

**Media Statement
3 April 2018**

Seven Major Violations by the Election Commission and the Prime Minister in the Redelineation Report

The Coalition for Clean and Fair Elections (BERSIH2.0) strongly condemns the Prime Minister, Election Commission (EC), and Members of Parliament who supported the motion for passing and gazetting the redelineation proposal in haste last week.

BERSIH2.0 maintains that the tabling, passing, and gazetting of the redelineation proposal was procedurally illegal as the EC has yet to complete the second local inquiries in Selangor. This issue is presently being challenge in the Shah Alam Court by 107 plaintiffs representing a group of over 10,000 voters.

In addition, the final redelineation report contained recommendations that would severely worsen the integrity of our electoral system. BERSIH2.0 wishes to highlight and raise the following 7 issues:

(1) Sustaining and Worsening Malapportionment

In conducting a redelineation exercise under Article 113(2) of the Federal Constitution, the EC is constitutionally obligated to reduce malapportionment and ensure that the number of voters in constituencies are “approximately equal” as per required under Section 2(c), Thirteenth Schedule of the Federal Constitution.

The EC has failed in this aspect by illegally sustaining and worsening malapportionment via the redelineation exercise. With the exception of Perlis, Terengganu, Penang and Kuala Lumpur, the ratio between the smallest and largest Parliamentary Constituencies within the states are above 2 times. The ratios were even amplified by the redelineation exercise itself – in Selangor (from 3.94 to 4.05), Johor (from 3.05 to 3.17), Kedah (from 2.53 to 2.70) and Malacca (from 2.17 to 2.50) – showing the EC’s utter contempt of the Federal Constitution. (refer Appendix 1)

The EC has also worsened malapportionment by creating super-sized constituencies. After the redelineation, the top ten largest Parliamentary Constituencies have sizes ranging from 108,156 voters to 150,439 voters, much larger than their state average (refer Appendix 2). These constituencies are created by packing in predominantly opposition voters into already large constituencies.

(2) Subverting democracy by crowning the loser

The end-result of malapportionment is not only the violation of the “one person, one vote” principle across constituencies, but may also be a complete subversion of democracy by crowning the loser if malapportionment is correlated with electoral strength. And when the

voters' mandate for the Parliament and government is insidiously distorted, the legitimacy of the entire political system is called into question, undermining political and economic stability.

In the 13th General Elections in 2013, the Barisan Nasional (BN) coalition only won 47% of the popular vote, but that translated into 60% of parliamentary constituencies, exactly because not only parliamentary constituencies are malapportioned, but constituencies won by BN were markedly smaller than those won by the opposition coalition, Pakatan Rakyat.

Based on the electorate figures used in the delineation exercises in the States of Malaya, Sabah and Sarawak, those constituencies won by BN in 2013 would have only 48,228 voters in average while those won by the opposition would have nearly double the number, at 79,436. This means BN may be returned to power again if it loses majority votes.

Given the smallest 112 parliamentary constituencies contain only 33% of total electorate, a simple parliamentary majority could theoretically be won with just 16.5% of the popular vote. This figure may go lower if votes are effectively split in multicornered contests. (refer Appendix 3)

(3) Partisan Gerrymandering

BERSIH2.0 has also detected attempts to sway electoral results in marginal seats by transferring polling districts between constituencies based on voting pattern.

In Melaka for example, five polling districts with strong opposition support were transferred out from P137 Bukit Katil (a marginal constituency) and packed into P138 Kota Melaka (a opposition stronghold). Based on a re-simulation of the 13th General Election voting patterns with the new boundaries after redelineation, P137 Bukit Katil will switch from an opposition constituency into a ruling government constituency. (refer Appendix 4)

Similar gerrymandering, especially packing of opposition supporters into super-sized constituencies, were also discovered in several other states such as Perak, Selangor, and Johor. Preliminary analysis shows that these would have a material effect on several marginal parliamentary constituencies across the country.

(4) Ethnic Gerrymandering

In an interview with the New Straits Time on 29 March 2018, the EC chairman Tan Sri Mohd Hashim Abdullah stated that ethnicity was one of the criteria considered during the redelineation.

