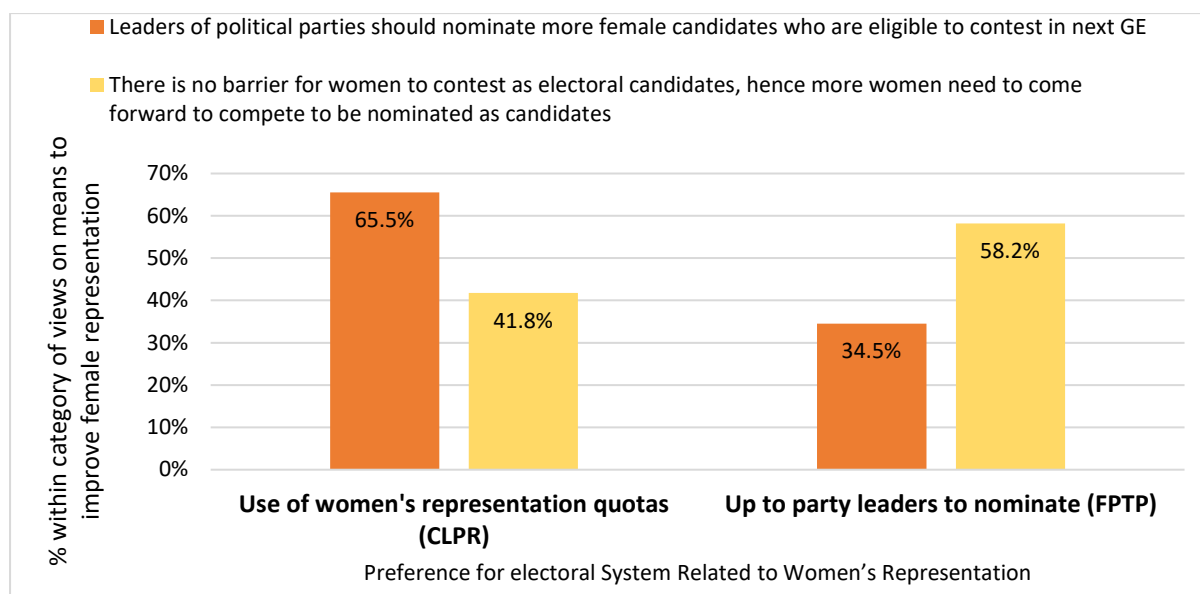
The aim of the question is to probe public perspective on the reality of women's political participation, whether they perceived any obstacles for women to get involved, among which is the lack of political will for political leaders to nominate more of them for electoral contests. Based on interviews with political leaders and discussions in focus groups, supporters of quota usually identify a lack of political commitment among male-dominated party leadership and stiff intra-party jostling for nomination as important causes of low women's representation. Based on this reasoning, the imposition of a female quota would provide the additional push to induce compliance by political parties. On the other hand, those who perceived no significant barrier for women to be fielded as electoral candidates tended to think that the biggest obstacle against women's political participation lies in the low number of women who are willing to come forward and commit themselves to be politically involved. They may not be convinced about the use of quota, worrying that such constraint may lead to a lowering of the quality for women to be nominated just to fulfil the quota. The worry expressed is that this would be at the expense of more qualified men in the party. Some women also perceived it as an affront to women's capability to qualify for nomination as a candidate without the help of quota. There is some truth in both perspectives. A PSM leader who was interviewed shared that while the party has tried very hard and managed to ensure a greater women's representation in its national leadership, it has been very challenging for them to achieve that at the grassroots level, partly due to the male dominance of their membership and the difficulties they have encountered in recruiting more female members.

The opinion on ways to increase women's political representation is cross-tabulated against respondents' support for the use of CLPR system to promote women's representation³⁰ (Graph 2). Interestingly, it is found that 65.5% of those who believe that the party leaders should nominate more women candidates approved of using CLPR system to promote women's political representation. On the other hand, 58.2% of those who believed that women face no barrier to become electoral candidates preferred to leave it to party leadership to select their candidates as practiced currently in the FPTP system.

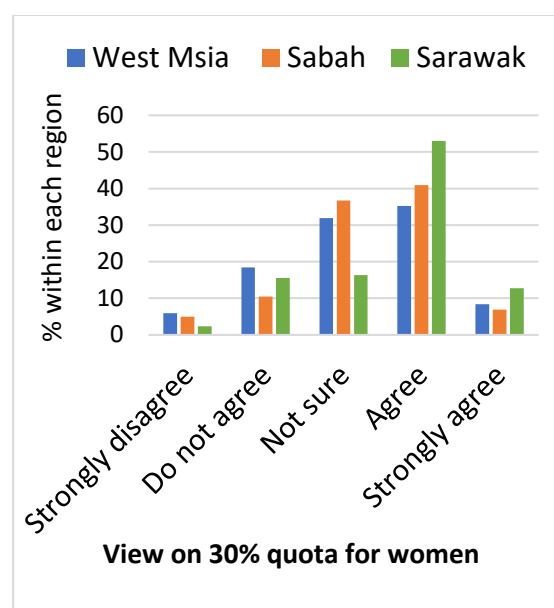
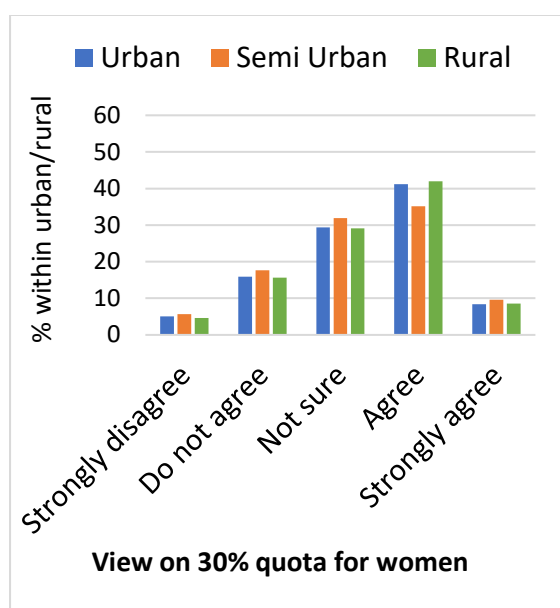
A second question asked for the reaction of the respondents should 30% of the seats in the parliament be reserved for women. 39.5% agreed with the proposal, while 8.9% stated that they 'strongly agree'. 30.1% however, said that they are unsure. 16.4% responded that they 'disagree' while 5.1% expressed strong disagreement. Graph 3 below shows an analysis based on the extent of urbanisation and by region. Interestingly, the highest approval to the quota was expressed by Sarawakian respondents. In addition, rural respondents expressed comparable, even a slightly higher approval rate for the proposal than the urbanites. This pattern of responses seems to be in contradiction with the greater support expressed by the more than half of urban and West Malaysian respondents for an electoral system whereby female candidate quota could be easily imposed (see Chapter 4).

³⁰ See Box 8 for the question being posed in the questionnaire.

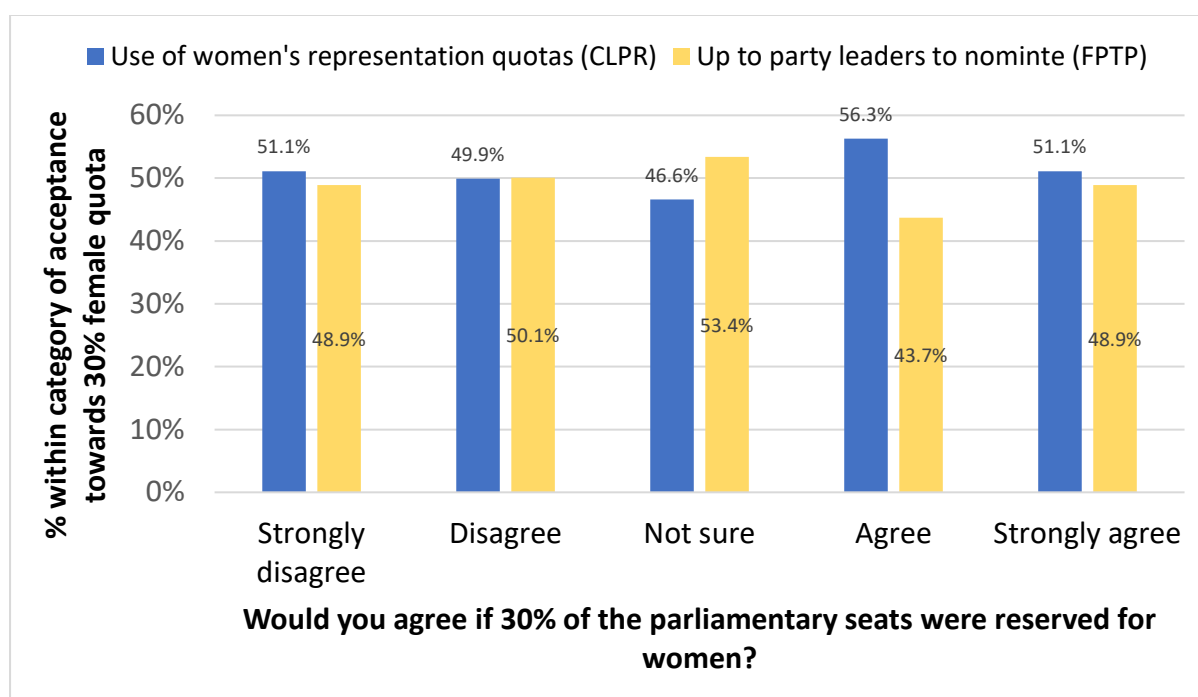
Graph 2: Views on Ways to Improve Female Representation in Relation to Preferred Feature in Electoral Systems



Graph 3: Agree or not: setting a 30% quota of women in parliament?



Graph 4: Views on 30% Quota in Relation to Preferred Feature of Electoral Systems on Female Representation



When views on the preferred ways to determine female representation in relation to electoral systems is cross-tabulated against their reaction to the proposed 30% female quota (Graph 4), it is found that those who are against the quota are more or less evenly split between those who favour CLPR and FPTP, while those who are supportive of the 30% female quota are only slightly more likely to support CLPR than FPTP to be used as a means to increase women's representation. This seems to imply that public attitude towards the 30% gender quota is not linked to their views on the use of electoral system to increase women's political representation. On the other hand, it could even imply that among those who expressed support for CLPR on women's representation and yet expressed opposition towards the 30% quota for the parliament there might be those who have regarded 30% as too high. This might be counterintuitive for many, but such attitude was effectively expressed, though rare, in focus group discussions. One participant stated frankly that if he agreed to 30%, it was for him the limit to be imposed on women's representation in the parliament.

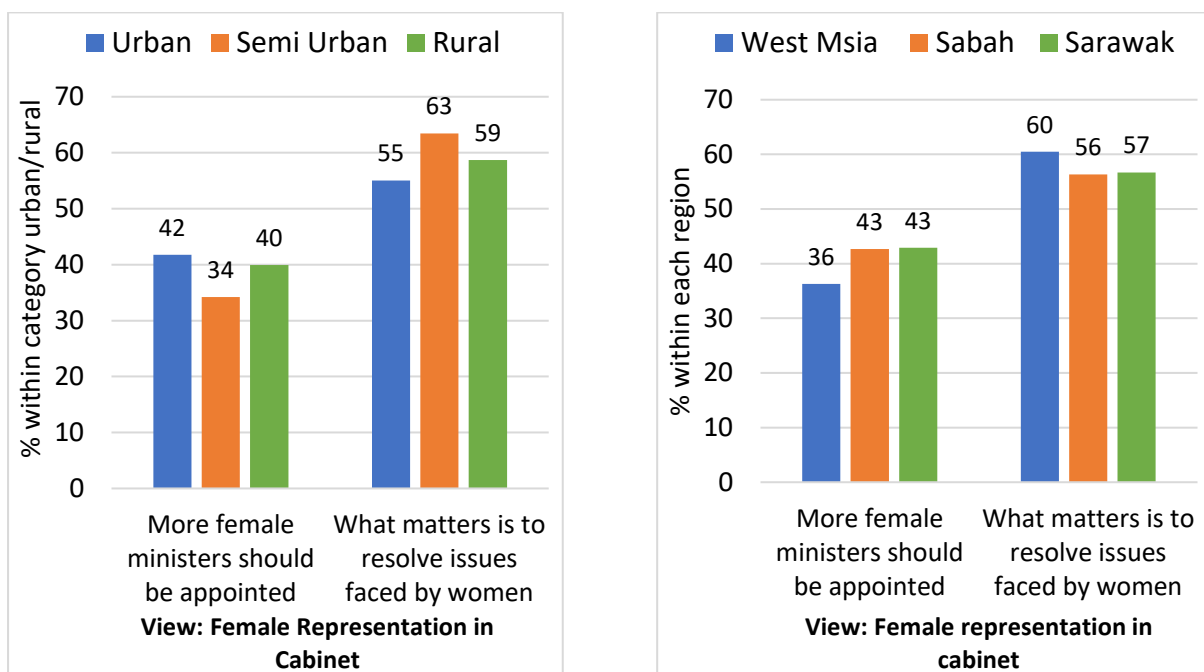
Box 2: Views on Female Representation in the Cabinet

63 Which of the following statements reflects your opinion on female representation in the cabinet?

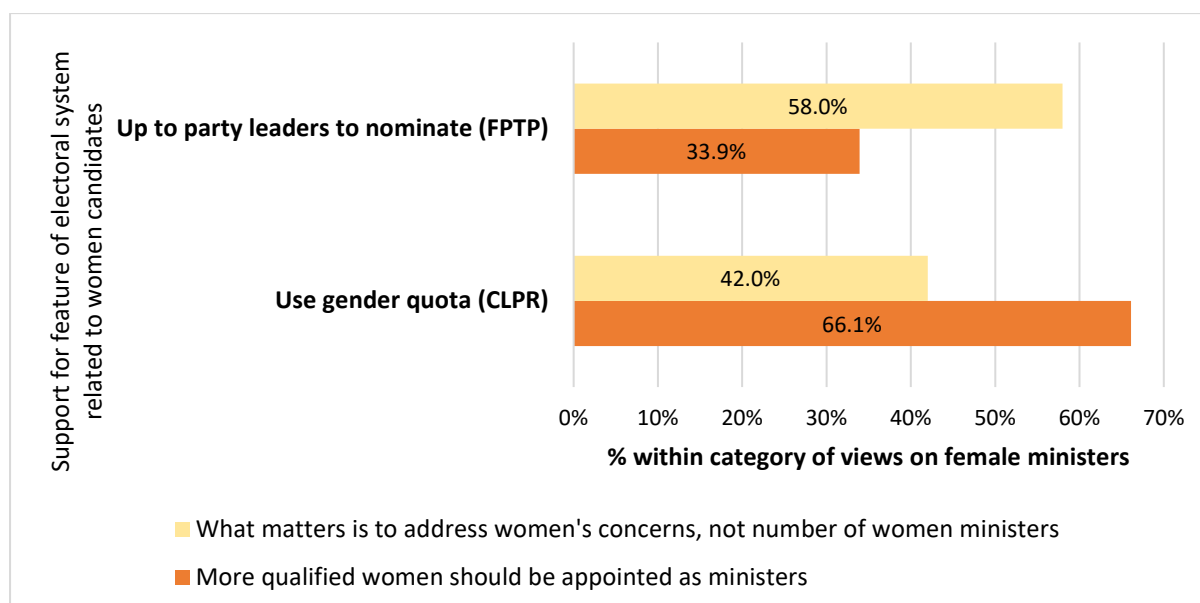
- 1 More qualified women should be appointed as Ministers in the Cabinet.
- 2 The number of women in the cabinet is not important; what matters is that members of the Cabinet are attentive to and willing to resolve issues faced by women.
- 3 Others (please explain): _____

A third question (see Box 2) asked the respondents to choose between two statements on female representation in the cabinet with a third option of giving their own views. Findings show that 38.7% felt that more women ministers who are qualified should be appointed to the cabinet, while 59.0% thought that the number of women ministers is secondary, that it is more important that the cabinet is sensitive to issues faced by women and address them with appropriate policy responses. An analysis by urban/rural divide (Graph 5) reveals that differences in opinion do not seem to be strongly related to urbanisation, though urban respondents are slightly more inclined to suggesting for an increase in the number of female ministers. Similar patterns of responses are also observed in regional comparison. Nonetheless, it is notable that more than 60% of the more urban West Malaysian respondents thought that women-friendly or sensitive policies are more important than the number of female ministers. Such opinion could either stem from reactions to the controversies in recent years over the lackluster performance of some female ministers, or reflect the perspective of those who are not in favour of having more women ministers in the cabinet.

Graph 5: Views on Female Representation in Cabinet



Graph 6: Opinions on Female Ministers and Preferred Feature of Electoral System in Relation to Female Representation



When these opinions on female representation in the cabinet are cross-tabulated against respondents' preferred features of electoral system in relation to female representation (Graph 6), 66.1% of those who thought that more women ministers should be appointed were in support of CLPR system, while 58% of those who emphasised that what is more important is that the cabinet be attentive to and willing to resolve issues faced by women preferred to leave it to party leaders to determine the number of female candidates fielded.

Malaysians appear to be divided in their understanding of the constraints behind the reduced female political representation. They are also equally divided on the subject of imposing quotas as a way to improve the current situation. In addition, an expression of support for quota does not appear to be closely related to their support for the typical ways specific types of electoral system could be leveraged to promote women's political representation. There is even a possibility that support for quota could coexist with unfavourable attitude towards equality of gender role in political participation. Similarly, a rejection of quota may not always imply an attitude supportive of patriarchal gender relations. Further research is needed to disentangle the ambivalence and complexity of gender attitudes vis-à-vis political participation and the use of female quota to advance female representation held by Malaysians.

The Role of Political Parties

One of the contributing factors for the low percentage of elected women representatives is simply due to the fact that not enough of them were nominated by political parties. The table below which lists only political parties which had nominated

at least one female candidate and had won a minimum of one seat indicates that only three parties among them had fielded 20% or more women candidates (PKR, PBB and PBS). A comparison of the success rate of candidates by gender also dispels the oft-touted cliché that female candidates are not winnable. Hence the most straightforward way to increase women lawmakers is to carry out an effective campaign to put more pressure on political parties to nominate a minimum of 30% female candidates and to publicise and shame those which do not do so. While some small parties may not be able to nominate more women candidates due to their skewed membership, there is really no excuse for established parties whose gender ratio of membership are balanced not to be able to do so. Some parties have begun taking conscious measures to ensure that 30% of their elected top party leadership are female (DAP and PSM). This demonstrates the commitment of these parties to give more room for more capable women in the party to rise to the occasion.

Table 3: Success Rate of Parliamentary Candidates by Gender in 2018 General Election*

Party	Total candidates fielded	Total women candidates fielded	Percentage of women candidates (%)	Number of women candidates who won	Success rate of women candidates (%)	Number of male candidates who won	Success rate of male candidates (%)
Pakatan Harapan (PH)							
PKR	70	14	20.00	11	78.57	36	64.29
DAP	47	8	17.02	8	100	34	87.18
BERSATU	53	3	5.66	1	33.33	12	24.00
AMANAH	34	1	2.94	0	0	11	33.33
Barisan Nasional (BN)							
UMNO	120	9	7.50	6	66.67	48	43.24
PBB	14	4	28.57	4	100	9	90.00
PRS	6	1	16.67	0	0	3	60.00
MIC	9	1	11.11	0	0	2	25.00
MCA	39	6	15.38	0	0	1	3.03
SUPP	7	1	14.29	0	0	1	16.67
PBS	5	2	40.00	0	0	1	33.33
PAS	157	10	6.37	1	10	17	11.56
Warisan	17	2	11.76	1	50	7	46.67

* Only political parties which nominated at least one female candidate and had won at least one seat are included in the table.

