

edited by **Wong Chin Huat & Soon Li Tsin**

DEMOCRACY AT STAKE ?

**Examining 16 By-elections in Malaysia,
2008-2011**

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Soon Li Tsin

PUSTAKA PERDANA



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Foreword

A transparent and accountable parliamentary democracy is central to my vision for Malaysia. Fundamental to this is the establishment of a clean, fair and free electoral system – an electoral system that enables the voice of the rakyat to be truly represented in federal and state parliaments.

I am writing this foreword not only in my capacity as the co-chairperson of the Coalition for Clean and Fair Elections (BERSIH) steering committee, but as a Malaysian citizen. I want my vote, and the votes of all my fellow citizens, to count.

At present, there is little public confidence that the outcome of elections will not be manipulated. *Democracy at Stake?* sadly confirms the fears of the public about the integrity of the electoral process.

Co-edited by Dr Wong Chin Huat and Soon Li Tsin, *Democracy at Stake?* draws together information from 16 by-elections that took place in Malaysia since the 12th General Elections in 2008, in an important assessment of the current health of Malaysia's electoral system. The chapters have been written by journalists, activists and researchers. Through painstaking data collection and detailed analysis, this volume documents the by-election process and identifies some significant flaws in the electoral system.

Key to parliamentary democracy is the question of legitimacy. If there are clean, fair and free elections, then the government can be confident in the knowledge that it is in power with the backing of the people. When clean, fair and free elections do not take place, this legitimacy is simply not there and the government does not have a mandate to rule.

This book describes the two main components of a good electoral process, namely the enfranchisement of all eligible voters and a fair campaign process, which includes the accountability of funds and the necessity of media freedom.

The slow and inefficient system of voter registration currently in place means that millions of eligible citizens will be disenfranchised at the next

elections. As Dr Wong notes, even when one citizen is denied the right to vote, the health of democracy is damaged.

This book details the flaws currently marring the electoral roll. Many names on the electoral roll should not be there, such as voters who have been registered multiple times under the same identity card number, deceased voters and fabricated names. There are also voters on the electoral roll who have been transferred to different constituencies without being informed and ludicrously large numbers of voters registered at the same address. Such inaccuracies have the potential to disenfranchise genuine voters and increase the risk of phantom voting.

Postal voting, which is used for the police and military, has been fraught with irregularities. In one by-election, more postal votes were returned than were issued, raising serious questions as to possible fraudulent practices. On the other hand, the majority of overseas Malaysians are denied their absentee voting right. This book also documents the huge increase in postal vote registrations in certain marginal constituencies after the 2008 General Elections. The placement of party supporters in marginal constituencies, in an attempt to tip the balance in either direction, amounts to electoral fraud.

A further key aspect of a transparent and accountable parliamentary democracy is a fair campaign process. *Democracy at Stake?* documents the questionable practices at by-elections, including dubiously-timed cash handouts and announcements of multi-million ringgit infrastructure projects, portrayed as gifts to the electorate rather than taxpayer-funded ventures, including the announcement of flood mitigating work in one constituency presented to voters as conditional on their vote.

This book also documents the misuse of state resources during by-elections, such as government cars and helicopters, and the unnecessarily large police presence at polling centres, with the perceived and real result of intimidating voters. There were also instances of ballot boxes being transported away from polling centres before votes were counted without the presence of observers.

In these by-elections, members of both sides of the political divide were found to have undertaken questionable practices in one form or another.

Integral to free and fair political campaigning is freedom of the press. In Malaysia today, reporting in the national mainstream media is heavily influenced by media ownership and restrictive laws – a one-sided portrayal of events saturated in political spin is sadly the norm.

Voters must be able to make a free and fully informed choice at the ballot box. This can only happen when all election candidates have free and fair

access to the media and when reporting is unbiased, so that citizens can weigh up the merits of each of the candidates' policies and decide for themselves who they want to represent them in federal and state parliaments.

In 2007, and again in 2011 and 2012, the rakyat took to the streets to demand electoral reform as part of the civil society movement, BERSIH. The demands of the BERSIH 2.0 movement in July 2011 and April 2012 were to clean up the electoral roll, reform postal voting, use indelible ink, establish a minimum campaign period of 21 days, ensure free and fair access to the media, strengthen public institutions, get rid of corruption and put a stop to dirty politics.

The support BERSIH 2.0 received from Malaysians both in the country and abroad has been overwhelming. Malaysians are calling not only for electoral reform, but also for a higher standard of parliamentary democracy than that which is in place in Malaysia. Citizens have had enough of the abuse of power, the lack of a level playing field for political candidates, the questionable integrity of public institutions and the quality of campaigns, which are often marred by character assassinations and hate speech rather than high quality debate on important policy issues.

Fundamental to clean, free and fair elections is an Election Commission that is empowered and independent. To date, the Election Commission has not inspired confidence that it will implement necessary changes to the electoral system swiftly and effectively.

While *Democracy at Stake?* details irregularities and provides an eye-opening account of politics in Malaysia, it also provides possible solutions, including implementing automatic voter registration, regularly synchronising the National Registration Department database with the electoral roll and making absentee voting available to all by application before elections, thereby reforming the current system of postal voting which is vulnerable to manipulation. The campaign period must be extended to a minimum of 21 days, so that all Malaysians here and overseas have ample time to inform themselves of the issues and cast their vote.

As Dr Wong points out, the establishment of clean, free and fair elections should be a non-partisan goal. And the steps to be taken to achieve this electoral reform are straightforward – all that is needed is political will.

Dato' Ambiga Sreenevasan

Co-chairperson, Coalition for Clean and Fair Elections 2.0 (Bersih 2.0)