BERSIH2.0 condemns and rejects the institutionalization of race and ethnicity in our electoral system at the expense of local ties. Such action by the EC and Tan Sri Hashim disregarding the conditions for redelineation in the Federal Constitution is illegal, discriminatory, and morally wrong.

In analysing the redelineation report, the EC has indeed conducted ethnic-based transfer of voters. This has resulted in 15 Parliamentary Constituencies, which were previously mixed constituencies before redelineation, being transformed into 8 Malay dominant constituencies and 7 Chinese dominant constituencies. (refer Appendix 5)

(5) Exclusion of 59% of Parliamentary Constituencies from Delineation including the whole of Perlis, Pulau Pinang and Pahang

The EC states that the redelineation was done based on demographic and population changes over time due to development, but it failed to propose any changes, either excluding them from the 1st Recommendations or having all changes reversed by the final recommendations, for the states of Perlis, Pulau Pinang (for both State and Parliamentary Constituencies) and Pahang (for Parliamentary Constituencies).

The exclusion of Pulau Pinang and Pahang are clearly unjustified from the standpoint of “approximately equal apportionment”. In its final report, the EC stated that the number of voters in Pulau Pinang has increased by 31.6%, i.e. from 659,155 voters since the last redelineation in 2003 to 867,748 voters in 2015. Likewise, number of voters in Pahang has increased by 33.5%, i.e. from 554,321 voters in 2003 to 740,023 in 2015. Keeping the same boundary hence sustains the severe malapportionment of parliamentary constituencies in Pahang and state constituencies in Pulau Pinang, with the largest-to-smallest constituency ratio at 2.93 times and 1.68 times respectively.

In total, 96 out of 164 parliamentary constituencies up for possible delineation (excluding Putrajaya and Labuan) have the same boundaries as the redelineation exercise started. The exclusion despite 20 of them were smaller than the state average by more than 33.33% (the 1962 constitutional standard) and 7 of them were larger by more than 33.33%. (refer to Appendix 6)

In effect, voters in these states are deprived of the right to have their constituencies redelineated for better representation and local ties. As there must be a gap of at least 8 years for the next redelineation to happen, voters in Pulau Pinang and Pahang are effectively forced to use old constituency maps (based on 2003 redelineation) for 23 years because of the failure and incompetence of the EC.

(6) The Scam Inquiries and Recycling of the 1st Recommendations

10 parliamentary constituencies in Selangor, Kuala Lumpur and Kedah adopted the 1st Recommendations ditched after the 1st round of Inquiry.

This means the EC had agreed with the objectors that their 1st Recommendations were ill-planned yet the same body soon readopted the recommendations. Most shockingly, the turn was not even based on any solid objections. (refer Appendix 7)

(7) PM's Failure To Table Redelineation Proposal for Sabah

As for Sabah, the Sabah State Assembly has amended its State Constitution in 2016 to add 13 new State Constituencies. The redelineation report was completed and handed over to the Prime Minister on 21 February 2017, but he has chosen not to table the Sabah redelineation report in the Parliament without any justification.

While the Second Recommendations for Sabah were badly malapportioned, raising concerns the final recommendations may worsen the malapportionment of both parliamentary and state constituencies, the Prime Minister simply has no right to delay the tabling.

This is also a waste of public resources as the EC has conducted two rounds of public display, local inquiries and preparing the final report.

Voters must reject electoral manipulation by voting

BERSIH2.0 therefore reiterates its rejection of the whole redelineation process and the final report that was tabled and passed in Parliament. The Election Commission has not only disregarded due process and constitutional procedures. It has also proposed recommendations that violate key principles required by the constitution.

It is clear that the Prime Minister, Parliament, Election Commission, Judiciary, and police were all complicit in rushing and ensuring that the redelineation was passed at all cost, in order to influence and steal the upcoming general elections.

BERSIH2.0 urges all voters to reject electoral manipulation by ensuring that they vote in the upcoming general elections. While we may not be able to stop redelineation from being passed, a high voter turnout will be able to reduce the impact of the electoral fraud and manipulation.

Satukan Tenaga – Keluar Mengundi, Kalahkan Pencuri!