Besides, the experience and lessons derive from the implementation of the various gender empowerment programmes on the ground referred to earlier could offer a lot of lessons and experiences in addressing this issue to move forward. The activists and vanguards pioneering these initiatives have repeatedly reminded that gender quota, if used, can only be a complement to much greater ground works that are needed to transform cultural and societal attitudes towards the social role of women (PWDC 2016, IWB 2017). To this end, government allocation of resources and appropriate policies to create an enabling environment is vital. The targets set in the 2009 National Women

Policy as explained at the beginning of this section has remained unfulfilled, and it is time the government do some stock taking to see how they can start afresh. Current attention to setting a national or state level gender targets should actually be broadened more holistically to the appointment of lower level of grassroots women leadership such as at the village or local council levels as currently being done in Selangor and Penang³¹. In effect, it could be more sustainable and culturally transformative to begin the enforcement of gender quota from bottom up in a progressive way, and to set up effective mechanism of monitoring and sanction.

Party Hopping and Political Stability

Political Impetus in Search for Anti-Hopping Remedies

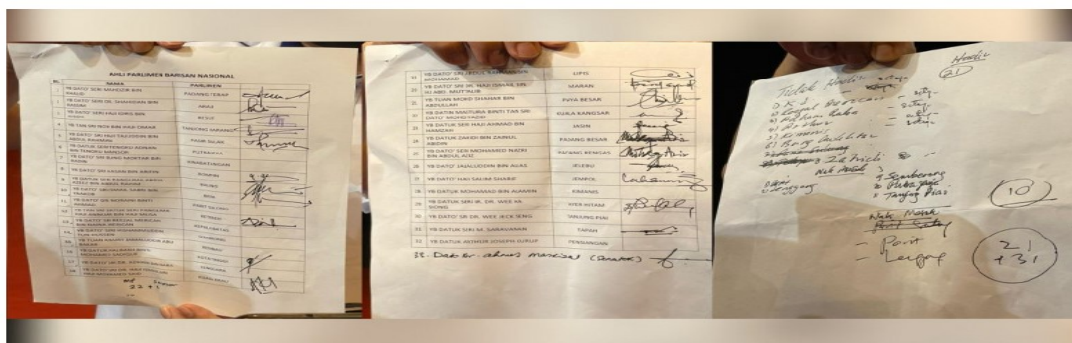
The issue of party hopping has increasingly become a subject which stirs vigorous public debates as never before ever since the fall of Pakatan Harapan. The domino effects that followed the political manoeuvring after the change of the federal government also led to several state governments changing hands or a change of state Menteri Besar. The most consequential among the backroom dealings was in Sabah when political defection led to the Warisan-led government losing their majority and a state election was called. As politicians flocked to Sabah to assist respective parties in electoral campaign with widespread violation of the stipulated preventive measures, the situation subsequently caused the covid-19 infection to get out of control nationwide. The ripples of these political changes have exerted lasting and deep impacts on the entire Malaysian society as the effects were compounded and amplified by the tragic spread of covid-19 pandemic.

The awkward and politically expedient cooperation among parties based on a waffle-thin majority under PN – in particular the difficult relationship between Bersatu and UMNO – was only held together due to the raging covid-19 pandemic which had posed a serious obstacle to holding a fresh general election. Public frustration caused by the tenuous and changing realignment among political leaders continuously distracted by the number games of defection and seemingly oblivious to the plight of millions who were suffering under lockdown may be sensed from the title of an editorial piece

³¹ Despite some progress made in this direction, the policy has not been respected at all times in Penang and Selangor due to various reasons ('Women reps on local councils - why is Penang sliding, asks WCC', 24 January 2020, *Malaysiakini*). Under the PH government, the then minister for housing and local government, Zuraida Kamaruddin had proposed to enforce 30% female quota in the appointment of local councillors ('Councils which do not have 30 pct women councillors could have allocations reviewed', 24 August 2018, *New Straits Time*) as an added condition for the local council grading system to be implemented from 2019. However, it is unclear if this requirement was eventually enforced. In Johor, when the state government was ruled by PH, some gender inclusive measures were also initiated in the state administration, and DAP had begun an initiative to appoint more new women heads in new villages which had achieved notable success. It is unclear whether this effort was continued after the collapse of the PH state government in Johor (Interview with Gan Peck Cheng, 2021).

written by the chief news editor at *The Vibes*, Khaw Chia Hui, 'Country's fate based on 3 pieces of crumpled paper' on 6 August 2021.

Box 3: Frustration Over Changing Allegiances and Political Crises



The three worse-for-wear pages passed around between lawmakers at the Barisan Nasional gathering in Menara DBKL today. Is the state of these pieces of paper indicative of how multiple crises have been managed so far? – SYEDA IMRAN/*The Vibes* pic, August 6, 2021

Nonetheless, party hopping problems did not begin with the implosion of the PH government, they happened under the PH government as well and were tolerated as they were beneficial to some of its component parties at the expense of UMNO. The problems of party-hopping are of course not new, and dated back even further in time, with the most dramatic of their outcomes before 2018 being the fall of the Pakatan Rakyat state government in Perak in 2009 and Parti Bersatu Sabah government in 1994. The question of party-hopping is often looked at from a partisan perspective: it is acceptable when it benefits 'my side', but unacceptable when it benefits my opponents. In the Malaysian context, it usually benefits the ruling coalition of the federal power, and hence there is a lack of political will to curb it.

Civil society actors have pointed out that an important way to curb party-hopping is to allocate constituency development funds (CDF) equally and unconditionally to all legislators so that they could serve the local developmental needs of their constituents. This is critical in rural constituencies especially in Sabah and Sarawak, some of whom openly stated the need for CDF as the reason for defecting to the PN government. The CDF allocation had in the past been given only to lawmakers from the ruling parties, and served as a leverage against the opposition parties legislators to discourage voters from supporting the latter. The PH federal government had unprecedentedly given an allocation to MPs from the opposition, though at a sum far below the allocation given to PH MPs. They were to taste their own bitter medicine when they lost federal power. The loss of CDF was quite critical during the pandemic as bouts of long period of sudden lockdown and economic downturn had resulted in massive economic hardship and unemployment.

Besides CDF and inducements offered in a variety of forms such as monetary payment or position, another alleged tactic used to intimidate lawmakers from the opposition or to coerce them to defect was selective prosecution through law enforcement agencies. This is nonetheless related to issues of rule of law and over-concentration of executive power, which is outside the scope of the present study.

There were attempts by state governments to enact an anti-hopping law to curb such acts³², but were deterred by the high court judgment of the *Nordin bin Salleh & Anor v Dewan Undangan Negeri Kelantan & Ors* pronounced in 1991 which was subsequently upheld by the supreme court in 1992. Clause (2)(c) of Article 10 of the federal constitution does provide for the parliament to pass legislation to impose restrictions on the freedom of speech, assembly and association 'as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, public order or morality'. The judgment of *Nordin bin Salleh* which had thwarted state efforts to enact an anti-hopping legislation interpreted the word 'morality' as referring strictly to 'sexual morality' and not 'political morality' (p. 358). Law professor Shad Saleem Faruqi disagreed with this narrow interpretation of the word 'morality', and opined that the arguments in *Nordin bin Salleh's* case which upheld party hopping as part of freedom of association was a 'political judgement'. He pointed out that political morality was the moral ground upon which an anti-hopping law was enacted in countries like India ('Anti-hopping law will uphold what is morally right, says Shad', *Free Malaysia Today*, 14 September 2019). This was actually affirmed in the majority judgment pronounced by the Indian judges cited in *Nordin bin Salleh*, which referred to their observation that political defections

generally take place not because of genuine proddings of conscience but because of personal aggrandizement and rank opportunism. They have become a pernicious form of political corruption threatening the function of parliamentary democracy (p. 352).

The judge presiding over the case of *Nordin bin Salleh's* case had surprisingly chosen to adopt the argument of the minority judgment. Given the *Nordin bin Salleh* judgment, the surest way would be to amend Article 10 to specify that politically opportunistic party-hopping is excluded from the scope of protection under Article 10.

Public Perception of Party-Hopping

The survey of this study posed a couple of questions to gather public sentiment on the subject of party hopping, as indicated in Box 4 below. What is notable is that besides responding to the two questions, many of the respondents expressed spontaneously their disapproval of party-hopping and the formation of 'backdoor' government in their response to a couple of the open-ended questions related to electoral reform and election (see Ting & Kam, under review).

³² For a concise and succinct summary of the subject, see Wong (2021).

Box 4: Questions on Party-Hopping

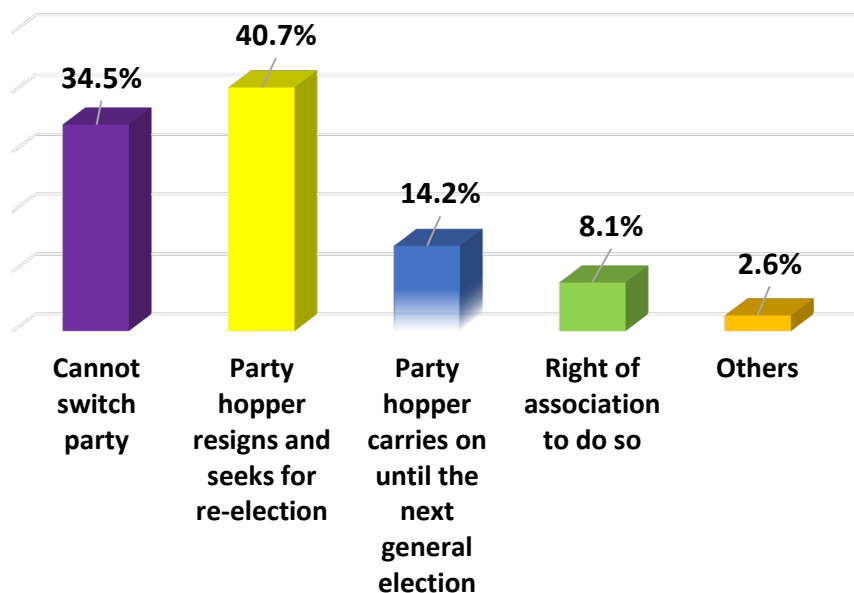
70 Currently there are many elected representatives who have switched parties in our country. Which of the following statements best represents what you think about party hopping?

- 1 An elected representative should not switch party because voters elected him/her based on his/her party affiliation rather than his/her individuality.
- 2 An elected representative who switched party should resign and seek a fresh mandate through a by-election.
- 3 An elected representative who switched party may have done so for a good reason, so they should just carry on till the next general election.
- 4 An elected representative has the right to switch party because his/her right of association is guaranteed by the Federal Constitution.
- 5 Others (please state): _____

71 Would you agree or not with enacting an anti-hopping law so that an elected representative who switches party loses his/her seat but can re-contest in the by-election?

- | | | |
|---------------------|------------------|----------|
| 1 Strongly disagree | 2 Disagree | 3 Unsure |
| 4 Agree | 5 Strongly agree | |

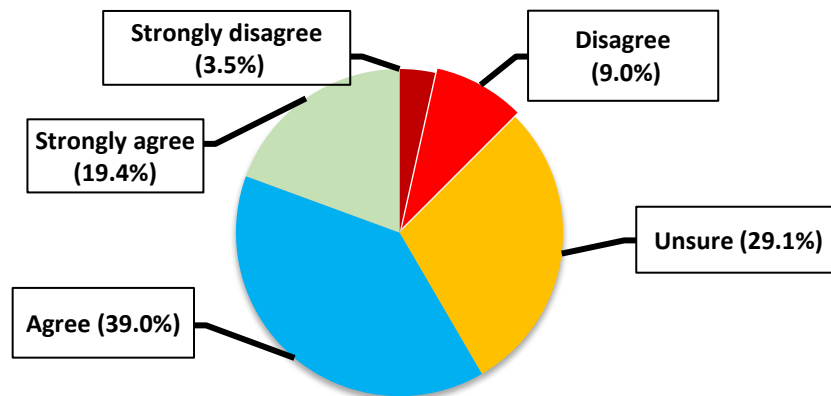
Graph 7: Views on Party Hopping



Strong public sentiment against party-hoppers is discernible based on their responses (Graph 7). One third of them emphasised that these lawmakers were not supposed to switch their party affiliation at all, while 41% wanted them to step down and seek for a fresh mandate from the voters. Only 8% thought that it was their constitutional right of

association to do so. 58% agreed that an anti-hopping law should be enacted to oblige the party-hopping lawmakers to vacate their seat and seek re-election (Graph 8).

Graph 8: Views on the Enactment of an Anti-Hopping Law



Political Convergence to Enact Anti-Hopping Law

The silver lining of the unprecedented political upheaval and prolonged instability since February 2020 during a time of pandemic may well be the gradual emergence of a more conducive condition which may facilitate a broad bipartisan consensus to enact anti-hopping laws or legislate for recall election – now that parties from both sides of the aisle had been victims of party-hopping acts. Expression of such position had been made by party leaders on both sides of the divide. Back in July 2020, the PH-controlled Selangor state assembly had passed a resolution to urge the parliament to enact anti-hopping law (Norzamira 2020). Then as discussed at the introductory section, UMNO MP Mohd Nazri Aziz had initiated a bipartisan parliamentary caucus to explore if electoral system could be modified in such a way that the mandate is given to the party instead of the individual ('Nazri: Anti-hopping law won't work, party-list the solution', *Malaysiakini*, 22 July 2020). DAP secretary general, Anthony Loke, had responded positively in support of his initiative (Shakira 2020). More significantly, in an attempt to neutralise the withdrawal of UMNO support for him in August 2021, the then prime minister Muhyiddin Yassin extended an olive branch to the opposition by offering several reform measures in exchange for building bipartisan support for himself, one of which was the enactment of an anti-hopping law, with the condition that the required two-thirds majority could be mustered in support of the constitutional amendment. Though he did not achieve his objective and was forced to resign, DAP secretary-general reiterated that his party would support the new PN government under Prime Minister Ismail Sabri to amend the constitution to curb party hopping. PAS information chief promptly welcomed the gesture of DAP ('PAS welcomes DAP's backing of anti-hopping law', *Free Malaysia Today*, 1 September 2021). Prime Minister Ismail Sabri has since announced the decision of the cabinet to legislate on anti-hopping law among other reform measures ('Cabinet agrees to 7 reforms for ensuring political

stability', *Malaysiakini*, 10 September 2021) and it constitutes one of the reform items in an unprecedented Memorandum of Understanding for Political Transformation and Stability signed between the federal government under Ismail Sabri with PH on 13 September 2021.

Public Debates on Anti-Hopping Remedies

There have lately been lively discussions and debates contributed by numerous individuals in online media on the legal and moral aspects of party hopping, and the use of an anti-hopping law and recall elections to deal with the situation. A notable contribution is the policy research paper written by Dr Wong Chin Huat on behalf of Bersih 2.0 to explore the remedies (Wong 2021). His position to favour recall election over an anti-hopping law has been propagated by Bersih 2.0, and has inspired politicians such as Azalina Othman, an UMNO parliamentarian who was the deputy speaker of the parliament under prime minister Muhyiddin, to take it up.

Azalina announced on 2 September 2021 that she has put in a notice for a private member's bill to table a recall election act. She has earlier posted a Frequently Asked Questions on an Anti-party Hopping Act on her Facebook which explains her perspective on the circumstances under which a party-hopping act is committed: leaving the party or being expelled by the party; a political party being de-registered or banned; and not following the party's instruction and voting based on personal stand in the legislature. She also proposed that the electoral system should be changed so that voters would vote for parties rather than individual, in other words, a CLPR system. The scope of a party-hopping legislation as proposed by her has provoked objections which pointed out that de-registration or proscription of a political party clause could be abused by the ruling party to kill the opposition (Brundage 2021). In effect, UMNO has just had a close shave with such a threat when the Registrar of Societies declared that the party supreme council's decision to postpone its party election for 18 months was invalid ('Why two different letters from RoS on party polls, asks Umno man', *Free Malaysia Today*, 6 August 2021; 'ROS: Umno leadership just caretaker for now', *Malaysiakini*, 10 August 2021). The association of conscience vote with a party-hopping act also seems to need refinement and is judged as too sweeping.

Wong (2021) takes the stand that a recall election act or enactment is a preferred remedy against party-hopping than an anti-hopping law. His arguments against an anti-hopping law are threefold:

- serious legal obstacle as it requires a two-thirds parliamentary majority to amend the constitution;
- it is futile against a shift in support of a component party of a coalition as in the case of the implosion of PH, and
- an anti-hopping law may give the party leaders who are in government an iron grip over its parliamentarians, hence impeding the effective role of ruling backbenchers in 'tampering the Executive dominance' (Wong 2021: 37).

Wong (2021) seems to have limited his scope for remedies mainly on state legislation as he was sceptical of the possibility of a bipartisan support for constitutional amendments to address party-hopping acts. Nonetheless, he admitted that the introduction of recall election at the federal level would require constitutional amendment as well. Wong's research paper was published in January 2021 during which the political atmosphere differed much from now with a second PN federal rule under a newly minted prime minister Ismail Sabri. As explained above, the current political atmosphere seems favourable to the building of a two-thirds majority in approving such constitutional amendment.

Wong (2021)'s second argument is that an anti-hopping law would not have prevented the collapse of the PH government in February 2020, as the withdrawal of Bersatu which had 11 seats out of the 121 seats held by PH right after GE14 would still have left PH with two seats short of a majority. He argues that in this sense, an anti-hopping law is seen as futile as a deterrence. But his greatest reservation appears to be the possible effect of an anti-hopping law in producing 'rubberstamp legislatures' by giving too much power to party leaders over the MPs.

While Wong (2021) repeatedly expresses concern that the law would give the executive too much power over the parliament, the reality may be a little more complex. If a large number of the ruling backbenchers genuinely feel that a specific policy of the government is deemed unacceptable, a backbencher revolt may not result in their mass sacking as doing so may ruin the majority support of the government and put the latter out of job. In addition, if a parliamentarian genuinely cannot in good conscience supports a specific policy and quits, he or she can persuade the voters to support his/her rationale of the act and it is ultimately up to the voters to decide whether they are convinced enough to return his/her mandate. The use of handouts and other state resources to secure voters' approval of his/her change of party affiliation, while insidious, could happen in both cases and could be worse in the case where recall election is the only recourse available.

Wong (2021) argues that the remedy option of recall election is superior to an anti-hopping law based on four arguments. He sets aside the option of enacting a recall election law at the federal level which requires constitutional amendment just as the anti-hopping law. Hence he was mainly looking at the feasibility of enacting it at the state level which would require two-thirds majority in the state assemblies. This seems to defeat the purpose as the most serious and urgent issue is at the federal level as state legislation can only deal with the issue at the state level.

Wong (2021) proposes to restrict grounds for recall elections to three in order to prevent abuse:

- post-electoral change of party or coalition affiliation;
- conviction for a non-compoundable offence, and

- absence from legislative seating for more than 80% of time in a consecutive period of six (sic) months (p. 38).

