



# BERSIH & ADIL NETWORK SDN BHD

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## AN OPEN LETTER TO PRIME MINISTER DATO SERI ANWAR IBRAHIM ON THE APPOINTMENT OF NEW ELECTION COMMISSION CHAIRPERSON

9 May 2024

We, the undersigned civil society organisations, think tanks, student groups, and individuals, express our utmost concern about the upcoming appointment of a new Election Commission (EC) Chairperson. The current chairperson, Abdul Ghani Salleh, retires today on 9 May 2024, leaving the most important position in EC vacant. Coincidentally, today is also the sixth anniversary of GE14 and the historic democratic transition in Malaysia - and yet, electoral reform remains outstanding to this day.

The EC plays the critical role of regulating the conduct of elections, reviewing and revising the electoral roll, and delineating / redrawing constituencies.

The appointments of two EC commissioners under the current Government's administration, Datuk Haji Sapdin bin Ibrahim and Datuk Dr. Lee Bee Phang, were done without going through Parliament, and this goes against **both** the Pakatan Harapan and the Barisan Nasional's election manifestos. This cannot be repeated for the appointment of the EC Chairperson because the stakes are much higher.

Not only does the EC Chairperson have wide powers and discretion to lead the Commission, which could either facilitate, disrupt, or halt any plans for electoral reforms, but the EC Chairperson will also take on the **unprecedented responsibility of addressing the re-delineation of electoral boundaries after the implementation of Undi18 and separately, automatic voter registration (AVR)**. Both Undi18 and AVR have added 6.23 million new voters to the electoral roll in GE15 (and this is expected to be increased by GE16), thus exacerbating malapportionment in Malaysia. This has serious consequences, including:

1. The inequality of voting power: For example, 1 vote in the Bangi constituency has only 1/5 value compared to 1 vote in the Sabak Bernam constituency. This violates the Federal Constitution's 13th Schedule.
2. The unequal distribution of funds to MPs: There is a sheer disparity among elected representatives' responsibilities and the unequal distribution of funds. For example, if each MP receives RM100,000 to serve their constituency, each voter in Tebrau receives only 0.45 cents compared to RM2 each in Labis.

We now have data to demonstrate that AVR and Undi18 resulted in worsened malapportionment (see table below). This necessitates the redrawing of electoral boundaries (delineation), which can take place now in Sarawak; in 2025 in Sabah; and in 2026 in Peninsular Malaysia.

The people will look to the new EC Chairperson to spearhead this process and address a host of issues that, if left unresolved, could cause disillusionment or cynicism in the voter, thus eroding participation in the electoral process.



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**Table 1:** Impact of Undi18 and AVR on malapportionment

State	The ratio between the largest constituency and the smallest constituency in GE15	The ratio between the largest constituency and the smallest constituency in GE14	Malapportionment implication
Perlis	1.24	1.21	worsened
Kedah	2.82	2.64	worsened
Kelantan	2.50	2.34	worsened
Terengganu	1.59	1.46	worsened
Penang	2.29	1.85	worsened
Perak	3.89	3.62	worsened
Pahang	2.62	2.77	improved
Selangor	5.88	4.38	worsened
KL	1.56	1.44	worsened
Negeri Sembilan	2.64	2.27	worsened
Malacca	2.37	2.47	improved
Johor	4.48	3.43	worsened
Sabah	2.66	2.19	worsened
Sarawak	5.06	4.18	worsened
Malaysia	10.73	9.13	worsened

**Source:** Prof Wong Chin Huat and Ooi Kok Hin

Therefore, we urge that the Unity Government take the following steps immediately:

- a. Announce that the new EC Chairperson will be nominated and vetted by a Parliamentary Standing Committee on Electoral Affairs. This Standing Committee should include bipartisan MPs and establish a clear process and criteria for appointing the new EC Chairperson. Only after Parliament has approved the candidacy, the candidate can be presented to the King for official appointment.
- b. Ensure that the candidate adheres to criteria such as fairness, integrity, and an independent and proactive mindset to propose and implement reforms. This would entail them not having membership in any political party or having held key positions in a political party. Further, they should not have a criminal record or have committed any serious election offenses. The ultimate criteria must be that the individual appointed should be **competent**, experienced, and have the relevant knowledge in matters related to elections, its laws, operations, and administration.
- c. Convene a special parliamentary sitting, if necessary, to start the process for this major appointment.