Issued by
Steering Committee of BERSIH2.0

Appendix 1

Comparison between the smallest and biggest Federal Constituencies in terms of number of voters in each State

State	Before Redelineation			After Redelineation		
	Smallest	Biggest	Ratio	Smallest	Biggest	Ratio
Perlis	42,293	50,751	1.20	42,293	50,751	1.20
Kedah	37,645	95,131	2.53	37,645	101,829	2.70
Kelantan	41,894	101,318	2.42	41,894	101,318	2.42
Terengganu	67,739	98,352	1.45	67,739	98,352	1.45
Penang	50,324	84,755	1.68	50,324	84,755	1.68
Perak	28,078	100,807	3.59	28,078	96,437	3.43
Pahang	27,892	81,647	2.93	27,892	81,647	2.93
Selangor	37,126	146,317	3.94	37,126	150,439	4.05
Kuala Lumpur	53,037	91,312	1.72	55,896	81,290	1.45
Negeri Sembilan	45,719	103,615	2.27	45,719	99,752	2.18
Melaka	47,972	104,234	2.17	47,972	120,071	2.50
Johor	37,568	114,625	3.05	37,568	119,175	3.17

Appendix 2

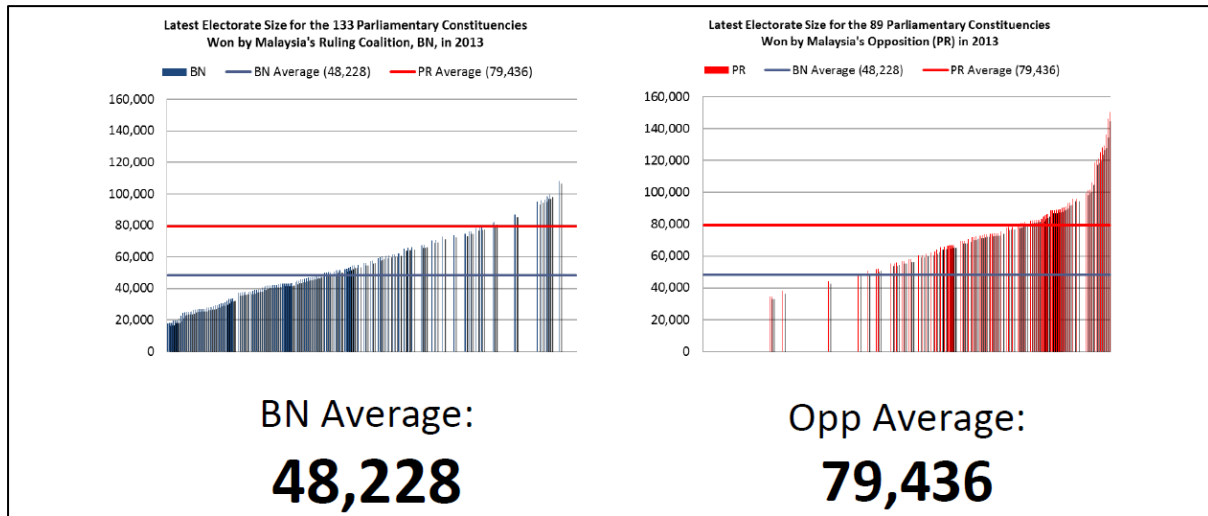
The top ten largest Federal Constituencies in Malaysia after redelineation

No.	Before Redelineation	No. of Voters	After Redelineation	No. of Voters	Changes	State Average
1.	P106 Petaling Jaya Utara	84,456	P106 Damansara	150,439	+65,983	94,469
2.	P102 Serdang	139,013	P102 Bangi	146,168	+7,155	94,469
3.	P110 Klang	98,285	P110 Klang	136,222	+37,937	94,469
4.	P105 Petaling Jaya Selatan	78,404	P105 Petaling Jaya	129,363	+50,959	94,469
5.	P104 Kelana Jaya	101,603	P104 Subang	128,330	+26,727	94,469
6.	P098 Gombak	124,596	P098 Gombak	124,983	+387	94,469
7.	P111 Kota Raja	110,082	P111 Kota Raja	121,126	+11,044	94,469
8.	P138 Kota Melaka	93,761	P138 Kota Melaka	120,071	+26,310	76,108
9.	P162 Gelang Patah	114,625	P162 Iskandar Puteri	119,175	+4,550	63,428
10.	P159 Pasir Gudang	108,156	P159 Pasir Gudang	108,156	0	63,428