For him, the strength of recall election measure is its flexibility for multiple purposes which allows the voters to terminate the popular mandate given to the errant lawmaker before reaching the end of his term. With due respect, there are some defects in the suggested grounds for recall election legislation. Firstly, the second ground for recall election may be subject to abuse through selective political prosecution which Bersih 2.0 has been condemning repeatedly. In addition, a traffic offense such as using a handphone while driving is a non-compoundable offence in Malaysia. Hence one may ask whether the bar is set too low as a ground for recall election.

Wong (2021) lists four goals in seeking remedies for party hopping: effective legislative oversight, meaningfully differentiated parties, stable government and accountable representatives. Strictly speaking, effective legislative oversight and meaningfully differentiated parties are really outside the scope of any anti-hopping law and recall election. The concerns for party hopping can ultimately be summarised as one: that it could happen in the form of political corruption which threatens the effective functioning of parliamentary democracy. We agree that there could be many reasons for which lawmakers might decide to change their party affiliation, and some of these reasons are more honourable and defensible than others. An anti-hopping law, if enacted, should be sensitive to this contingency and set a reasonable red line not to be crossed.

Wong (2021)'s mention of the preservation of election-night balance of power is really at the heart of the Malaysian debates as that was the electoral expression of the popular mandate. Political stability could come about in this context only if the anti-party hopping remedies could *deter* political defections. Effectively, an anti-hopping law is judged to be effective if it does not need to be applied at all, only to serve as a deterrent to oblige potential offenders to take heed of the possible political and legal consequences in their consideration of action. However, as Wong (2021) points out in the case of Bersatu, even an anti-hopping law may not *deter* political defection, but then again, recall election would in this case be to an even lesser extent an effective deterrent. Recall election nonetheless provides a means for the voters to seek accountability in this case.

A better solution as a remedy against party hopping could be a combination of both an anti-hopping law and recall election:

- a) the seat of any legislator shall become vacant if he or she ceases to be a legislator of the political party for which he or she was elected;
- b) legislators of a party which withdraws from the coalition in which they were elected (using a common logo) could be subjected to recall election.

There are those who pointed out that Bersatu MPs who refused to follow their party's directive to withdraw their support for PH could fall victim to such legislation. A clause could be added to exempt legislators who went against their party's defection from the

coalition in which the party candidates were elected from the anti-hopping law and recall election to apply to them.

Space for Small Parties to Gain Representation

One of the arguments to introduce a proportional representation component to an electoral system is to provide space for smaller parties to gain representation in the parliament. As mentioned in Chapter 2, an often-cited example is PSM. Their party experience during the more than two decades of their existence exemplifies the dilemma faced by a small party operating under the FPTP system. Since their formation, PSM fought the government for ten years before they succeeded to be officially registered in 2008. During this time, they had had to negotiate with established opposition parties such as the Democratic Action Party (DAP) and the Parti Keadilan Rakyat (PKR) to contest using the latter's party logos during successive general elections since 1999. They had to do it in the terms laid down by PKR or DAP, and were subject to the vagaries of seat negotiation among component parties of the opposition coalition (S. Arutchelvan n.d.). When negotiations broke down, besides having their candidates who stood lose in multi-cornered contests, they were also blamed for splitting the support base of the opposition, hence giving electoral advantage to the ruling BN candidates.

The electoral experience of Dr Michael Jeyakumar Devaraj, the current chairman of PSM, illustrates a particularly stark situation faced by a small party. He was an exemplary two-term MP in the Sungai Siput constituency between 2008 till 2018, who won in both contests using the logo of PKR. For the 2018 general election, after a failed negotiation with PKR, PSM nominated him to re-contest in Sungai Siput using their own party logo. His popular vote went from the almost 52% in 2013 to less than 4% in 2018, losing to the PKR candidate who garnered almost 49% of the popular vote. PSM leaders believe that they would stand a better chance to gain a foothold in the parliament should they contest in a PR electoral system, and Bersih is in support of this rationale.

Public Perception of the Role of Small Political Parties

Yet relatively little research has been done on this subject. The survey posed six questions to gain some understanding of how Malaysians think about smaller parties and gauged the national support base of some small or new political parties as examples to gather some baseline information on this subject. The first question asked for respondents' views on smaller political parties, the second and third asked whether they were interested in supporting parties carrying environmental agenda, and a new political party with young people on its leadership lineup, the Malaysian United Democratic Alliance (MUDA), whose application for registration has yet to be approved by the Registrar of Societies. The last three questions asked about PSM: whether the

respondents could recognise PSM's party logo, whether they were familiar with the party and lastly, whether they were interested to support the party.

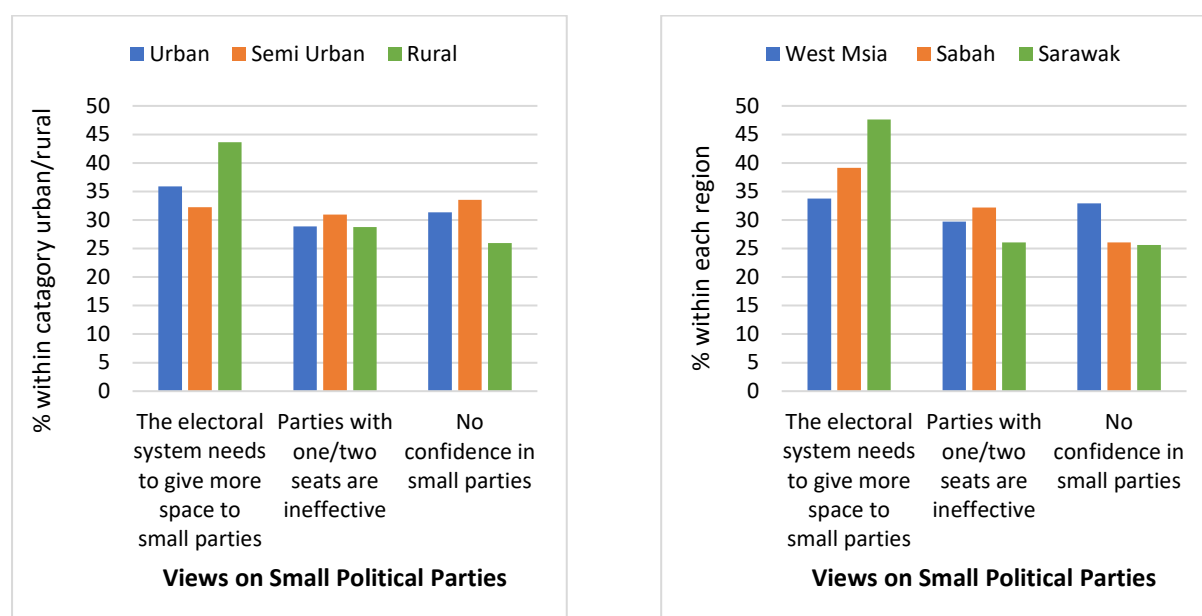
The first question asking for the views of respondents on small political parties provided three different perspectives for them to choose from, and if preferred, for them to provide their own answer as the fourth option: 'others' (see Box 5).

Box 5: Views on Small Political Parties

86 What is your view on small political parties in Malaysia?

- 1 Our electoral system does not give room to small parties to be represented and this situation needs to be rectified.
- 2 Political parties that can only win one or two seats cannot play an effective role in the parliament.
- 3 People have no confidence in small parties.
- 4 Others (please state): _____

Graph 9: Views on the Status of Small Political Parties

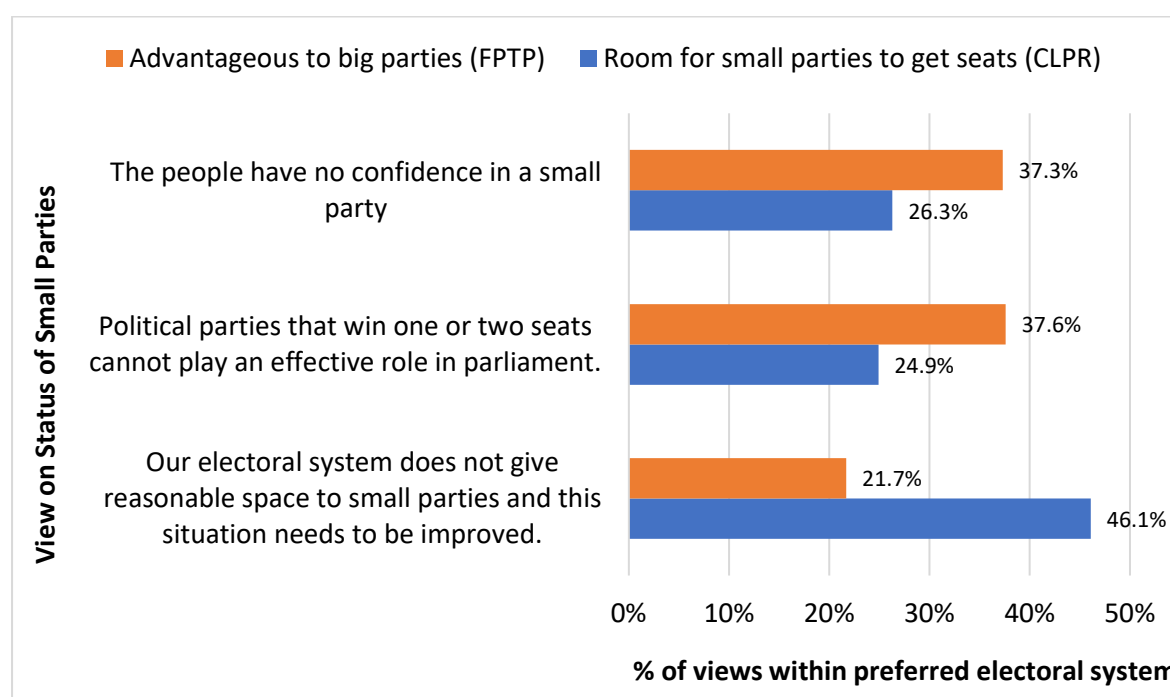


37.2% of the respondents agreed that the FPTP system did not give room to small parties and the situation needs to be rectified. The second and third views garnered respectively 29.3% and 30.3% endorsement while 2.9% of the respondents ticked 'Others'. Analysis by region (Graph 9) finds that Sarawakian respondents were particularly sympathetic to the first view even though it is also the most popular view among the three options for the other two regions. West Malaysian respondents

nonetheless were split almost equally three ways among the three views and held the least favourable view towards small parties.

Analysis based on the extent of urbanisation indicates that it is the semi-urbanite respondents who were the most divided and ambivalent towards small parties. Interestingly, the rural respondents held the most sympathetic views towards reforming the FPTP system to give more space to smaller parties.

Graph 10: Preferred Electoral System vis-à-vis Small Party Representation in relation to Views on Status of Small Parties



When views on the status of small parties are cross-tabulated against their preferred electoral systems in relation to the representation of small parties (Graph 10), it is found that only about 46.1% among those who support having an electoral system that gives space to small party representation - i.e. CLPR³³ - also held the views that the FPTP system needs to be rectified to give more room to them. A quarter each of the rest thought either that small parties cannot play an effective role in the parliament, or that people have no confidence in small parties – there is apparent contradiction between views on small parties and preferred electoral system as expressed by the latter groups. Hence more than half of those who indicated a preference for an electoral system that ‘provides space for small parties to win some seats’ seem to be expressing spontaneous, permissive views rather than based on a keen position that

³³ Note that CLPR is not mentioned explicitly in the questionnaire (see box 8) even though we have imputed respondents’ answers on their possible preference for CLPR.

small parties being disadvantaged by FPTP warrants a change of electoral system to be rectified.

This deduction is corroborated by findings in Table 4 which analyses respondents' views on small parties against their responses on electoral system in relation to small parties. More than 50% of those who held negative views on the role of small parties expressed their support for PR system, which appears to contradict themselves. However, 79% of those who felt that the current electoral system is unfair to small parties indicated their preference for PR type of electoral system. This 29% of respondents are coherent in their stand on both questions. Hence care should be taken to interpret indication of preference for electoral system vis-à-vis representation of small parties as discussed in Chapter 4.

Among those who support an electoral system that gives advantage to established political parties, about 75% felt that small parties either cannot play a meaningful role or were not trusted by the voters. 22% nonetheless held the view that the current FPTP system should be rectified to give more space to small parties.

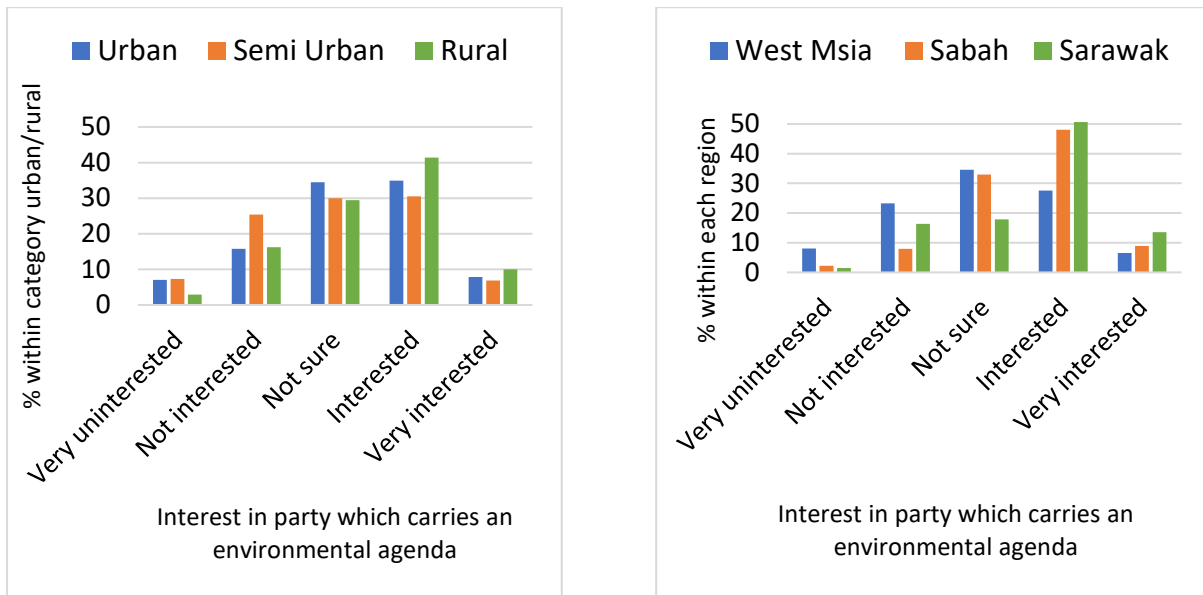
Table 4 Views on Status of Small Parties in Relation to Preference for Electoral System

	Our electoral system does not give reasonable space to small parties & this situation needs to be improved	Parties that win one or two seats cannot play an effective role in parliament	People have no confidence in a small party	Total
Room for small parties to get seats (CLPR)	771 78.8%	417 53.7%	440 55.3%	1673 63.7%
Advantageous to big parties (FPTP)	207 21.2%	359 46.3%	356 44.7%	954 36.3%
Total	978 100.0%	776 100.0%	796 100.0%	2627 100.0%

A question was posed to the respondents asking whether they would be interested in supporting a political party which carries an environmental agenda. Interestingly, 35.6% responded that they were interested and 8.2% expressed that they were 'very interested'. 31.3% said that they were unsure, while 19.1% and 5.8% respectively stated that they were not interested and 'not interested at all'. 2.9% chose the option 'others', whose discussion is omitted here for brevity.

When analysed based on region and their location in terms of urbanisation (Graph 11), the pattern of responses corresponds more or less with the overall pattern. Nonetheless, rural respondents expressed much higher interest in such party while the semi-urbanite respondents were less enthusiastic. Regional comparison shows that Sabahan and Sarawakian respondents indicated a much stronger interest in such party than West Malaysians.

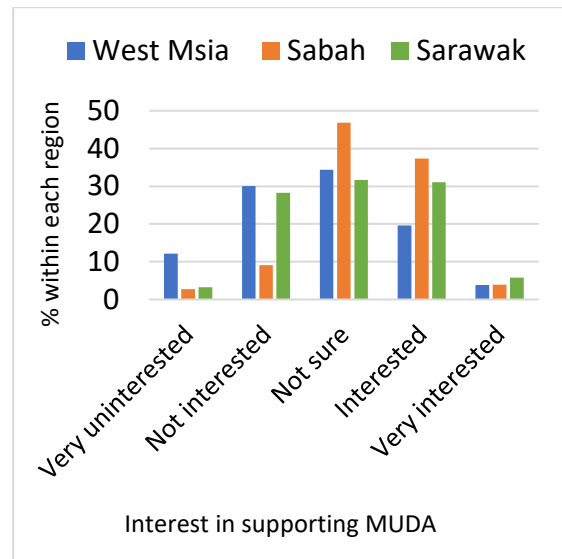
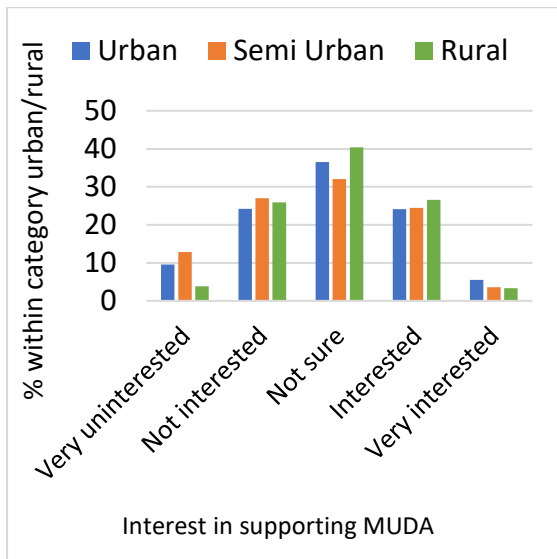
Graph 11: Support parties that drive environmental agenda?



Another question was posed asking whether the respondents were interested in supporting 'a political party led by young people' such as MUDA. 36.3% said that they were unsure, while a quarter each stated that they were 'interested' and 'not interested' respectively. 8.7% said that they were 'not interested at all' while 4.2% said that they were 'very interested'. When analysed based on the geography of urbanisation (Graph 12), rural respondents expressed the greatest doubt. Comparatively, Sabahan respondents actually expressed the most enthusiasm (41.2%) though also having much higher proportion of those who stated that they were not sure (46.9%). Interestingly, though MUDA is mainly a West Malaysia based party at the moment, West Malaysian respondents expressed the lowest interest (23.4%) among the three regions.

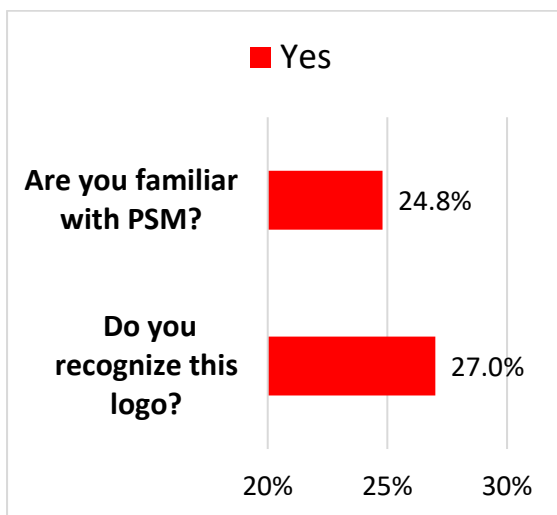
As explained, we asked three questions about PSM, and naturally more people in West Malaysia know about the party as it operates mainly in selected locations in West Malaysia. Graph 13 displays the responses of West Malaysians. It shows that despite having been in existence for two decades, it is still relatively unknown to most Malaysians: 27% recognised its party logo, while about 25% said that they were familiar with the party. However, when asked whether they are interested to support the party, only 6% stated either that they were interested or very interested. One surprising finding is that 24.7% of Sabahan respondents actually said that they recognised the party logo and 21.9% of them said that they were familiar with the party (as a comparison, 12.2% and 10.7% respectively for Sarawakians). In addition, 9.9% and 1.4% of the Sabahan respondents indicated respectively that they were interested and very interested in supporting the party.

