

9 July 2011

Memorandum to the Election Commission on Immediate Electoral Reforms in Malaysia

The Coalition for Clean and Fair Elections (BERSIH 2.0) believes that electoral reform in Malaysia is long overdue. A working democracy is built upon the foundation of clean, free and fair elections. Therefore, the role of the Election Commission (EC) in conducting elections with integrity and impartiality is crucial in the democratisation of the nation.

The recently concluded Sarawak State election was a clear indicator that election offences such as vote-buying and blatant misuse of state apparatus and powers continue unabated. Various parties including election observers have revealed evidence of election offences and irregularities but there is a deafening silence and lack of action from the EC. The Malaysian Anti-Corruption Agency (MACC) has also declined to act on vote-buying.

BERSIH 2.0 views the poor enforcement of the Election Offences Act by the EC during the previous by-elections, state election and general elections as an act of condoning wrong doing. The recent reports of the lack of integrity of the electoral roll, the involuntary movement of voters, and the alleged issuance of identity cards to foreigners are cause for concern.

As there are no marked efforts in instituting meaningful electoral reform, BERSIH 2.0 together with the rakyat are intensifying pressure to ensure that the upcoming 13th General Election will be free, clean and fair. The Perhimpunan BERSIH 2.0 held on this day in Kuala Lumpur seeks to peacefully gather Malaysians to further this noble cause for electoral reforms and upholding of democracy. The reforms sought are reasonable and wholly achievable if the will to uphold democratic ideals is present.

Immediate demands to the EC for Perhimpunan BERSIH 2.0:

1. Clean the electoral roll

The electoral roll must be immediately revised and updated to ensure existing irregularities such as impersonation and 'phantom voters' are removed.

In the longer term, the EC should also establish an automated voter registration system that will automatically register voters upon eligibility. This system can be synchronised with the national registration database which would update any change of voters' details such as addresses.

2. Reform postal ballot

The current system of postal ballot needs to be reformed to address ongoing disenfranchisement of voters. Disenfranchisement of absent voters can be solved by extending the option to vote by postal ballot or in advance to ALL voters if absent from their constituency on polling day, regardless of whether they are in Malaysia or abroad. In addition, police, military and civil servants must vote normally like other voters if not on duty on polling day.

Recent proposed changes to the use of postal ballot made by the EC do not adequately address these issues.

To ensure transparency of the postal voting process, party agents must be allowed to monitor the entire process of postal or advanced voting.

3. Use of indelible ink

Indelible ink must be used in all elections to prevent multiple voting. The EC had in fact made the decision to do this in 2007 and the rumour of sabotage that was used to justify its cancellation in the days leading up to the 12th General Elections has been proven to be completely baseless.

Indelible ink is a simple, inexpensive and effective solution to voter fraud used in other parts of the world to minimise voter fraud. There is no reason whatsoever not to implement this. Failure to do so will lead to the inevitable conclusion that there is every intention in allowing voter fraud.

4. Minimum 21 days campaign period

The EC should stipulate a campaign period of not less than 21 days period. A longer campaign period would allow voters more time to gather information and deliberate on their choices. 21 days is not unreasonable as the British Colonial Government granted a campaign period twice as long, 42 days, in the first national elections in 1955. In the future, the EC should propose for the Elections Act to be amended to such effect.

5. Free and fair access to media

The EC should press for all media agencies especially state-funded media agencies such as Radio and Television Malaysia (RTM) and Bernama, to allocate proportionate and objective coverage for all political parties. Public debates between candidates should be encouraged.

6. Strengthen public institutions

The EC must perform its constitutional duty to act independently and impartially so as to enjoy public confidence. The EC must take independent and proactive measures to uphold the integrity of the electoral process and enforce the Election Offences Act 1954 as mandated by the Elections Act 1958. The EC's repeated mention that they have no power to act is neither accurate in law nor does it inspire the confidence of the people in their ability to fulfil their constitutional role.

Apart from the EC, the public demand that the institutions of this country such as the Judiciary, Attorney-General, Royal Malaysian Police and Malaysian Anti-Corruption Agency (MAC)) act independently, impartially and with integrity at all times in the execution of their duties and in accordance with the Federal Constitution.

7. Stop corruption

The EC must act to stop all forms of vote-buying during elections, including promises of financial allocations for development projects by Federal and State elected representatives holding administrative positions during the campaign period. The EC should monitor occurrences of vote-buying and take stern action against those who commit any form of vote-buying.

In relation to many other aspects of public life, corruption remains. According to the Transparency International Corruption Perception Index (TI CPI), Malaysia has continuously regressed in terms of corruption. We have fallen from the score of 5.28 in 1995 to the score of 4.4 in 2010.

Corruption is a scourge that infects every aspects of Malaysian life. The Malaysian public demands that serious action be taken in respect of corruption and not mere token efforts to appease public grouses.

8. Stop dirty politics

Malaysians are tired of dirty politics that has been the main feature of the Malaysian political arena. We demand for all political parties and politicians to put an end to gutter politics. As citizens and voters, we are not interested in gutter politics; we are interested in policies that affect the nation. We believe that the EC can play an effective role in encouraging election campaigns to be conducted in a clean and fair manner.

BERSIH 2.0 calls on the EC to realise its own potential and constitutional duty in bringing the state of democracy in Malaysia to a higher level. In order for the EC to enjoy public confidence, the EC must implement these demands and make sweeping changes towards an electoral system that ensures the will of the citizens asserted through the ballot box is accurately reflected and respected.

Today, on 9 July 2011, BERSIH 2.0 with the rakyat have united in a peaceful assembly to demand for the realisation of these demands towards electoral reform, upholding of democratic ideals and claiming the right to clean, free and fair elections for a better Malaysia.