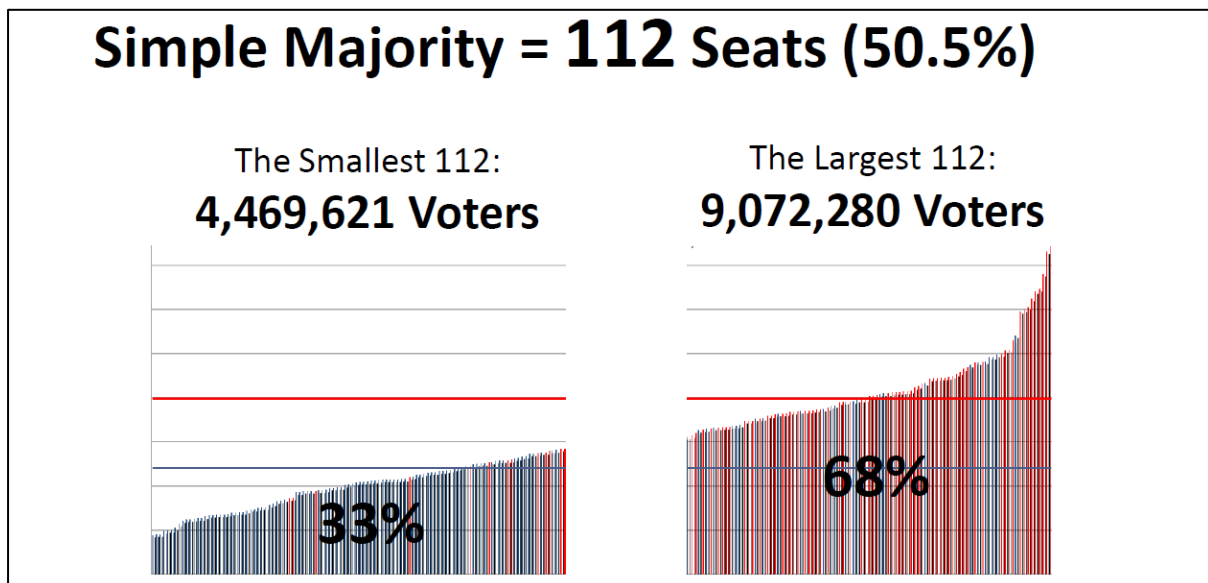
Appendix 3

As Titled

(Credits to: Dr Wong Chin Huat and Engage)



Latest Electorate Size for the 133 Parliamentary Constituencies won by the Ruling Coalition (Barisan Nasional) and the 89 Parliamentary Constituencies won by the Opposition (Pakatan Rakyat) in 13th General Elections, 2013.



In the most extreme of cases, a simple parliamentary majority could theoretically be won with just 16.5% of the popular vote, i.e. by obtaining 50%+1 votes for each of the 112 smallest constituency.

Appendix 4

Packing of opposition voters by transferring polling districts based on voting pattern.

Illustration: Five polling districts with strong opposition support were transferred out from P137 Bukit Katil (a marginal constituency) and packed into P138 Kota Melaka (a opposition stronghold)

P137 Bukit Katil			
Results before redelineation (GE13)		Results after redelineation (simulation)	
BN	40,720	BN	34,232
PR	46,167	PR	32,990
Majoriti	-5,447	Majoriti	+1,242

<u>Transfer of Polling District with strong opposition support</u>	
Malim Jaya	5,000
Taman Asean	5,169
Taman Melaka Baru	3,875
Batu Berendam	3,408
Taman Merdeka	5,948
Total	23,400



P138 Kota Melaka			
Results before redelineation (GE13)		Results after redelineation (simulation)	
BN	28,775	BN	35,518
PR	49,521	PR	63,999
Majoriti	-20,746	Majoriti	-28,481