Graph 12: Support parties with youth leaders like MUDA?

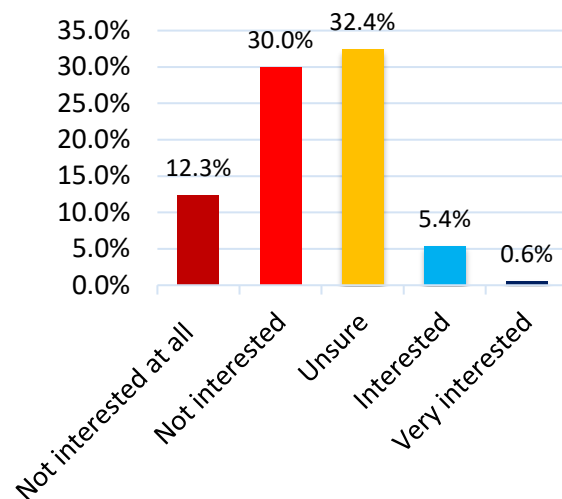


Graph 13: Perspective on Parti Sosalis Malaysia (PSM)
(Responses from West Malaysia Only)

Awareness of PSM



'Are you interested in supporting PSM?'



An interesting trend that emerges from the survey findings is that East Malaysians seem to be more interested and open-minded towards small or new parties and even a hypothetical green party than West Malaysians. This is notwithstanding the fact that both MUDA and PSM are mainly active in West Malaysia. This relative openness of East Malaysian voters may explain why there are far higher multi-cornered contests in East Malaysia, and that small parties and independent candidates seem to stand a better chance to spring surprise electoral victories on the Bornean states. This demonstrates that the determinant of the party system is more than just the electoral system, and the highly pluralistic socio-ethnic composition of the East Malaysian societies could also have contributed to this dynamic.

What is also interesting here is the contrasting results between PSM and MUDA. Despite the fact that MUDA is not even allowed to be registered as a party yet, it managed to garner around 23% expression of interest in West Malaysia to support it, whereas for PSM, while about a quarter of the West Malaysian respondents responded that they were familiar with the party, only 6% indicated that they were interested in supporting the party. This challenges the argument that the FPTP system is squarely responsible for the unsuccessful electoral fortune of PSM. On the other hand, assuming that PSM obtains 6% popular vote in a PR electoral system which makes peninsular Malaysia and the Federal Territories a mega multi-member constituency of 165 seats, this may hypothetically give PSM 9 to 10 parliamentary seats. This would potentially provide an important lifeline for the party to grow further.

Needless to say, the PR system may also encourage a proliferation and thriving of minority-based parties such as Malaysian Punjabi Party, Malaysian Indian Muslim Congress, even a party for Orang Asli, Serani, or the many smaller ethnic groups in East Malaysia. While this may provide an opportunity for these small ethnic groups to get representation, it will clearly encourage even more fragmented, ethnically based micro-politics and strengthen further the political significance of ethnic identity. In addition, would successful candidates elected on such rhetorical platform contribute to improving the quality of the elected lawmakers? Some proponents of the PR system argued that under a FPTP system, there is not much room for an effective voice of marginalised groups such as the Orang Asli. In fact, should the representation of specific marginalised group be judged to be desirable, there is no need to wait for a PR or mixed electoral system to realise it, as FPTP system can very well accommodate the inclusion of reserved seats for such category of social or ethnic groups.

CHAPTER 4 WEIGHING OPTIONS BETWEEN ELECTORAL SYSTEMS: VOTERS' PERSPECTIVES

Voters' Rationale and Strategies of Voting

One fundamental difference between CLPR and FPTP is that the former presents to the voters lists of candidates nominated by respective political parties to elect several or more legislators representing their constituency whereas under the FPTP, the voters deliberate on one sole representative for their respective electoral district. Under the CLPR, the voters are not given the option of expressing their preference for a particular candidate or ranking their preferences for one or another among them. Rather, they will have to choose among the party-lists of candidates in toto, and hence to accept or reject the entire list proposed by each party.

One line of the arguments put forward by those who support a CLPR system in Malaysia is premised on their assumption about how the voters decide on whom to support during an election. Two of the often-mentioned assumptions are as follows:

1. most voters vote based on the party they support, regardless of the candidate fielded;
2. FPTP system limits the choices of the voters because they are obliged to recourse to strategic voting based on their calculation of whom they think have a higher chance of winning rather than sincere voting

As discussed in previous chapters, the first argument has been advanced by at least a couple of UMNO MPs who spoke out in support for CLPR as an anti-hopping measure. They stated that CLPR merely formalises what the voters had been doing all along as most of them voted based on party affiliation of the candidates. Hence they argued that the voters would be happy to give the mandate to a party rather than a specific candidate so that the latter cannot 'bring the seat along' when switching party affiliation.

Discussions on the issue of strategic voting versus sincere voting feature prominently in the context of small party representation that we have examined in the previous chapter. We found that less than a third of the respondents were sympathetic to the plight of small parties, and support for PSM seems particularly wanting when compared with another unregistered party MUDA or a hypothetical party driving environmental agenda. We also found that West Malaysians appear to be much less inclined to support small parties than East Malaysians. This section explores voting strategy of Malaysians which intersects partially with the debates on small party representation.

There has not been any serious academic study being conducted on the voting behaviour of voters in Malaysia. A survey commissioned by Jeffery Sachs Center on Sustainable Development, Sunway University that was conducted in December 2019 did explore this issue and posed three questions which are similar to those we have

formulated in this survey. Their survey nonetheless focused on Malay respondents only. In this study, this issue was first explored in the focus group discussions that had been conducted prior to the formulation of the survey questionnaire. Based on the data collected during the discussion groups, three questions have been finalised with some slight variation from the Sunway survey.

The respondents were asked three questions: their most important consideration when casting their vote, the personal attributes they value in the candidate they support and how they decide on their vote in a multi-corner contest (see Box 6).

Box 6: Factors influencing Voting Choice for Electoral Candidates

67 What is the most important consideration that determines your vote in an election?

- 1 Candidate's personality
- 2 The party/coalition represented by the candidate
- 3 Ethnicity of candidate
- 4 Religion of candidate
- 5 Current issues
- 6 Other factors (Please state): _____

68 What are the personal attributes of a parliamentary candidate that you consider as important when deciding whether to support him/her? *(Please rank in order of importance the following attributes in accordance with how you would prioritise your consideration; 1 signifies the most important, while 4 signifies the least important.)*

- 1 Ability to formulate national policy wisely.
- 2 Effectiveness in solving local problems and bring development to my area.
- 3 Approachable and accessible to the people.
- 4 Generosity in providing for welfare assistance to those in need.

69 How do you decide whom to vote for in a multi-corner electoral contest?

- 1 I will vote for the candidate I support even if he/she has no chance of winning.
- 2 I will only choose between candidates who have a higher chance of winning.
- 3 No matter what, I will just vote for the candidate from the ruling party.
- 4 Others (please state): _____

Survey Findings on Voting Strategies

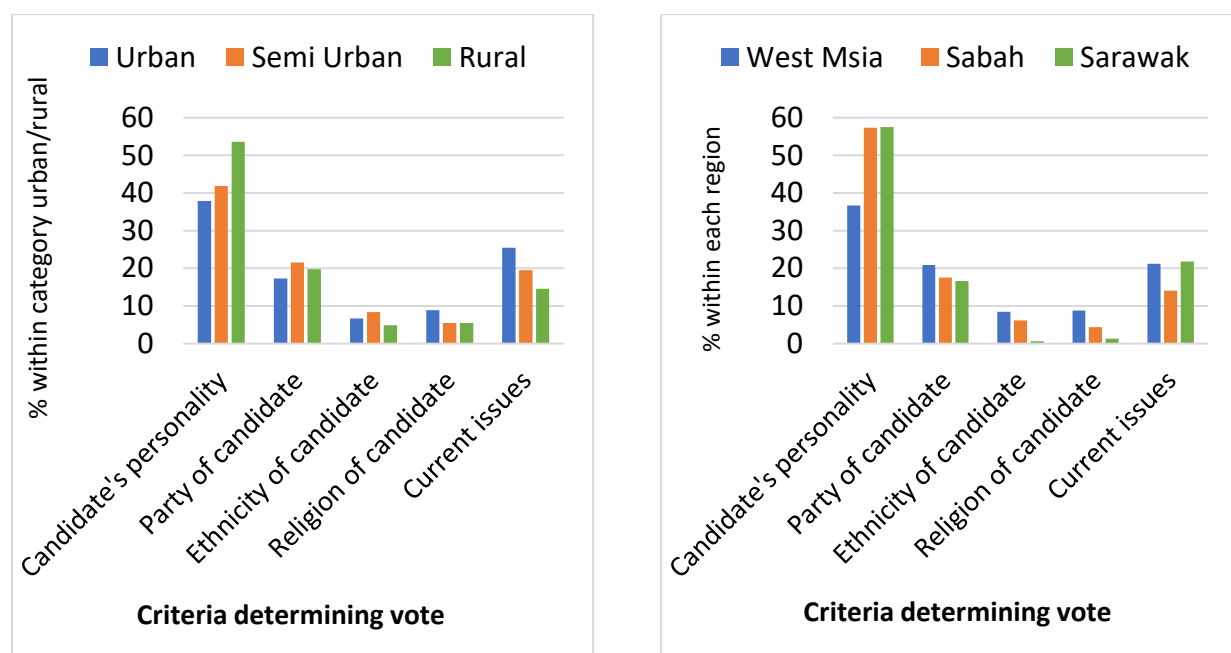
Findings from the survey and fieldwork reveal a more complicated picture of how the voters decide on whom to support during a poll than commonly assumed.

To the first question on the most important consideration in voting a candidate, five answers were provided: candidate's personality, the party or coalition they represent, candidate's ethnicity, candidate's religion, current issues, and a sixth option 'other factors', whereby they are free to give their answer. About 3% chose 'others' to give

their own answer, which we will set aside to simplify our discussion here. 44.4% stated that candidate's personality constitutes the most important consideration, whereas 19.5% would choose based on the party of the candidate and 20.0% said 'current issue'. A respective 6.6% respondents stated either that ethnicity or religion of the candidate was the most important criteria.

When analysed by region (Graph 14), the weight of candidate's personality increases quite markedly to more than 57% for Sabahan and Sarawakian respondents. West Malaysian respondents indicated slightly more consideration for the party of the candidate than East Malaysians. Notably, ethnic or religious consideration is 1% or less among Sarawakian respondents while current issues exert the second most important impact on their decision on a candidate. When analysed based on the geography of urbanisation, rural respondents gave the highest consideration to the personality of the candidates even though it also constitutes the most important criteria for the urbanites and semi-urbanites too. Among urban respondents, current issues received the second most affirmation as the main consideration for voters' electoral choice while the party to which the candidate is affiliated gets the third most consideration. This is the reverse for semi-urban and rural respondents.

Graph 14: What is the most important consideration that determines your vote in an election?



Interpretation of Voting Strategies

The finding effectively goes against a commonly held perception that most Malaysians have been voting based on support for a party, and that the electability of the candidate depends more on the party's popularity than the candidate. Granted, this in no way

confirms that voting behaviour in the past was not based on party consideration. It is plausible that this is a relatively new phenomenon, but there have not been systematic studies which investigate this subject. The pattern of this quite surprising finding corresponds to a large extent with the findings of the above-mentioned Sunway survey, except that Malay voters appear to give slightly greater consideration to the ethnicity and religion of the candidates. Could this reduced loyalty of voters to specific parties be interpreted as part and parcel of the longer trend of democratisation?

In a way, voting based on party consideration is logically valid only for hardcore party loyalists and not so for fence-sitters. It takes time for a party to build up their loyal supporters, and from this point of view, older parties would arguably have a more stable pool of party loyalists, though the scenario could evolve over time as younger generations of voters join the electorate. The fact that this survey sample is skewed towards the younger generation (with more than 60% of the respondents aged 40 years or less – see Appendix 1) may have contributed to these results. It is also plausible that over time, Malaysians are placing less emphasis on a party as the basis of their choice given the fairly intensive political changes over the last couple of decades which saw successive formation of new splinter parties, and the relatively more frequent occurrence of switch in party affiliation in East Malaysia.

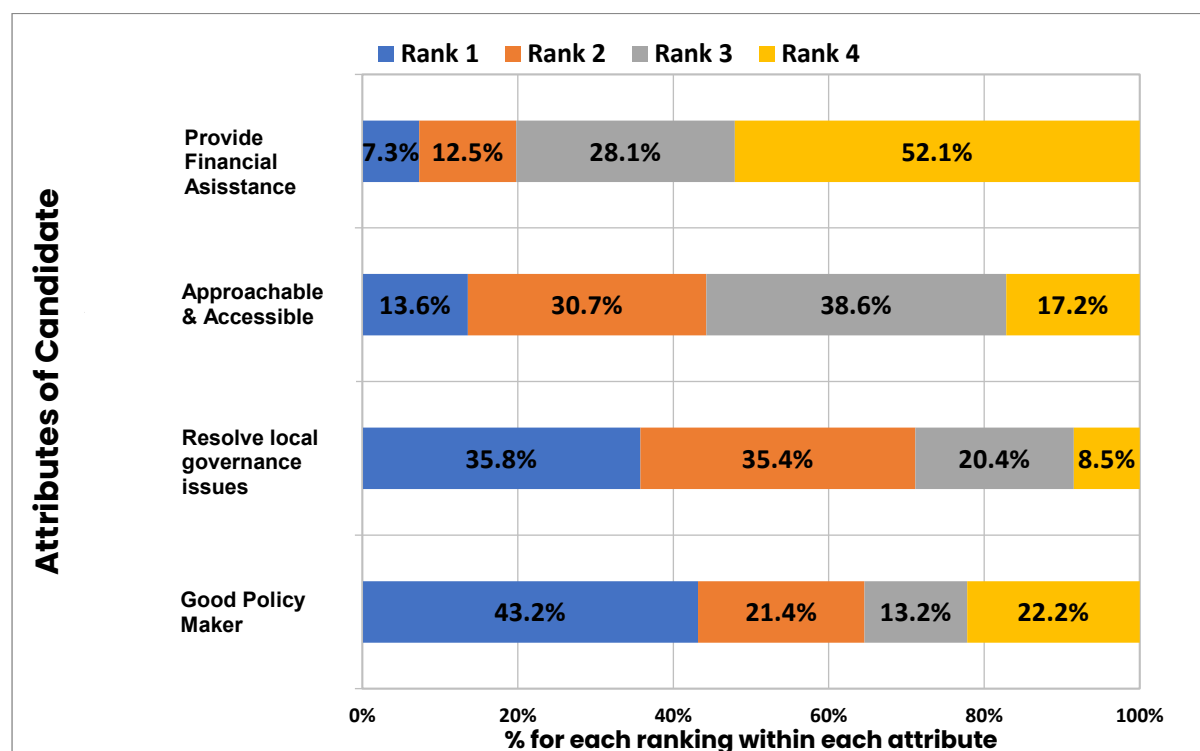
On the other hand, it should be noted that a combination of the second and third most important consideration, i.e. the party of the candidate and current issues, represents about 40% of the respondents, which exerts a comparable influence as those who emphasised the individuality of the candidates. This effectively means that if the ongoing political situation creates a groundswell of support in favour of or rejection against the ruling coalition or the opposition for that matter, those looking at ‘current issues’ may also decide on their vote based on party consideration. In this context, political alignment or pre-electoral coalition building could also be an important factor in determining the support of voters.

To complicate the picture on the relative importance of the individuality of the candidate versus the party, a participant of a focus group discussion who was an UMNO supporter explained that he would generally vote for an UMNO or BN candidate at the federal level to ensure that they could become the federal government, but at the state level, he would vote based on his preference for a candidate’s attributes regardless of his or her party affiliation.

The importance of the personality of the candidate is also demonstrated in an appraisal of ethnic support in one-on-one contests during the last general election between candidates representing the Malaysian Chinese Association (MCA), a component party of BN, and Democratic Action Party (DAP), a component party of Pakatan Harapan, or in their three-cornered fights with the Islamic Party PAS. Both MCA and DAP have a dominantly Chinese support base. It was found that the assumption of 5% Chinese support for MCA candidates during the 2018 general election tallied with computation in most cases, but the percentage was clearly higher for candidates who were from the top MCA leadership (Ting 2020).

Ranking Electoral Candidates' Attributes

Graph 15: Ranking of Importance of Electoral Candidate's Attributes

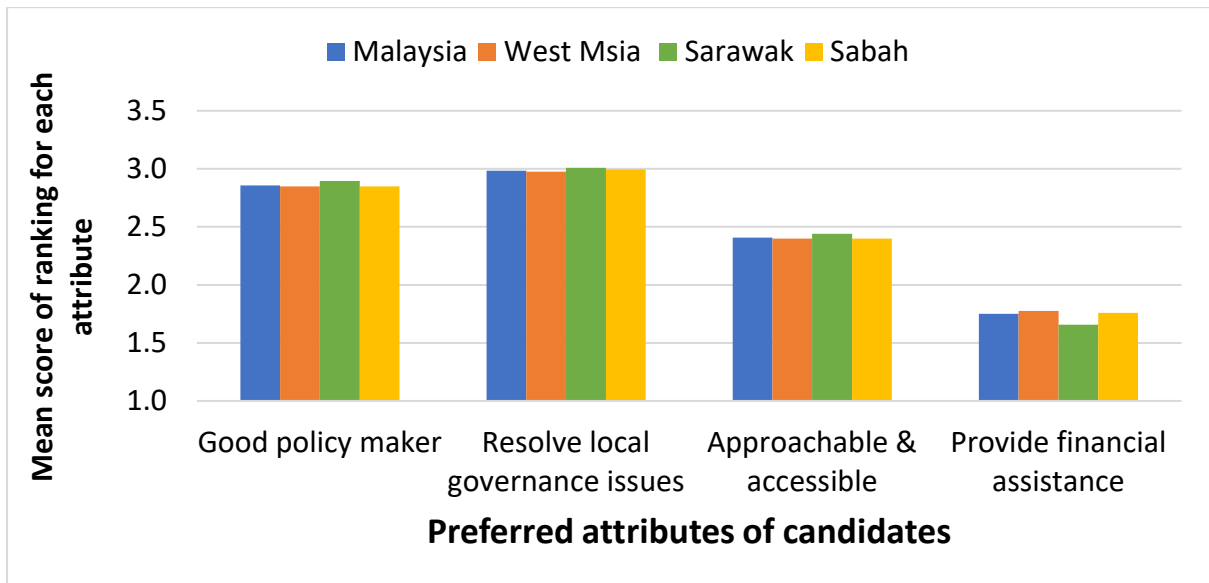


In a second question on voting strategy, the respondents were asked to rank in terms of the importance they gave to each of the four personal attributes of a candidate i.e. policy-making ability, effective local governance problem-solver, likeable and pleasant personality, and lastly, generosity in helping those in need (see Box 6). Graph 15 indicates that 43.2% of the respondents chose the ability of the candidate to formulate policy wisely as their first consideration, followed by 35.8% of those who prioritise the commitment of the candidate to local development and resolve local problems. On the other hand, it is interesting that 22.2% of the respondents ranked the ability to make policy wisely to be the least important in influencing their decision on their vote. The effectiveness of the representative in resolving local issues and bringing about local development was the preferred second ranking attribute at 35.4%, followed by the accessibility and approachability of the candidate.

