

State Governments Should Take Lead in Constituency Delimitation Reform to Address Malapportionment and Gerrymandering

The Coalition for Clean and Fair Elections (BERSIH 2.0) calls for the current election constituency boundaries to be reviewed and redrawn before the 15th General Election to address the long- standing problems of malapportionment and gerrymandering. Reform-minded state governments must be proactive to take the lead in this reform if the federal government is unwilling to do so.

BERSIH 2.0 launched today a report entitled “Equal and Effective Representation by way of State-triggered redelimitation: A Feasibility Analysis for Penang.” The report was commissioned by BERSIH 2.0 and written by Prof. Wong Chin Huat. Taking the state of Penang as an example, the research examines the severe malapportionment of state constituencies that is currently happening in Penang and runs a simulation of redelineation exercise to reduce the problems of malapportionment and gerrymandering in Penang. The research will also review the problems of election boundaries in Selangor and Negeri Sembilan, which the findings will be released at a later stage.

BERSIH 2.0 expresses concerns that the problems of malapportionment will become even more serious when the lowering of voting age to 18 (Undi18) and the automatic voter registration (AVR) are implemented as the youths are predominantly living in the urban areas for education and work. Currently, the number of voters in urban constituencies are already much higher than those of rural constituencies, some by 3-4 times. The disparity may become 6-8 times after Undi18 and AVR come into force.

In the 2016 redelimitation exercise based on the 2015 electoral roll, the largest state

constituency in Penang, N34 Paya Terubong already had 3.27 times as many voters as the state's smallest and its neighbour, N23 Air Putih. Without any change of electoral boundaries, the largest-to-smallest ratio between the two has grown to 3.62 within five years, by the end of 2020, according to the findings of the report.

While in Selangor, the largest state constituency which is N30 Kinrara, had 77,638 voters, or 4.76 times of the electorate in the smallest state constituency, N01 Sungai Air Tawar, 16,315 voters. This disparity in constituency size is expected to get much worse.

Finally, for the same period, Negeri Sembilan's largest state constituency, N25 Paroi, had 39,200 voters while its smallest, N17 Senaling, had only 7,955 voters, yielding a high maximum-to-minimum ratio of 4.93. Of its 36 state constituencies, only 13 (36%) met the 1957 standard and 12 (33%) more met the 1962 standard, leaving behind four constituencies to be (11%) overly large and seven other (19%) to be overly small.

The biggest responsibility of such problems lies with the Election Commission that has failed to uphold the Federal Constitution and rectify the problems in the last few rounds of constituency delimitation exercise that is conducted every eight years. It has failed to respond to important socio-demographic changes over the years due to migration and urbanisation.

Such trends, if not addressed soon, will further undermine the principle of one voter one vote and the election results will be distorted.

The Thirteenth Schedule of the Federal Constitution, subsections 2(c), stipulates that all

constituencies should have approximately equal numbers of voters and 2(d), emphasises the “maintenance of local ties”.

We therefore call on the state government of Penang, Selangor and Negeri Sembilan to take lead to address the problems of malapportionment and gerrymandering in their states. This could be done by adding seats to the state assembly, which will trigger the redelimitation exercise of the election boundaries at state level. The Election Commission will be duty bound to conduct the delimitation exercise immediately instead of waiting for the eight-year cycle to be lapsed.

The government of Penang, Selangor and Negeri Sembilan must also introduce amendments to their respective state constitution that stipulates explicitly two important criteria in the constituency delimitation in their state:

1. The number of voters must be approximately equal among the constituencies in the state. For Selangor, every elected member shall represent a number of electors which falls between 1.17 percent and 2.02 percent of all electors. While in Penang, every elected member shall represent a number of electors which falls between 1.55 percent and 2.68 percent of all electors.
2. Every elected member shall represent only electors from one administrative district. The boundaries of state assembly constituencies should not cross over to 2 or more administrative districts.

Ketuanan Pengundi!

Hidup Demokrasi!

Released by,

The Steering Committee of BERSIH 2.0