Appendix 5

Ethnic-based transfer of voters, creating new Malay dominant constituencies

CONSTITUENCY		Melayu	Cina	India	Others
P59 BUKIT GANTANG	Before	67.5%	22.9%	9.3%	0.3%
	After	72.4%	18.9%	8.4%	0.3%
	Changes	+4.9%	-4.0%	-0.9%	-0.0%
P74 LUMUT	Before	54.0%	32.9%	11.8%	1.3%
	After	72.0%	15.0%	11.4%	1.6%
	Changes	+18.0%	-18.0%	-0.3%	+0.3%
P101 HULU LANGAT	Before	54.1%	32.8%	10.9%	2.2%
	After	65.0%	22.1%	10.4%	2.5%
	Changes	+10.9%	-10.8%	-0.5%	+0.4%
P107 SUBANG	Before	47.5%	38.5%	11.8%	2.2%
	After	65.3%	21.6%	10.7%	2.3%
	Changes	+17.8%	-16.9%	-1.1%	+0.2%
P109 KAPAR	Before	54.6%	30.9%	13.7%	0.8%
	After	70.7%	14.8%	13.6%	0.9%
	Changes	+16.1%	-16.1%	-0.1%	+0.1%
P121 LEMBAH PANTAI	Before	57.0%	21.8%	18.8%	2.4%
	After	62.1%	18.9%	16.3%	2.7%
	Changes	+5.1%	-2.9%	-2.5%	+0.3%
P124 BANDAR TUN RAZAK	Before	53.8%	36.5%	8.3%	1.4%
	After	61.1%	29.1%	8.3%	1.5%
	Changes	+7.3%	-7.4%	-0.1%	+0.1%
P137 BUKIT KATIL	Before	55.0%	38.6%	5.6%	0.8%
	After	62.4%	31.1%	5.7%	0.8%
	Changes	+7.4%	-7.4%	+0.1%	-0.0%

Ethnic-based transfer of voters, creating new Chinese dominant constituencies

CONSTITUENCY		Melayu	Cina	India	Others
P68 BERUAS	Before	34.2%	50.7%	14.9%	0.2%
	After	26.3%	59.3%	14.1%	0.4%
	Changes	-7.9%	+8.6%	-0.9%	+0.1%
P103 PUCHONG	Before	39.2%	44.2%	15.2%	1.4%
	After	36.8%	52.0%	10.0%	1.1%
	Changes	-2.4%	+7.8%	-5.1%	-0.0%
P104 KELANA JAYA	Before	37.1%	43.0%	17.9%	2.0%
	After	26.6%	56.5%	15.2%	1.7%
	Changes	-10.5%	+13.5%	-2.7%	-0.1%
P110 KLANG	Before	33.6%	45.0%	19.7%	1.8%
	After	26.4%	55.3%	17.1%	1.2%
	Changes	-7.1%	+10.3%	-2.6%	-0.3%
P117 SEGAMBUT	Before	33.4%	53.4%	11.1%	2.2%
	After	27.5%	58.9%	11.8%	1.8%
	Changes	-5.8%	+5.5%	+0.7%	-0.2%

Appendix 6

Number of Parliamentary Constituencies Including Outliers Which Retain Same Boundaries

State	N	%	Deviation from State Average	
			N, <66.67%	N, >133.33%
Perlis	3	100.00%	0	0
Kedah	10	66.67%	2	1
Kelantan	7	50.00%	1	1
Terengganu	6	75.00%	0	0
Penang	13	100.00%	0	0
Perak	13	54.17%	5	0
Pahang	14	100.00%	2	1
Selangor	5	22.73%	2	0
Kuala Lumpur	1	9.09%	0	0
Negeri Sembilan	6	75.00%	1	0
Malacca	3	50.00%	1	0
Johor	15	57.69%	6	4
Total	96	58.54%	20	7

Appendix 7

Recycled 1st Recommendations in 14 Parliamentary Constituencies

Boundary Change Pattern	Kedah		Selangor		Kuala Lumpur	
	N	%	N	%	N	%
Status Quo -> 1st Proposal -> Status Quo -> 1st Proposal			9	40.91%	1	9.09%
Status Quo -> 1st Proposal -> 2nd Proposal -> 1st Proposal	2	13.33%	1	4.55%		
Total	2	13.33%	10	45.46%	1	9.09%