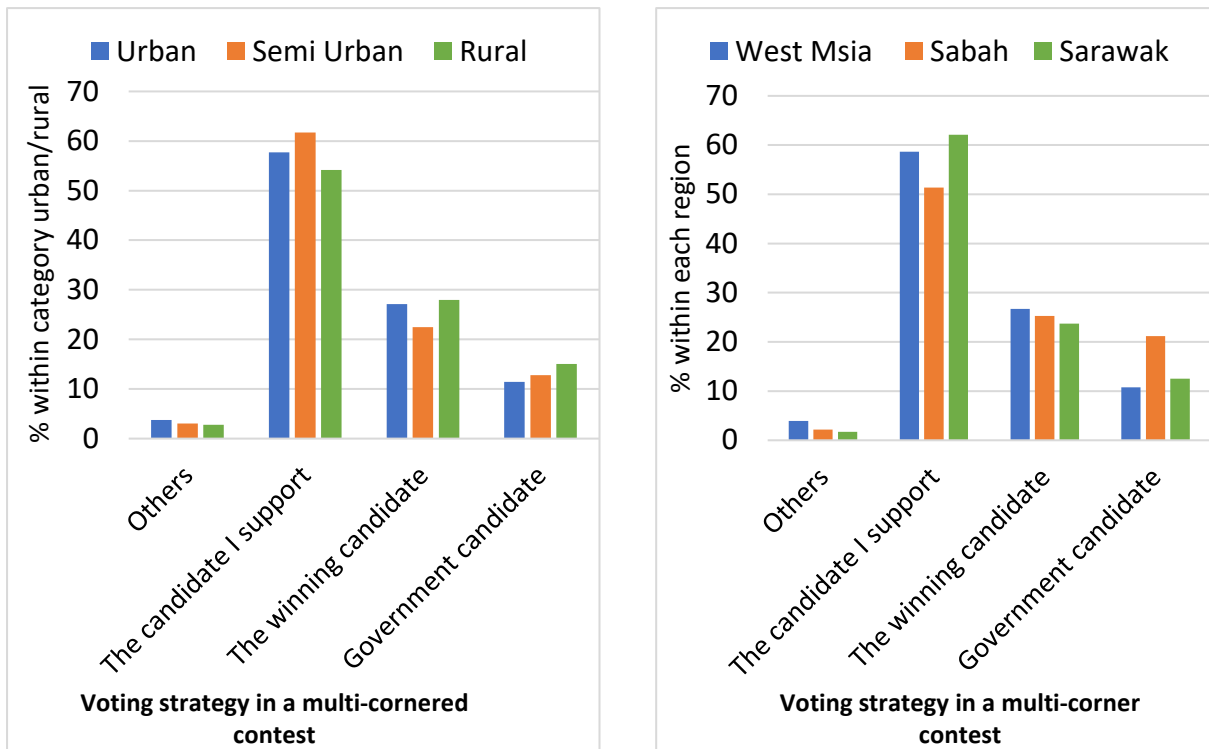
A plot of the mean scores³⁴ for each attribute by region shows that this pattern of preferences appears to be quite consistent across the regions (Graph 16). The attribute of commitment to local development only gets a very slightly higher score than ability in making policy.

³⁴ The mean score for each attribute is computed by calculating the average for the marks obtained for each attribute. In order to do so, 4 marks is given each time an attribute is ranked as 1, 3 marks for a rank of 2, 2 marks for a rank of 3, and rank number 4 gets one mark.

Graph 16: Characteristics of Preferred Candidates in Elections (By Region)



Graph 17: How do you decide whom to vote for in a multi-cornered contest?



Voting Strategy in Multi-Cornered Contests

The third question on voting strategy asked how the respondents made their choice in a multi-cornered electoral contest. 57.8% stated that they would cast their vote in support of their preferred candidate even if he or she has no chance of winning. 25.9% answered that they would only choose between the candidates who are likely to win, while 13.1% would just vote for a candidate from the incumbent ruling party. An analysis based on region and rural/urban categories (Graph 17) shows that the pattern of responses corresponds with the overall pattern.

The survey findings appear to contradict the argument that due to the strategic calculation of voters to support only candidates with a stronger chance of success under FPTP system, candidates representing minor parties are disadvantaged even if the voters actually appreciate the latter much more. According to this argument, PR system would enable voters to vote for the candidates of the party they really support, regardless of the fact that they represent a small party. While the electoral experience of the PSM candidate in Sungai Siput has been interpreted as a classic case of tactical voting, the survey only finds 26% of the respondents who confirmed that they would decide on whom to support from among those who were likely to win. This means that tactical voting alone is insufficient in explaining his defeat in GE14.

The case of Devaraj in Sungai Siput can plausibly be interpreted as a combination of three factors:

- that he had benefitted partially from the use of PKR logo during the two previous general elections (the 'party-based' voting argument), an advantage that he lost when contesting as a PSM candidate;
- that some of the voters had supported him in GE12 and GE13 as a means to influence the national outcome of the general election (i.e. the 'current issue' factor);
- that the voters felt constrained to abandon a committed and principled candidate because they do not expect him to be a likely winner.

Nonetheless, survey findings cannot satisfactorily account for the reasoning of 44% respondents who declared that their foremost consideration in voting was the personality of the candidate, or the 58% respondents who said that they would vote for their preferred candidate regardless of his/her chance of success. Survey is probably too blunt a tool to understand more holistically how voters juggle with different factors which intervene in a concrete setting when they decide on their electoral choice. As a multitude of other local, demographic and political factors could also intervene in the deliberation of voters for a concrete case, good case studies based on local inquiries may be able to advance further our understanding of this subject.

The findings at least serve as a caution against too sweeping an assumption that the FPTP system has led to a generalised tendency of strategic voting which prevents the voters from expressing their genuine political preferences. Granted, as discussed

above, the voters who vote based on a consideration of current issues may eventually vote for a specific party not because they like the party most or the candidate concerned but perhaps because they want to get rid of its rival party or change the government. This nonetheless could also happen under CLPR, and constitutes a legitimate motivation exercised by the voters. Admittedly, advocates of sincere voting may also feel that pre-electoral coalition building constricts the choice of voters to those pre-established coalitions and rather prefer that voters express freely their choices before post-electoral coalition building takes place. Yet CLPR also constricts the option of voters in influencing the election of their preferred candidate in a party-list. All electoral systems shape the range of choices of voters, making certain options possible while excluding others, but we will leave this broader discussion to Chapter 5.

The dynamic of voting strategy and thinking among voters appear to be more multi-pronged and complicated than whether they have to resort to strategic voting. Arguing in favour of one electoral system over another merely in terms of whether one facilitates sincere voting or strategic voting seems to overlook the more fundamental question of whether in reality, there is a great deal of unhappiness among the voters that their political choices have been limited in one way or another by FPTP electoral system.

Public Opinion on Electoral Systems (FPTP versus CLPR)

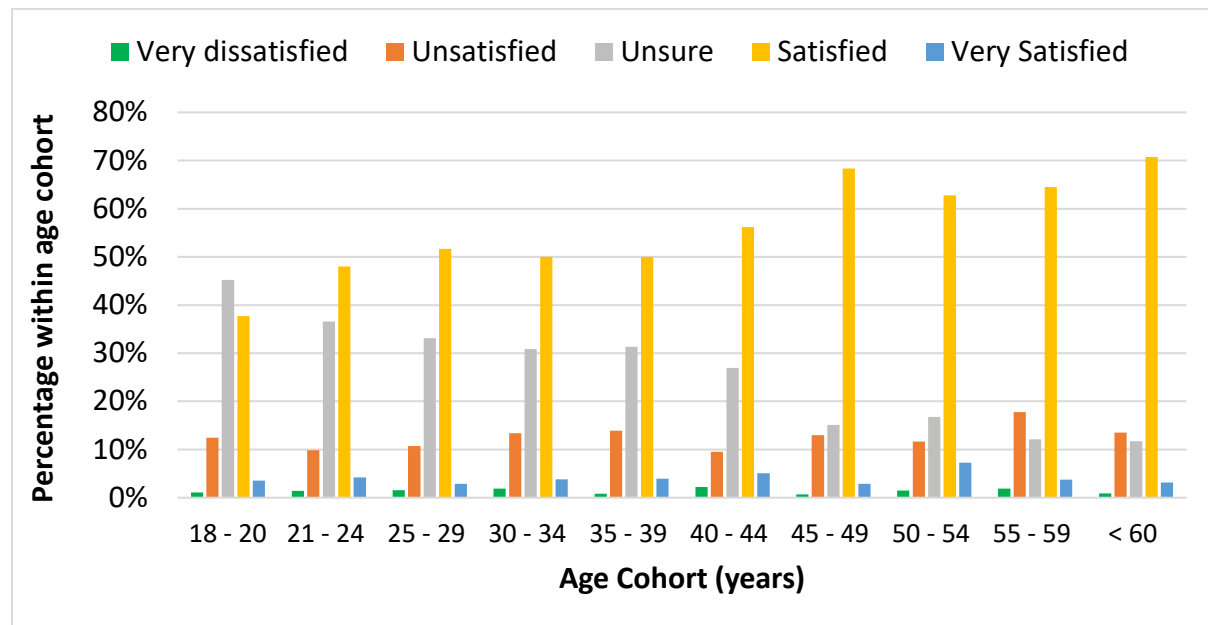
Public Perception of the Current Electoral System

To elicit the perspective of Malaysians on electoral system, the survey began with a fundamental question: whether they were satisfied with the current electoral system. 53% responded that they are 'satisfied' while 3.9% said that they were 'very satisfied'. Only 12% stated that they were 'dissatisfied' and 1.4% 'very dissatisfied'. About 30% stated that they were 'unsure' which warrants a bit more analysis. It is found that the substantial proportion of younger respondents who have not voted before or even registered themselves as voters constitutes an important factor which explains the substantial number of this response. As illustrated in Graph 18 below, the percentage of respondents who said that they were unsure (grey bar) increases steadily from 11.7% among those aged 60 years and above to more than 45% among those younger than 21 years old. When the answers are cross-tabulated against the voting status of the respondents (Graph 19), again the percentage of those who were unsure whether they were satisfied with the current electoral system increases from 14% for those who had voted for four or more times to 31% for those who had only voted once, and to 44.1% among those who had not registered as voters.

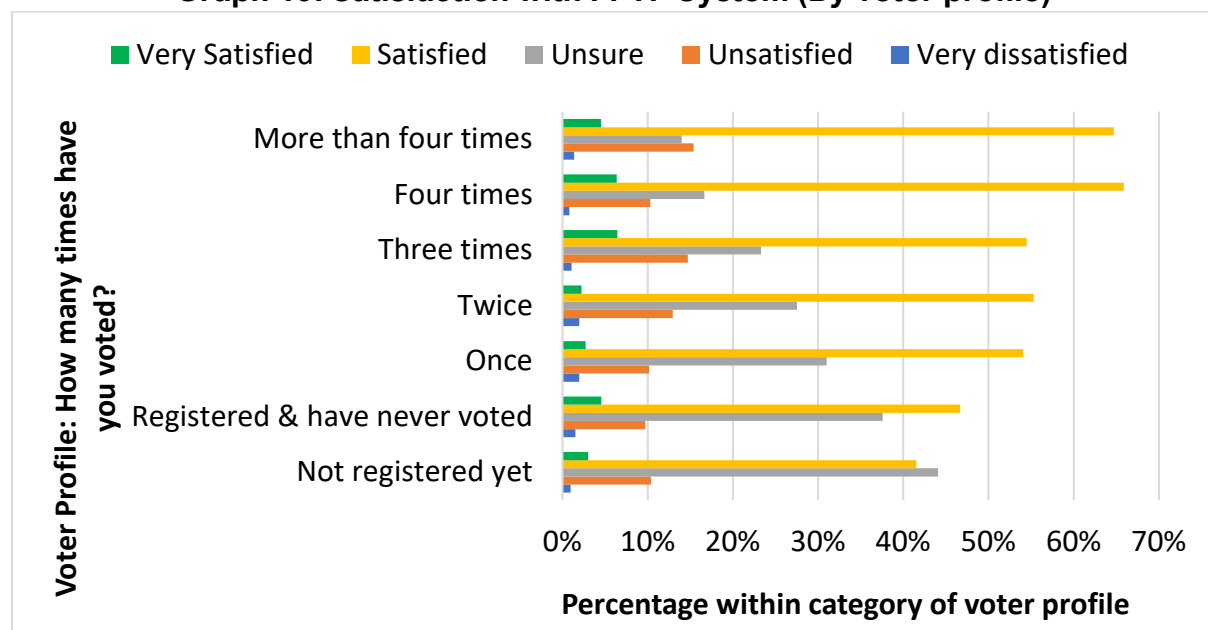
A follow-up question provides several opinions on the current electoral system to get more clarification from the respondents on their views (Graph 20). 83.6% did not think that there was a need to change the current electoral system – among which more than a quarter stated no improvement was needed, though many more thought it

should be improved. Less than 10% were unsure or did not know, and only 6.6% wanted the current system to be changed to a new electoral system. This pattern of responses remains consistent as a whole when analysed by region, urban/rural divide, age, voting status, frequency with which they follow current affairs and so forth.

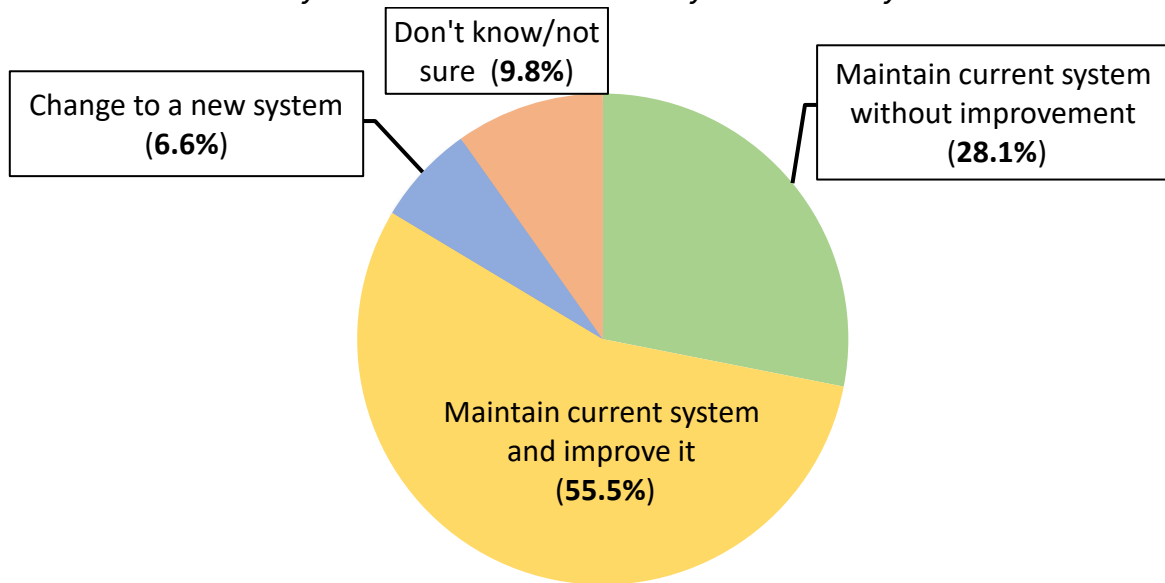
Graph 18: Satisfaction with FPTP System (by age cohort)



Graph 19: Satisfaction with FPTP System (By voter profile)



Graph 20: Perspective on the Electoral System
'What is your view on the electoral system in Malaysia?'



Box 7: Question on Views on Closed-List Proportional Representation System

79 Would you agree to adopting a new electoral system (Closed-List Proportional Representation System) whereby voters will only choose the party you support and leave it to political parties to assign elected representatives based on a predetermined list of candidates? *(See infographic below)*

1 Strongly disagree

2 Disagree

3 Unsure

4 Agree

5 Strongly agree

HOW THEY WORK:

CURRENT ELECTORAL SYSTEM (FIRST-PAST-THE-POST) VS PROPORTIONAL REPRESENTATION CLOSED-LIST (PR)

CURRENT SYSTEM

Citizens of a constituency cast votes for the candidate, whom they wish to represent them in the Parliament. Candidate who gets the most votes in a constituency wins.

The party gets seats based on the number of candidates who won in respective constituency.

PR SYSTEM

The voter simply casts a vote for the preferred party. The party provides a list of candidates and winning candidates are selected in the exact order they appear on the list.

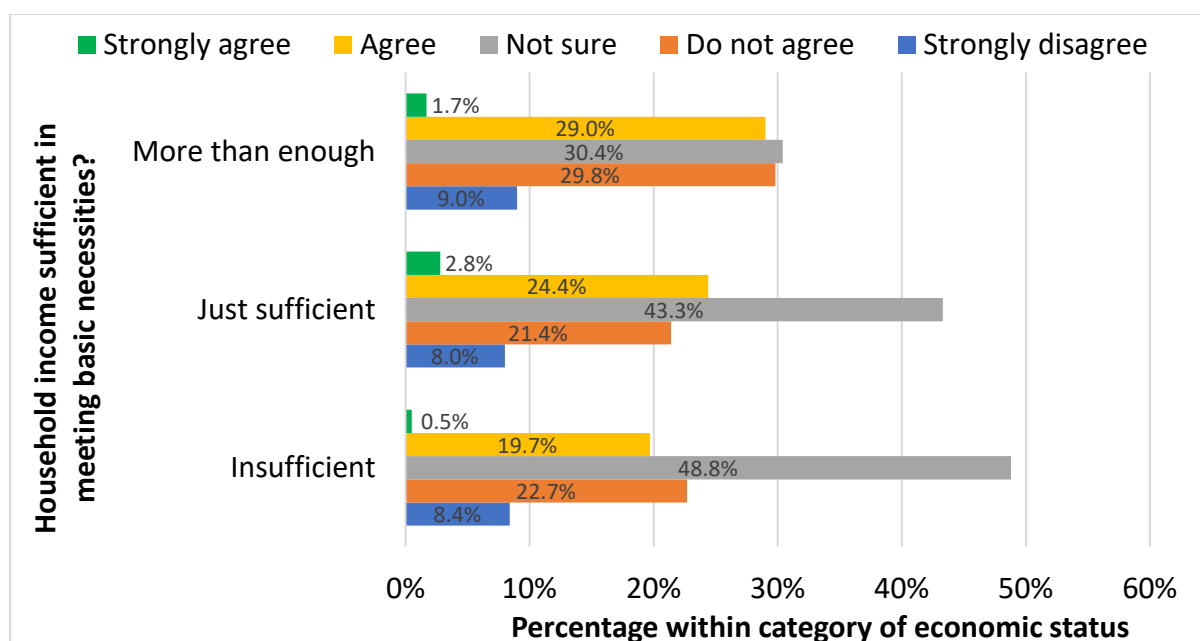
The party gets seats in proportion to the votes polled for them.

Opinion on Closed-List Proportional Representation System

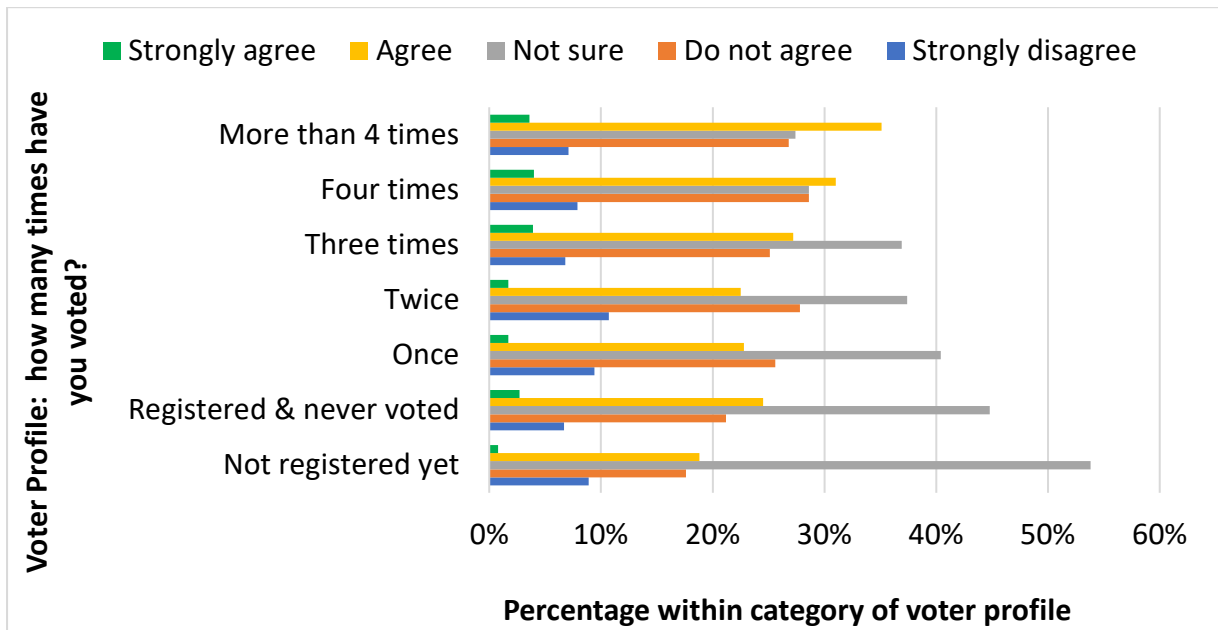
Views of the respondents were sought on an eventual introduction of a closed-list proportional representation (CLPR) electoral system. Given the fact that most Malaysians are unfamiliar with any electoral systems other than the first-past-the-post (FPTP) system, we had provided explanations on the CLPR system in the questionnaire when asking them for their views (see Box 7). Prior training was also provided to the enumerators to ensure that they have a basic understanding of how the CLPR system works and be able to explain to the respondents during the survey.

During the briefing for the enumerators, the example of how voting in Selangor under the FPTP would differ from CLPR was given: whereas under the FPTP system, voters in Selangor elect their respective MP in one of the 22 electoral constituencies, under the CLPR system, parties would announce their respective list of 22 candidates for the whole of Selangor and voters would vote for the political parties they support based on the list of candidates offered by them. Whereas under FPTP, the candidate who obtained the most votes is declared the winner, under CLPR, the 22 seats would be allocated using a proportional formula to the parties based on the respective percentage of votes they have obtained from the total votes cast in Selangor. This would then in turn determine the number of elected MPs from each party in the order from the top of the party-list. These differences between CLPR and FPTP systems and their likely pattern of outcomes are in turn related to questions related to electoral systems in the questionnaire (as displayed in Box 8) and explained to the enumerators.

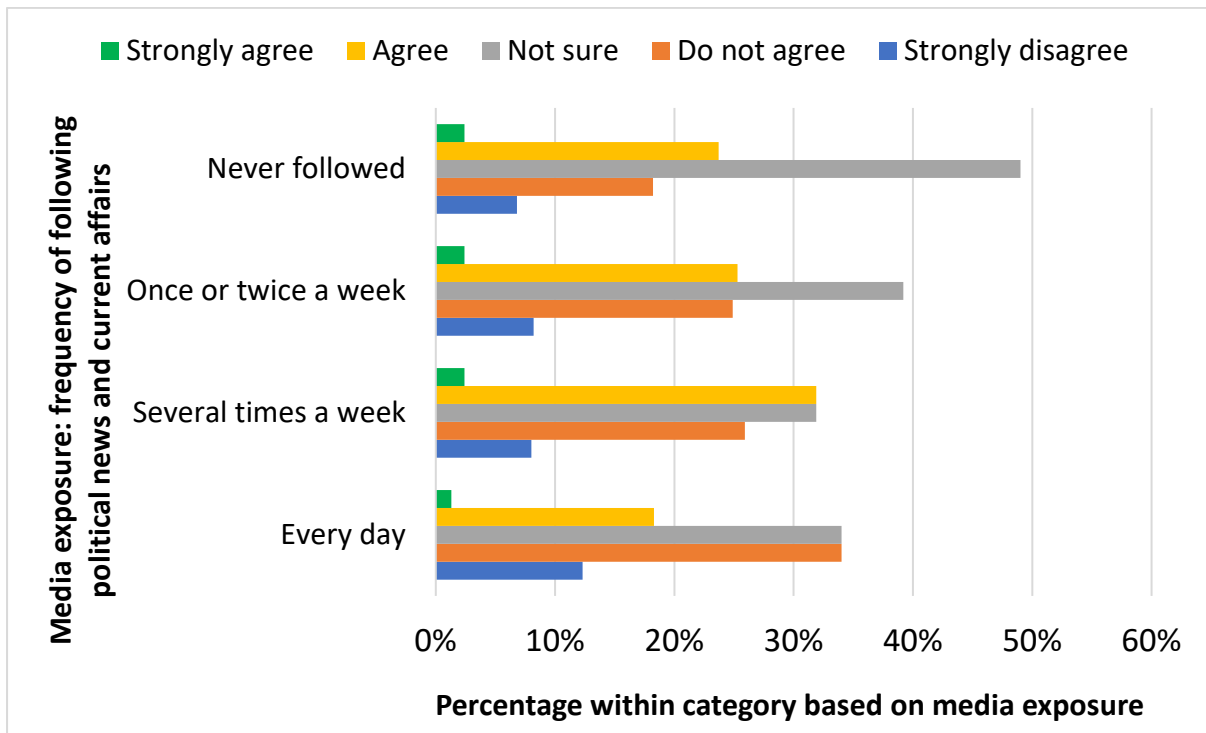
Graph 21: Views on Implementing CLPR (by economic status)



Graph 22: Views on Implementing CLPR (by voter profile)



Graph 23: Views on Implementing Closed-List Proportional Representation System (by Media Exposure)



The responses from the survey display quite an ambivalent range of reactions. It is found that 32.1% of the respondents either said that they disagreed with CLPR or 'strongly disagree'. 27.6% responded either that they agreed or 'strongly agree'. 40.3%

said that they were not sure. When analysed based on household economic conditions of the respondents (Graph 21), almost half of those in the lower economic strata responded that they were not sure, while a third disagreed or strongly disagree. Perhaps foremost in the minds among those from the lower economic strata was the day-to-day struggle to earn a living and they did not have the mental space to think about such a hypothetical issue which appeared rather distant from them. Interestingly, those from the more comfortable economic conditions were very divided, expressing the strongest agreement among the three groups and yet also the strongest disagreement with the proposed CLPR system.

The trend analysed by voter profile reveals equally interesting pattern (Graph 22), with more of those who had voted more times tending to agree to a switch to the CLPR system. On the other hand, when analysed by the frequency with which the respondents followed current political news (Graph 23), a greater number of those who were more informed tended to express more and stronger disagreement with switching to the CLPR system. In terms of regional trends, Sarawak respondents stood out in terms of a much higher agreement with switching to the CLPR system, even though they also expressed a higher attachment to all five features linked to the FPTP system which are to be discussed shortly. This contradiction could imply that Sarawak respondents expressed agreement with CLPR without really understanding the possible implications of the electoral system change.

Preferred Features of Electoral Systems

The survey devoted six more questions related to electoral systems (see Box 8), essentially placing side-by-side the tendentious characteristics of FPTP as against the CLPR system and asked the respondents for their preferences for the types of electoral process and outcomes in terms of these characteristics. The five themes put forward are:

- having a constituency-specific representative versus general multi-member representatives serving a larger area,
- representatives elected directly based on a simple majority versus through a proportional allocation of representatives from a party list of candidates based on popular votes,
- up to party leaders to field female candidates versus imposing a female quota of candidates fielded by all parties,
- relative ease in forming a majority hence favouring political stability versus fragmented multi-party representation which almost always necessitates post-electoral negotiation, and
- advantage to big parties versus space for small-party-representation.

The sixth question asked the respondents to rank these five aspects in terms of the priority they gave to each of them.

Box 8: Questions on Characteristics of Electoral Systems (FPTP vs CLPR)

Different electoral systems translate votes into seats in different ways and tend to produce specific patterns of electoral results and political impacts. The statements below contrast some of their features. Select your preferred features or outcomes for each aspect listed below:

80 Status of the Elected Representatives

- 1 The representative for each constituency is elected directly by voters registered in the constituency.
- 2 Representatives do not specifically represent a particular constituency as they are elected via votes polled for parties.

81 Translation of Votes into Seats

- 1 Seats are won by candidates who obtain the highest number of votes in their respective electoral constituency (First-Past-the-Post System).
- 2 The number of seats won by each political party corresponds with the popular vote it obtains (Proportional Representation System).

82 Female Representation

- 1 An electoral system that facilitates the allocation of quotas to enable more women to be elected as representatives
- 2 An electoral system that leaves it to each political party to determine the number of women candidates to be fielded for electoral contests

83 Political Stability

- 1 An electoral outcome that produces a majority more easily to form a government and hence politically more stable
- 2 An electoral outcome that tends not to produce a majority (in parliament), and hence less easy to form a stable government

84 Space for Representation of Small Parties in Parliament

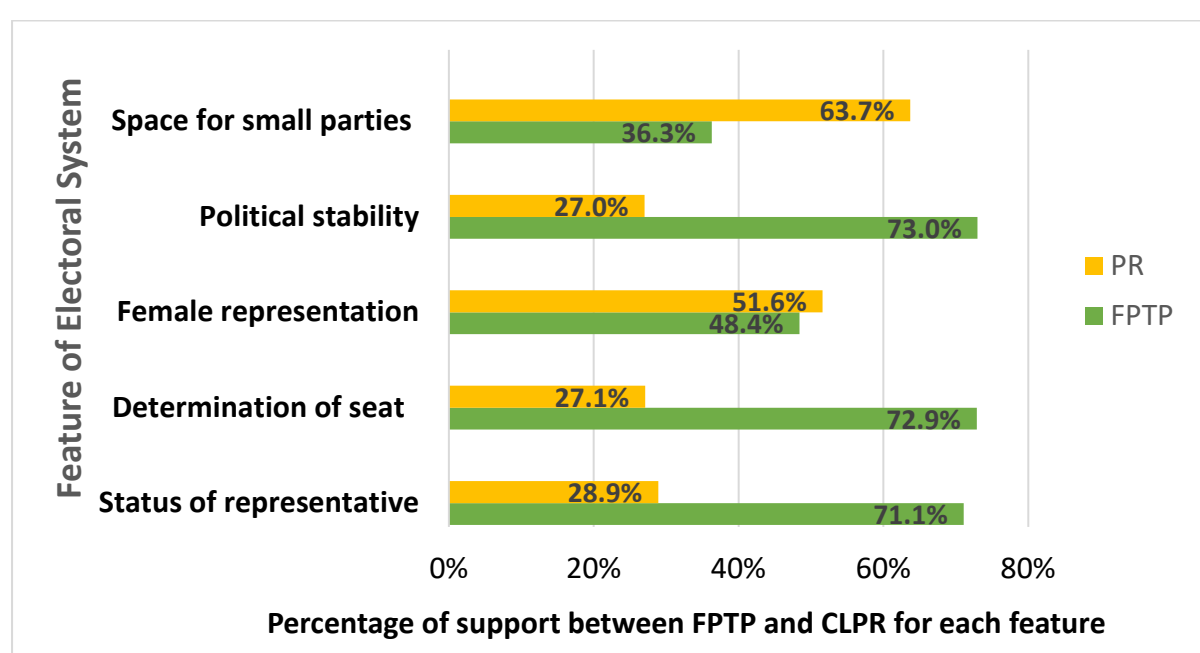
- 1 Electoral system that provides space for small parties to win some seats
- 2 Electoral system that gives advantage to established political parties

85 In reference to the different features and outcomes of electoral systems above (Q. 80-84), arrange the following aspects in the order of importance for you when deciding on a suitable electoral system for Malaysia. (1 = most important and 5 = least important).

- 1 Status of elected representatives
- 2 Translation of votes into seats
- 3 Female representation
- 4 Political stability
- 5 Space for representation of small parties in parliament

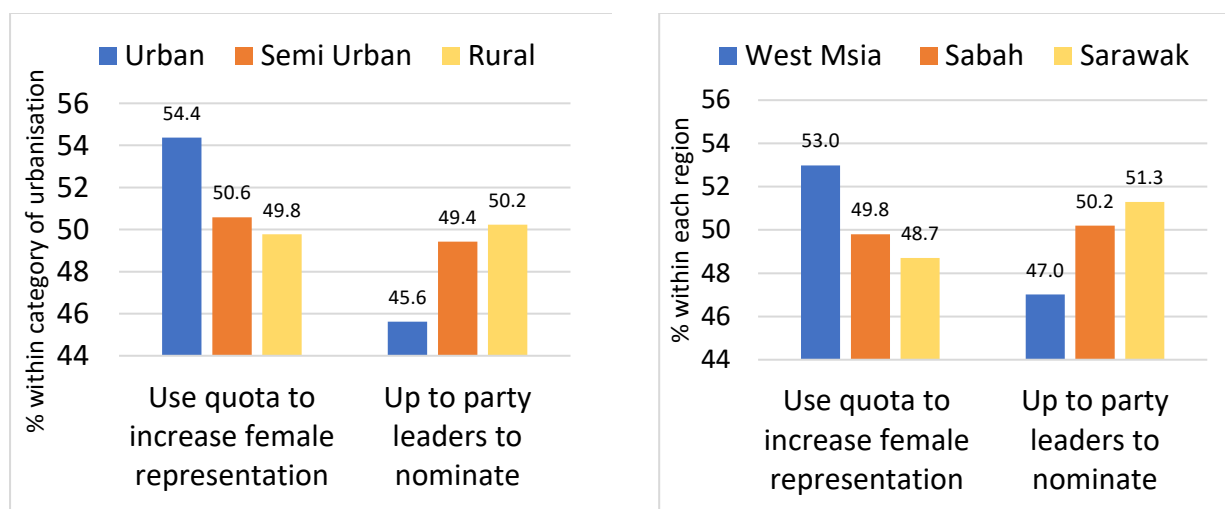
Graph 24 shows that more than 70% of the respondents expressed preference for three of the features of the FPTP system, two of which are: having a specific representative for each constituency, and to elect directly a representative based on a simple majority rule. They also preferred the FPTP system in terms of the likelihood of producing a simple majority electoral outcome and hence facilitating a quick formation of a functioning government. This scenario is arguably more favourable to fostering political stability than an electoral outcome of fragmented multi-party representation – a frequent outcome under a CLPR system – which necessitates post-electoral negotiation to form a parliamentary majority and appoint the prime minister.

Graph 24: Preferences for Electoral System (CLPR v FPTP) based on Specific Features



On the other hand, more than 60% of the respondents favoured giving space for the representation of small parties and a bare majority expressed support for the use of female quota for women representatives. These two characteristics are usually linked to a CLPR system rather than FPTP even though it is also possible to impose female quota within a FPTP system. The more detailed analysis in Chapter 3 which cross-checks public attitude towards the status of small parties against their indication of preferred electoral system in relation to small party representation has identified possible contradiction in their responses. We have concluded that only about 29% of the responses in support of an electoral system which affords small parties a greater ease in obtaining representation correspond with the view that FPTP constitutes an obstacle to a more equitable representation of small parties.

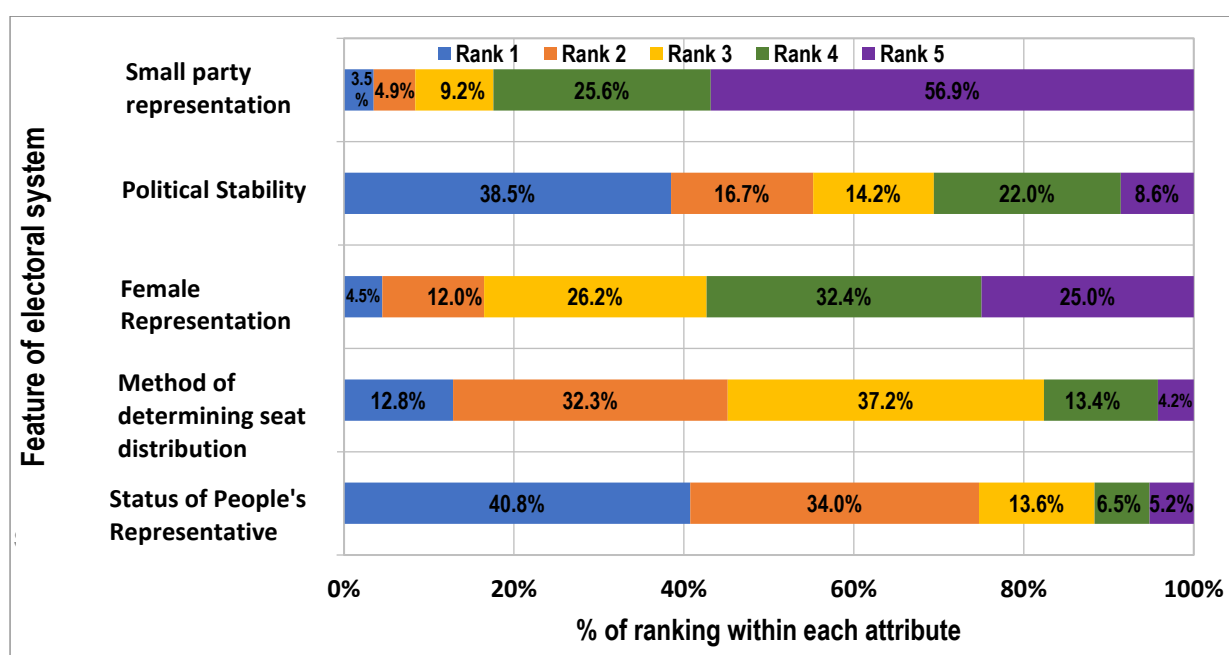
**Graph 25: Preferred Electoral System in determining Women's Representation
(by urban/rural & region)**



When analysed based on regional and urban/rural categories, the patterns of responses for all features of electoral system correspond more or less with the overall pattern, except for the question of female representation (see Graph 25). On this subject, urban respondents expressed a greater acceptance towards the imposition of female quota while semi-urban and rural respondents are more divided. Semi-urban respondents favoured slightly the use of quota while a bare majority of rural respondents preferred to leave it to political parties to determine their female candidates – these differences are nonetheless not meaningful once the margins of error are taken into account. In terms of regional trends, West Malaysians were clearly more favourably disposed to the use of female quota while Sabahan and Sarawakian respondents manifested a very slight preference for the party leaders to decide on electoral candidacy.

The issue of female representation has also been analysed in much greater details in Chapter 3. We have noted that the more favourable attitude manifested by West Malaysian and urban respondents towards an electoral system which allocates quota to increase female political representation – regarded implicitly as referring to CLPR – is not confirmed by responses to a separate question on the acceptability of 30% female quota for parliamentary representation (see Graph 3). In addition, a crosstabulation of views on imposing 30% female quota in parliament with views on the use of electoral system to impose quota indicates that there is no strong correlation between the two responses (Graph 4). The contradictory and ambivalent views expressed on questions related to the subject of female political representation in this survey warrant more in-depth research to unravel the underlying perspectives on gender role and gender relations which influence public attitude on this issue.

Graph 26: Ranking in terms of Importance on Features of Electoral Systems



Graph 26 provides an overview of how the respondents rank the five features of electoral system in terms of the priority given to each of them when considering an electoral system suitable for Malaysia. Having a specific representative for each constituency and political stability are ranked as the two top priorities for the respondents – almost 80% of them combined. To have a constituency-specific representative and to be able to elect the representative directly constitute together the second most important consideration (66.3% combined) for the respondents. The two most popular third ranking features of electoral system to be given priority are: to be able to elect representative directly and female representation (63.4%).

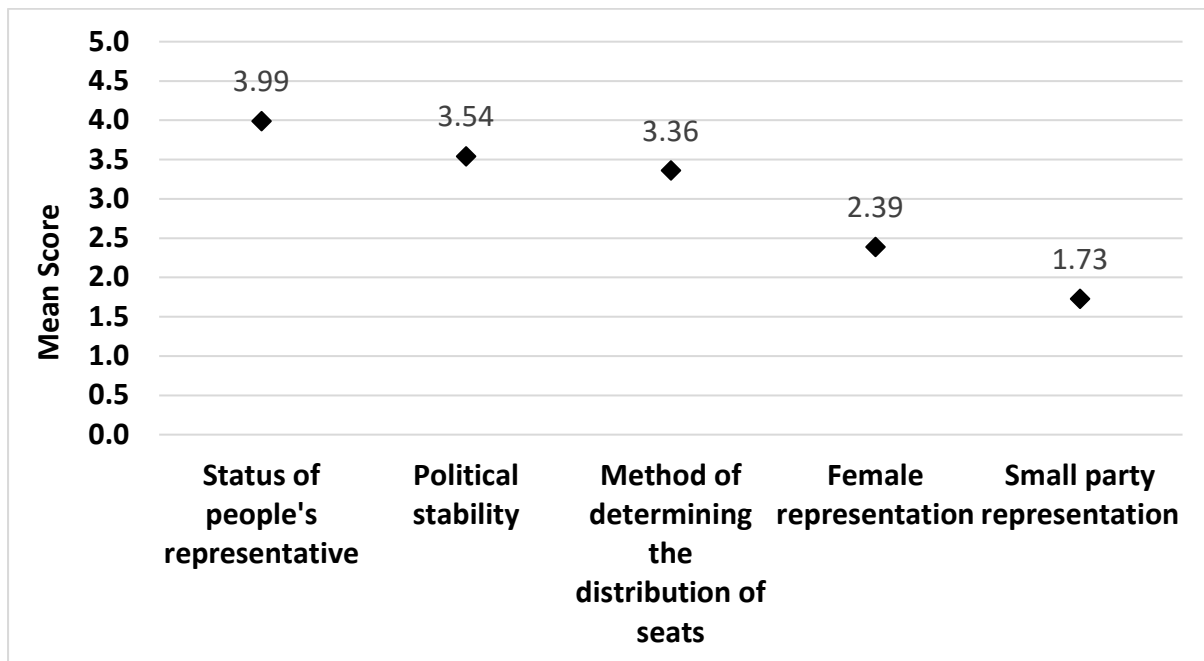
It is clear that the respondents manifested a strong attachment to the fundamental features of the FPTP system. If we combined the top three ranking scores for each of the dimensions: 88.4% prioritise having a constituency-specific lawmaker, 82.3% wanted to elect their representatives directly, and almost 70% also indicated that political stability should be given top consideration when thinking about electoral system for Malaysia.

Another way to determine the order of priority accorded by the respondents to the various features of the electoral systems based on their ranking is to calculate their mean scores for each of the features³⁵. The respective mean scores (see Graph 27) indicate that the highest priority is accorded to having a constituency-specific representative, followed by political stability, and then being able to elected directly

³⁵ The mean scores for each feature in Graph 27 are calculated by giving 5 points to each response which is ranked as no. 1, 4 points to no. 2 and so forth, with rank no. 5 receiving one point. The mean score is the average obtained by dividing the sum of points obtained by each feature with the total number of respondents.

the representative based on a simple majority. Female representation and small party representation are ranked at the fourth and fifth places respectively. The low priority of ranking accorded to female and small party representation appears to corroborate the ambivalence of findings on the two subjects in Chapter 3.

Graph 27: Prioritisation of Features of Electoral Systems



Conclusions

This chapter explores the voting strategies of Malaysians in the context of their relevance to the choice of electoral system for Malaysia and their preferences for several aspects of electoral systems. Survey findings challenge the commonly held assumption that Malaysians tend to vote based on party considerations, even though this does not signify that such trend did not exist in the past. Only about 20% of the respondents stated that they usually vote based on the party affiliation of the candidate, while 44% emphasised that candidate's personal attributes were foremost in their consideration. One fifth stated that 'current issues' constituted their foremost consideration while ethnicity and religion contribute a smaller percentage of consideration. The weight of candidate's personality exerted even greater influence among East Malaysian respondents as more than 57% expressed so, even though less than 1% of Sarawakians indicated that the religion or ethnicity of the candidate was the most important factor influencing their decision. This consistency is also borne out when the respondents were asked about their voting strategy in a multi-cornered contest, whereby 58% indicated that they would cast their vote in support of their preferred candidate even if the person had no chance of winning. The case of Devaraj in Sungai Siput nonetheless demonstrates that these findings need to be applied

dynamically in different situations rather than taken simplistically at face value, and further investigations are needed.

In terms of the attributes of representatives, Malaysians gave almost equal weight to both their capacity as a good policy maker and their ability to resolve local development and governance issues. The finding validates the priority given by the respondents to an electoral system with an individualised local representation. These are legitimate expectations citizens could have towards their political representatives in a democratic system. We often hear grouses from legislators that local residents have at times unreasonable expectations towards them in handling issues such as problems within the sphere of competence of local councils, or even resolving trivial personal family issues, or that they ended up attending the endless *kenduris*, funerals and weddings of local leaders in the constituency. This problem lies in the Malaysian political culture which needs to be dealt with in tactful ways, through education and an effective structure of support in the form of service centre, rather than being seen as the basis to opt for more impersonal, non-constituency representation which seems to be throwing the baby out together with bath water.

Personalised geographical representation could motivate the parties to field candidates more suited to the temperament and profile of the voters in each constituency, or risk losing the seat. This could result in a more diversified overall representation nationwide; whereby demographic and geographical differences are taken into account. As a politician interviewee commented, a state-wide PR electoral system in Sarawak poses a real danger of having the specific needs and issues of residents in a remote location not being taken into account by the 31 MPs seated in Kuching. The alternative of having smaller multi-member constituencies for states covering a wide geographical area nonetheless brings us back to the necessity in ensuring that the delimitation exercise is done professionally and based on political impartiality.

Another lawmaker who was interviewed shared that for rural residents, 'the MP is the government' and at times their only known channel to address any local issues related to governance. Being directly accountable to the constituency would theoretically encourage the lawmakers to be in touch with local residents and provide them a chance to understand issues and problems from the latter's point of view, and help channel popular concerns and perspectives into policy-making process. Countries which have switched from a PR system to a mixed system often reflect the concern that representatives appear to be more beholden to party leadership and out of touch with the voters.

Some may counter that even under FPTP, there are cases whereby the elected representative simply disappeared in sight after being elected, but the quality of the elected lawmakers cannot be resolved simply by changing or retaining an electoral system. The FPTP system could at least afford the discontented voters a chance to throw out the non-performing legislator in the next general election – this sentiment was expressed by villagers in a focus group discussion outside Kota Bahru, who

remarked that most of their representatives did not last beyond one term due to poor constituency service.

These electoral preferences are also confirmed in further questions we posed on features of electoral systems which contrast the inherent tendencies of CLPR and FPTP. More than 70% of the respondents affirmed that they would prioritise the three features associated with FPTP, namely, to have individualised constituency representation, to vote directly for a candidate and to have a majority electoral outcome which facilitate government formation. The expression of support for electoral system which could integrate gender quota appears to be mixed, and we have shown in our analysis in Chapter 3 that the expression of support for gender quota does not seem to be clearly linked to support for CLPR. In addition, we also found in our analysis in Chapter 3 that we need to be cautious in interpreting the support for female quota as accepting of a greater gender equality, and a more detailed study is warranted.

Similarly, after verification with views on small parties, coherent support for an electoral system which makes room for the representation of small parties comes down to around 29%. In addition, 57% of the respondents consider it to be the lowest of their priorities in terms of the related feature to be taken into consideration for an electoral system.

In effect, the state of Malaysian politics is a world of difference from New Zealand when the MMP was adopted due to dissatisfaction with the excessive under-representation of minor parties. In 1990, small parties in New Zealand collectively garnered 17.7% of popular vote but only captured 1% of seats in parliament. This situation further worsened in 1993, when small parties won just 4% of the seats despite receiving over 30% of the popular vote (Banducci & Karp 1999). While small parties in Malaysia may be under-represented, the situation has not reached the level as experienced in New Zealand then such that the public was turning to look at an alternative electoral system.

On the contrary, survey findings demonstrate that Malaysian voters are largely satisfied with the current electoral system and had expressed reluctance to abandon an electoral system which provides for individualised geographical representation in exchange for another which proposes a more impersonal party-based representation within the framework of large, state-based multi-member constituencies. Granted, these findings are not immutable, and a large proportion of Malaysians, especially among the younger generations, appears to be unsure and not to have made up their mind when invited to consider adopting a new electoral system. The survey provides a preliminary cross-sectional perspective of the public on the proposed change to CLPR at a particular point in time.

This study is exploratory in nature and besides electoral system study, it needs to cover simultaneously the subjects of electoral reform and public perception of election

management³⁶. Survey has its limits as a research tool to probe possible public reception which takes into account of the multidimensional implications of electoral systems and needs to be complemented with qualitative methods. The focus group discussions conducted in this study provided very insightful preliminary information on how people would react to different ways representation are determined in a hypothetical CLPR system. The survey conducted based on identified leads from qualitative exploration has provided usefully a baseline against which further studies could be carried out.

³⁶ See Ting & Kam (under review).

CHAPTER 5 ELECTORAL SYSTEM CHANGE FOR A MORE DEMOCRATIC MALAYSIA?

As explained in Chapter 2, political momentum to push for a change in electoral system in Malaysia has been building up. The four main arguments being put forward in support for a change in electoral system to CLPR or the integration of a proportional component into the electoral system (MMP) are to address malapportionment and gerrymandering, increase women's political representation, curb party-hopping to maintain political stability and enhance small party representation. These four main issues that have been raised by proponents for a change of the current electoral system in Malaysia are then examined in greater detail in Chapter 3, the discussion of which is summarised briefly as below.

Malapportionment and Gerrymandering

The first concerns the problem of partisan malapportionment and gerrymandering, and the resistance demonstrated by the EC which had doggedly stonewalled pressure to rectify or explain the irregularities during the previous review exercise of new electoral maps. Hence there is the argument that a change to a PR system or a proportional mixed system could render such problem irrelevant. Nonetheless, as pointed out, a PR system or mixed system cannot circumvent the need to ensure that constituency delineation exercise be carried out impartially and professionally. A regression analysis of 160 countries finds that malapportionment is not statistically associated with electoral systems. We have noted that the degree of malapportionment in Indonesia which implements a PR system is closer to Malaysia while worse than many other countries under FPTP. Moreover, malapportionment can be perpetuated through inequitable allocation of seats in multi-member constituencies under the PR system. The ERC proposal to maintain the current ratio of parliamentary seat distribution for each state and implement CLPR by making each state a multi-member electoral district is an example which would perpetuate the existing inter-state malapportionment. In fact, vote-seat proportionality among PR systems is a matter of degree and depends on factors such as the effective number of contending parties, district magnitude, electoral threshold and the formula used to allocate seats. Finally, it does not resolve intra-state malapportionment and gerrymandering of state seats which would remain under FPTP system, and the problem of gerrymandering remains too in a mixed system or a PR system whereby constituency delimitation is still needed.

The most effective way to address partisan malapportionment and gerrymandering is to revamp the constitutional and legal framework under which the EC is constituted and operates, and its power in regulating the various aspects of election management. It is clear that there is much room for improvement in so far as election management in Malaysia is concerned. Many of the 49 recommendations proposed by the ERC, if implemented, could indeed help raise its performance to be on a par with world

standard in terms of ensuring the election management to be conducted in a free and fair, and transparent manner. This would increase public confidence in the EC, which at the moment is institutionally vulnerable to executive influence both in terms of its appointment, financial and human resource allocation and autonomous power in carrying out the different responsibilities entrusted to it, boundary delimitation inclusive. While this is politically a tall order, but the building up of public awareness and pressure, and a subsequently more frequent alternation of power at the federal level may provide the final push in its realisation, when politicians on both sides of the divide are convinced that – given the political uncertainty of them being perpetually in power – it is in their best interests in institutionalising EC's neutrality to ensure a level playing field. The cross-national analysis of Ong *et al.* (2017) appears to affirm this eventuality.

Women's Political Representation

In tackling the slow-going progress in women's representation through CLPR, the enforcement of gender quota in the party list of candidates by inserting one female after every two male candidates can certainly provide an instant and effective impetus to increase women lawmakers to 33.33% of the parliament. However, as repeatedly pointed out, this would be an important step but insufficient in addressing gender inequality that is still prevalent in the popular culture and in politics. For instance, the membership of some smaller parties remains male-dominated despite their willingness to promote gender equality in political participation. Hence the introduction of gender quota may disadvantage such parties. The promotion of women political leadership requires allocation of resources to create an enabling space for women's participation, and to acquire the experience and skillsets for political engagement. Awareness building and capacity empowering programmes are essential in countering the deep-rooted socialisation which reinforces the stereotypical gender role of women as supporters of male leaders in politics.

The TWOAS initiative in Penang, while innovative, may risk creating a situation whereby party leadership may prioritise women being fielded under party-list and male candidates for FPTP 'normal' seats so as to maximise the chance for each party to gain a maximum number of seats in the state election. Its proponents are wise in emphasising that TWOAS should be a temporary measure, but questions may need to be asked about what to do if after TWOAS is phased out, women's representation falls back below 30%, whether it would lead to a situation whereby the quota needs to be extended infinitely.

Under the FPTP system, the more commonly used approach is the voluntary adoption of gender quota by political parties. The Labour Party in UK has been successful in achieving gender parity in their parliamentary representation through a policy of using all-women shortlists. Perhaps some form of legislation or policy tools which obliges political parties to progressively field at least 30% female candidates could help to provide an added impetus in Malaysia. Here again, the role of electoral reform activists

is crucial in naming and shaming political parties which have clearly not demonstrated any political will and effort to improve their performance over time in this respect.

Party-Hopping and Political Instability

The justification of switching to CLPR system to prevent party-hopping is based on anecdotal evidence that Malaysian voters generally vote based on party consideration. The survey findings have refuted this presumption, and our analysis has demonstrated that voters' deliberation in their voting strategies may be more sophisticated and versatile than what is commonly assumed. It is likely that only those who are staunch party supporters would be accepting of the limiting option offered by the CLPR system to only choose among parties and not candidates. In any case, proposing to change the electoral system to control party-hopping seems to be an overkill, as the enactment of a simple anti-hopping law against individual lawmakers and recall election mechanism for parties switching their coalition allegiance could be a much more effective preventive way of dealing with the issue without incurring too much unintended complications and consequences arising from a change in electoral system. In any case, even under a PR or mixed system, acts of party-hopping still needs to be regulated through the enactment of an anti-hopping law.

When compared with CLPR, the FPTP system which encourages parties to voluntarily coalesce around two or three pre-electoral coalitions to maximise their winning chances may in the long run contribute to more political stability as voluntary coalition-building is likelier to be based on more compatible and sustainable party orientation, and hence more durable. An added upside of this tendency would be to offer clear alternatives to voters who could express their political preferences based on clear options on offer.

For decades, Malaysia only had a party system with one functional multi-ethnic coalition with ethnic or religious parties on its flanks. This illustrates very well that it takes more than an electoral system to bring about a two-bloc/coalition party system. In fact, Malaysia has always had a multi-party system. PAS and other non-Malay based opposition parties were poles apart in terms of their political outlook and party orientation to be able to work together. It was from the 1990s, following increasing socio-economic differentiation of the Malay community and the political upheaval engendered by the Reformasi movement in West Malaysia, that conditions for the development of other centrist Malay-based parties emerged. This has rendered Malay politics more competitive and made possible the repeated attempts to build an opposition multiethnic coalition to compete against BN since 1999 general elections.

The psychological effect of FPTP, especially in West Malaysia from the 1990s, has been to encourage the parties to work together to form pre-electoral coalition to maximise their chances of success. This had provided the voters with two clear options to choose from despite the existence of numerous parties, and had enabled the voters to express their political preferences clearly too. This would not be so under an

electoral system with a proportional formula, which encourages all the parties, big and small, to maximise their position to extract a maximum political capital from the electoral outcomes for post-electoral horse trading. Given the fact that even under the FPTP, Malaysia practically has a multi-party system and the regional political divide is also clearly widening, does Malaysia really need an electoral system in the PR family which could potentially lead to further fragmentation of the party system?

Small Party Representation

Lastly, on the space for minor parties to grow, PR system is clearly more conducive to the survival and flourishing of small parties. Nonetheless, it does not necessarily foster the growth of non-communal, policy-based parties at the expense of ethnic parties. The development of non-communal or policy-based parties or its absence is not an inherent effect of any electoral systems. The effect of a PR system is merely mirroring or subsequently reinforcing existing social and political cleavages of a society, be they ethnic, religious, social, economic or ideological. Hence, it is more likely that the Malaysian context under a PR system would see the emergence of more ethnic or religious parties than non-communal ones. Whether it is FPTP or PR system, electoral system in itself cannot foster the growth of more or less policy-oriented legislators or party programmes as intended by some local prominent political analysts. On the other hand, the FPTP system, due to the more demanding need for the candidate or party to gain a minimum of a plurality of vote to win, it would generally encourage candidates to appeal to a maximum number of voters and hence moderate their political position towards the middle ground. This is an important consideration in the multireligious and ethnically divided context of Malaysia.

Analysis of the survey findings on the expression of support for the two-decade-old PSM which is a non-communal party reveals that it could be the political culture especially in West Malaysia which poses a more inhibitive obstacle for the growth of PSM. As pointed out in Chapter 3, openness for PSM in East Malaysia contrasts starkly with that in West Malaysia even though it operates mainly in the latter. Support for it is really low as compared with even a new, unregistered entity such as MUDA. On the other hand, assuming if West Malaysia is a single, multi-member constituency of 165 seats, a 6% expression of interest in supporting it would have been translated into 10 seats, which is quite substantial indeed.

Relevance of Electoral System Switch as Remedies

To conclude, more appropriate solutions in addressing issues such as partisan malapportionment and gerrymandering and party-hopping lie elsewhere rather than a change to CLPR or MMP electoral system. The elephant in the room for the problem in boundary delimitation is the final power of the prime minister and the parliament to approve the electoral maps, the autonomy and political impartiality of the EC in

carrying out the review. This issue needs to be tackled even if Malaysia switches to a PR electoral system.

The relevance of using the PR system to enhance women's and minor party's representation is more substantive, though here again, electoral system change is not the panacea and needs to be complemented with the commitment of state allocation of resources and demonstrated political will of parties to promote a more balanced gender representation at all levels of party leadership. Moreover, survey findings on public support for gender quota appear to be ambivalent and contradictory, and even an indication of support for quota may not reflect a progressive gender perspective. As noted in Chapter 3, incremental measures to ensure a minimum of 30% women leaders' representation in the community and local government level have already begun to be implemented though unevenly and inconsistently. These measures are critical in ensuring that social change towards a greater gender equality and inclusivity in political participation and policy making is an organic and sustainable one and should be reinforced. To promote a healthy development of new parties and small parties, allowing for local government election could be one way for small parties to gain a foothold in political representation and a chance to prove themselves and grow further, though that would be another struggle altogether.

Public Perception on Electoral System

Findings from the survey indicate that despite considerable buy-in among a section of political elites and civil society leaders on the need for an electoral system change to PR system or MMP for one reason or another, Malaysians in general are not ready for it at the moment. The general public opinion leans towards maintaining the FPTP system and improve on it. Malaysians are also attached to the ideas of having an individualised geographical representation, and expect constituency service to be an important responsibility of the legislators. Having experienced the fluid political situation under the PN government, political stability and majority rule are also considered as a top priority by the respondents.

The idea of being able to hold their representatives accountable through a direct expression of their preference for a specific candidate and not through the intermediary of parties has also been affirmed as important to them. Those who are staunch supporters for a particular party would not mind voting for a party-list offered by their trusted party leadership, but the survey debunks common assumption that most Malaysian voters only care about supporting their favoured party in their voting behaviour. Only about a fifth of the respondents indicated that the party represented by the candidate forms the foremost consideration when they voted. One could actually argue that almost 58% of them prioritise the personal attribute of the candidates if we combine the options referring to the personality, religion and ethnicity of the candidates.

The survey findings however are quite limited in revealing how these factors interact for the voters in real situations, and how consistently the voters take into account of these professed consideration in their practical decision. It must also be borne in mind that the survey sample is skewed towards the younger generation, which means that most of them were still teenagers or not even born yet when the Reformasi movement happened in Malaysia at the turn of the last century. Notwithstanding, it is clear that both the direct accountability of personalised geographical representation and constituency service form important expectations of Malaysians towards political representation. These preferences combined evidently reflect the weight of the status quo, and could pose as considerable public resistance in switching to the type of party-based electoral system as proposed by CLPR.

A Natural Experiment with Electoral Outcomes of a PR System

Since the implosion of the PH government in February 2020, there is widespread dissatisfaction with the political instability caused by the fragmented nature of the party system. The majority cobbled together to form the new PN government were unstable from the start, and prime minister Muhyiddin had resorted to appointing a huge cabinet in order to accommodate and placate all the parties. Many of those MPs who were not appointed were also assigned various government-linked or statutory body positions. Several posts were specially created for specific individuals, such as being a Special Envoy to Middle East, China or East Asia which comes with perks at ministerial rank. Subsequently, Muhyiddin decided to declare a state of Emergency to suspend the functioning of the parliament in order to avoid a no-confidence vote being brought against him in the parliament. It was only when it became politically untenable to extend the state of Emergency that he was forced to step down. These unprecedented steps and other measures were only sufficient in keeping Muhyiddin in power for 17 months. He had declared that he would have preferred to dissolve the parliament for a general election to start afresh, a wish which has been hampered by the severity of the state of covid-19 pandemic. It is evident that the functioning of the PN government was constraint by this amorphous and internally incompatible majority: powerlessness of the prime minister to discipline non-performing ministers, distraction with maintaining the loyalty of coalition partners and attempts at getting even just a few more defections from the opposition side to consolidate the majority, open dissension and threats of coalition partners against the prime minister and so forth.

The past one and a half years under the PN government could be regarded as a natural experiment of the likely political scenario should Malaysia switch to a PR system. The adoption of CLPR system or even the MMP system – based on the pattern of electoral outcomes that have been produced in Germany and New Zealand – would ensure that this fragmented scenario of party representation being reproduced after each general election. Effectively, some of the complaints against the immobilism engendered by non-functioning PR in other countries appears to ring true over the past year or so under the PN government. Anger with the perceived mismanagement of the pandemic

has been palpable on social media. Unsolicited expression of dissatisfaction by the people at party-hopping and the antics of the politicians is detectable in the findings of the survey conducted by this study even though its focus was more on election management and electoral reform (see Ting & Kam, forthcoming). Given the current fragmented pattern of political support in Malaysia since the 2013 general election, any variant from the family of proportional or consensual electoral systems is likely to reproduce the current fragmented pattern of party representation.

Populist versus Equality Conception of Fairness

Another dimension of the sources of widespread unhappiness with the current political situation, probably more among the PH supporters than others, is the fact that the government of the day is not 'by the people'. This was articulated by UMNO MP Nazri in the parliament when proposing to change the electoral system to give electoral mandate directly to political parties instead of individual candidates so that they may not 'carry the seat with them' when they change their party affiliation. This option of choosing the government 'by the people' would be quite remote to the voters using the CLPR system or even the MMP, as post-electoral bargaining is almost always required to form a majority which in turn depends on the contingent will and idiosyncrasies of party leaders as was described in Chapter 2.

A very common affirmation of the respondents echoed in the survey about election management is that it must be 'fair' and 'equal' (*adil dan saksama*). Taking inspiration from Blau (2004), we can synthesise at least two main conceptions of fairness that are implicitly articulated in public discourses in this debate on electoral system. The popular unhappiness that the PN government is not a 'government by the people' is what Blau (2004) calls the *populist* conception of fairness, whereby the voters want to have a say on the configuration of the government rather than leaving it to the backdoor dealings among party leaders after the election. In this sense, electoral fairness could be understood as 'a relationship between the electoral aims of voters and electoral outcomes' (Baker 1996: 733). A second conception of fairness – frequently expressed by critics of FPTP and proponents of the PR system – implicitly forms the premise of the argument that the vote share obtained by each party should correspond with their share of seats allocated in the parliament. Blau (2004) calls this the *equality* conception of fairness: the idea of 'one person, one vote, one value', and the insistence of vote-seat proportionality. It is related to the idea that 'electoral or legislative outcomes give equal weight to the political concerns of all citizens' (Baker 1996: 734).

The unequal translation of votes to seats is an aspect frequently highlighted by proponents of PR system who accuse FPTP system as 'unfair', as minor parties and candidates generally get underrepresented in favour of the two leading parties. On rare occasions, FPTP may even result in a party which wins the popular vote to lose the election, such as the case of the 2013 electoral outcomes in Malaysia. This is

nonetheless rare, and the 2013 Malaysian case would certainly not have happened had the malapportionment been rectified.

What is seen as a defect by some could however be regarded as its strength by others. More often than not, FPTP allows the party or coalition which wins the most votes (which can be, though not necessarily an absolute majority, as in the case of 1969 and 2018 general elections in Malaysia) to win an absolute majority of the seats to rule – what is called the ‘bonus seat’ tendency of FPTP.

Admittedly, PR system generally translates vote into seats in a more proportional manner than FPTP, provided that there is an equitable apportionment of electoral districts, reduced number of competing parties and the use of electoral formula which prioritises proportionality in the allocation of seats. PR system nonetheless do not guarantee that governments rule with a majority backing, as it frequently needs to resort to rule by a minority government when post-electoral attempts at majority coalition building fails. A comparative study of governments in PR systems in the 1980s found that majority rule was only slightly more common than minority rule (Blau 2004). In New Zealand, out of the 9 national governments formed since the introduction of the MMP, only the 1996 government was based on an absolute majority of popular vote. The 2020 general election in which Labour Party was unusually successful would have delivered a hung parliament (with its 50% popular vote) had it not for the ‘bonus seat’ effect gifted from a high percentage of wasted votes. In practice then, both the FPTP and PR electoral systems allow parties or coalition of parties which gain less than an absolute majority of popular vote to rule.

Blau (2004) notes that the equality conception of fairness as understood by proponents of a PR system may not be reconcilable with the populist conception of fairness by FPTP proponents. While opponents of FPTP highlight the marginalisation of representation of minor parties, opponents of PR system decry the disproportionate power of minor parties in coalition building in the PR system as was discussed in Chapter 2. PR system may translate vote into seats proportionally, its records in ensuring the translation of vote proportionally into power are poor. This in itself violates the notion of equality conception of fairness.

PR system regularly produces political outcomes which disregards the populist conception of fairness, as the unpredictability of these small parties in post-electoral coalition building also denies the choices or power of voters to exert an impact on the final configuration of the government. We have discussed in Chapter 2 how in a PR system, the party which registered a drastic drop in electoral popularity may at times be rewarded with a return to the government – even with the post of premiership – while another which improved its performance might be punished for being a threat to other major parties. Those who dislike this ambiguity of electoral outcomes may be more inclined to the populist vision of fairness. ‘Send the rascals packing’ – is the provocative title of a passionate FPTP apologetic who rejected PR mode of representation when public debates on an electoral system reform was raging during

its deliberation by an independent commission in the United Kingdom (Pinto-Duschinsky 1999).

Conclusions

Based on the discussions in the previous section, we can conclude that different electoral systems introduce different biases, but they can also be fair in different ways. The two conceptions of fairness can be related to the binary distinction between the models of majoritarian/adversarial versus proportional/consensual families of electoral systems as discussed in Chapter 2. Both have different normative principles of how representative democracy should ideally function and the role played by electoral system to realise them. Ultimately, it boils down to the objectives we want the Malaysian electoral system to achieve in the current political context, asking which systems could address the issues better, and whether the tradeoffs are worth the price to pay. What should be borne in mind is that electoral system is only one factor among many others which shape the political dynamics and competition and hence it is not the panacea to fix all the ills of electoral politics. On top of that, the uncertainties hanging over a change of electoral system are the unintended consequences which could have high social and political costs to the Malaysian society. In our case, it may be wiser to stick to the saying which advises that, 'if it ain't broke, don't fix it'.

The best political scenario forward for Malaysia could be the establishment of a two-bloc multiethnic coalition party-system. Pre-electoral coalition building actually requires a lot of give-and-take and consensus building – more so among multiethnic parties in an ethnically divided society – which social critics may fail to appreciate. In the Malaysian context, it is paradoxically the winner-takes-all outcome of FPTP which encourages politicians to build consensus and negotiate; and the interethnic vote-pooling effect (Ting 2020) which provides the electoral incentive for interethnic political cooperation and power-sharing. The conundrum is that while ethnic politics divides Malaysians, it is also politics which could bring the different ethnic groups together, and the two outcomes distinguish politicians from statesmen. The progressive slide during the first half-century since independence into authoritarianism and ethnic domination in Malaysia was partly due to the vicious cycle created by the electoral manipulation of the Alliance/BN to consolidate and perpetuate their political position. The fact that the multiethnic coalition which defeated the race-based ruling coalition which had ruled Malaysia since independence is composed of multi-ethnic parties signifies a step forward in terms of ethnic politics in Malaysia. While many failings and weaknesses were apparent in the 17-month rule under PH leading to their downfall, the chance for Malaysia would be the emergence of a competitive multiethnic coalition which competes with PH, be it in the form of PN 2.0 or BN 2.0 or others. Only then would political competition produce a virtuous cycle which is more inclusive. This scenario is currently far from the political reality, but hopelessness is not an option.

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APPENDIX 1: BACKGROUND INFORMATION OF THE SURVEY AND RESPONDENT PROFILE

The survey used stratified random sampling technique based on the 2010 Census data from the Department of Statistics Malaysia, with a 2% margin of error and a confidence level of 95%. It targeted 2,400 respondents, with sampling units being divided into three regions: West Malaysia (1,600), Sabah (400) and Sarawak (400). In each region, the sampling was stratified based on population size and ethnic composition of each district. A pilot study was conducted in February 2021 before a full survey was conducted in stages throughout Malaysia in March and April 2021. In total, 2,627 respondents participated in the survey with 1,657 from West Malaysia, 506 from Sabah, and 464 from Sarawak, across urban (34%), semi-urban (33%), and rural (33%) areas. Nonetheless, West Malaysians are predominantly urban (44%) and semi-urban (37%), with 19% rural respondents. Sabah and Sarawak, on the other hand, are dominated by rural respondents (55% & 53% respectively). Balanced gender representation has been ensured for each region.

The respondents of the survey is weighted towards the younger generation. The cohort 21-24 years old constitutes the largest age group (19%). More than 60% of the respondents in West Malaysia and Sabah are between 18 and 34 years of age, and 18 to 39 years old in Sarawak. The sample also tends towards respondents from lower income households. More than 75% of the respondents belong to the bottom 40% (B40) of the national income bracket (household income of less than RM4,850 per month). Only 3% of the respondents have monthly household incomes exceeding RM10,000. The respondents are mainly employees in the private sector (32%), followed by students (19%), business owners (13%) and the self-employed (13%). In terms of educational level, 49% are SPM holders or below, 31% are STPM- or diploma-holders, and 17% are university graduates. Respondents sourced their political news mainly from television (65%) and social media (54%).

33% of respondents never followed news related to politics and government, another 33% only once or twice per week, and 31% read political news a few times a week or every day. Only about 25% had attended any political talks before, and 14% had been involved in an election campaign. Respondents from Sabah are more active in terms of attending political talks (35%) or involvement in political campaigns (22%) when compared with other regions.

For more details related to the respondent profiles of the survey, please refer to Ting & Kam (under review).

APPENDIX 2: LIST OF INTERVIEWS WITH POLITICAL PARTY LEADERS

In person

1. Chew Mei Fun	MCA
2. Dominic Lau	GERAKAN
3. Elizabeth Wong	PKR
4. Gan Pei Nei	PKR
5. Liew Chin Tong	DAP
6. M. Kulasegaran	DAP
7. Mohamed Nazri Abdul Aziz	UMNO
8. Ng Sze Han	DAP
9. Nuridah Mohd Salleh	PAS
10. Oscar Ling	DAP
11. S. Arulchelvan	PSM
12. Teng Chang Khim	DAP
13. Teresa Kok	DAP
14. Ustaz Muhd Husin	AMANAH
15. Wilfred Madius Tangau	UPKO

Online

16. Abdul Jalil Bujang	PKR
17. Agnes Padan	PKR
18. Akmal Nasir	PKR
19. Alice Lau	DAP
20. Arthur Joseph Kurup	PBRs
21. Chang Lih Kang	PKR
22. Chong Eng	DAP
23. Chong Sin Woon	MCA
24. Chong Yee Shan	PSM
25. Chua Tian Chang	PKR
26. Dr. Michael Jeyakumar Devaraj	PSM
27. Fahmi Fadzil	PKR
28. Fuziah Salleh	PKR
29. Gan Peck Cheng	DAP
30. Heng Seai Kie	MCA
31. Jamain Sarudin	SAPP
32. Jannie Lasimbang	DAP
33. Khoo Poay Tiong	DAP
34. Maria Chin Abdullah	PKR
35. Michael Tiang	SUPP
36. Michelle Ng	DAP
37. Nurul Izzah	PKR
38. Saifuddin Abdullah	BERSATU
39. Saw Yee Fung	MCA
40. Shahril Hamdan	UMNO
41. Siti Mariah Mahmud	AMANAH

42. Tarmizi Anuwar
43. Wong Chen
44. Wong Shu Qi

MUDA
PKR
DAP

Email

45. Ong Kian Ming
46. Raj Munni @ Aiman Athirah Sabu
47. Regina Lim

DAP
AMANAH
PCS

APPENDIX 3: LIST OF INTERVIEWS WITH CIVIL SOCIETY ORGANISATION LEADERS & FORMER OFFICIALS

In person

- | | |
|---------------------------|--------------------|
| 1. Azhar Azizan Harun | Former EC Chair |
| 2. Muhd Faisal Abdul Aziz | ABIM |
| 3. Ng Geok Chee | KLSCAH Women Chief |
| 4. Tang Ah Chai | TKK Foundation |
| 5. Zaid Kamaruddin | IKRAM |

Online

- | | |
|-----------------------|------------------------------------|
| 6. Amerul Muner Mohd | Ex-CEO, Electoral Reform Committee |
| 7. Anil Netto | Aliran |
| 8. Ann Teo | BERSIH Sarawak |
| 9. Anne Lasimbang | PACOS Trust |
| 10. Arumugam K | CHILD |
| 11. Beverly Joeman | BERSIH Sabah |
| 12. Danesh Chacko | Tindak Malaysia |
| 13. Karen Lai | WCC |
| 14. Khoo Ying Hooi | Aliran |
| 15. Ngeow Chow Ying | KLSCAH/BERSIH |
| 16. Nicholas Mujah | SADIA |
| 17. Nisha Sabanayagam | AWAM |
| 18. Nur Hazwana Husin | Wanita Berdaya Selangor |
| 19. Ong Bee Leng | PWDC |
| 20. Phoon Wing Keong | LLG Foundation |
| 21. Siti Kamariah | Wanita Berdaya Selangor |
| 22. Tan Yew Sing | IPPN |
| 23. Tharma Pillai | UNDI18 |
| 24. Thomas Fann | BERSIH |
| 25. Wong Chin Huat | Engage |
| 26. Yap Swee Seng | BERSIH, Suaram |

Email

- | | |
|------------------------|---------------------|
| 27. Ambiga Sreenevasan | Former BERSIH Chair |
|------------------------|---------------------|

APPENDIX 4: LIST OF FOCUS GROUP DISCUSSIONS

In person

<u>Profile</u>	<u>Age</u>	<u>Location</u>	<u>Date</u>	<u>Time</u>
FELDA Settlers (Malay)	40-65	Kluang, Johor	9/1/2021	5:30pm-7pm
Town Middle Class (Non-Malay)	25-39	Iskandar Puteri, Johor	10/1/2021	9am-10:30am
Rural Poor (Malay)	40-65	Pasir Mas, Kelantan	19/3/2021	9am-11am
Town Middle Class (Malay)	25-39	Kota Bharu, Kelantan	18/3/2021	3pm-3:30pm
Town Middle Class (Malay)	25-39	Kota Bharu, Kelantan	19/3/2021	4pm-5pm

Online

<u>Profile</u>	<u>Age</u>	<u>Location</u>	<u>Date</u>	<u>Time</u>
Youth (Mixed)	17-24	Penang	24/1/2021	10am -12pm
Middle Class (Non-Muslim)	25-39	Kota Kinabalu, Sabah	30/1/2021	10am-12pm
Youth (Mixed)	17-24	Kota Kinabalu, Sabah	30/1/2021	2pm-4pm
Town Middle Class (Non-Malay)	40-65	Kuching, Sarawak	31/1/2021	2pm-4pm
Youth (Non-Malay)	17-24	Klang Valley	2/2/2021	2pm-4pm
City Middle Class (Malay)	40-65	Klang Valley	21/3/2021	2pm-4:20pm
Sarawak Bumiputera Rural Poor	25-39	Sarawak (Mukah)	28/3/2021	1.30pm-3.50pm
Sarawak Bumiputera Rural Poor	25-39	Sarawak (Lawas)	28/3/2021	4pm-6pm