An impartial and transparent process in appointing the EC Chairperson is in the nation's best interests, including the government. Allowing the opposition MPs to have a say in such a major public office appointment will reduce the perception of partisan meddling in the upcoming delineation exercise. To avoid turning delineation into a potentially polemical 3R issue (which could snowball into an ICERD 2.0), the first step is to allow a bipartisan process for the nomination and appointment of the new EC Chairperson.

The ball is now in your court to announce and execute these electoral reforms, considering that the next EC Chairperson will shape the vote value for the next decade. We await your response.



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## Jointly signed by:

### Civil Society Organisations:

1. The Coalition for Clean and Fair Elections (BERSIH)
2. Persatuan Pemangkin Daya Masyarakat (ROSE)
3. Lawyer Kamek
4. Institut Reformasi Politik dan Demokrasi (REFORM)
5. Tindak Malaysia
6. Rakan Membangun Masyarakat (PACOS)
7. Persatuan Pengundi Muda (Undi18)
8. Persatuan Kesedaran Komuniti Selangor (EMPOWER)
9. Sabah Human Rights Centre
10. ASEAN Youth Organization Malaysia (AYOMY)
11. Centre for Independent Journalism (CIJ)
12. Demokrat Kebangsaan
13. Nation Building School (NBS)
14. Sisters in Islam (SIS)
15. Saya Anak Bangsa Malaysia (SABM)
16. Islamic Renaissance Front (IRF)
17. Institute for Democracy and Economic Affairs (IDEAS)
18. Movement For Change, Sarawak (MoCS)
19. Angkatan Belia Islam Malaysia (ABIM)
20. Pusat KOMAS (KOMAS)
21. ENGAGE
22. Punjabi Youth Movement Malaysia (GBSM)
23. Bait Al Amanah (House of Trust)
24. Pertubuhan Gagasan Anak Watan Malaysia (WATAN)
25. Youth Section, The Kuala Lumpur and Selangor Chinese Assembly Hall (KLSCAH Youth)
26. Suara Mahasiswa UMS
27. Association of Women Lawyers (AWL)
28. Himpunan Hijau
29. Aliran
30. Suara Siswa UiTM
31. Sabah Women's Action Resource Group (SAWO)
32. Rahman Student League
33. Rahman Solidarity League
34. Project Stability and Accountability for Malaysia (Projek SAMA)
35. G25 Malaysia
36. All Women's Action Society (AWAM)
37. Development of Human Resources of Rural Areas (DHRRA)
38. Congress IIUM
39. Universiti Terbuka Anak Muda (UTAM)
40. Pertubuhan Naratif Malaysia (NARATIF)
41. Save The Schools Malaysia
42. SAVE Rivers
43. Ikatan Mahasiswa Demokratik Malaysia (MDM)
44. Student Progressive Front UUM
45. Suara Siswa UUM
46. Society for Equality, Respect and Trust for All Sabah (SERATA)
47. University of Malaya Association of New Youth (UMANY)
48. Transparency International Malaysia
49. Demokrat Universiti Malaya



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50. Persatuan Pemangkin Kesedaran Sosial (PEMANGKIN)
51. Global Bersih
52. Sarawak Dayak Iban Association (SADIA)
53. Liga Rakyat Demokratik
54. Mahasiswa Progresif Universiti Malaya
55. Pertubuhan Pertolongan Wanita (WAO)
56. Persatuan Kebajikan Sokongan Keluarga Selangor & KL (Family Frontiers)

## Individuals

1. Dr Wong Chin Huat, Professor, Sunway University
2. Ms Sahilah Ain Sathakathulla, cybersecurity expert
3. Ho Yock Lin, presiden AWAM
4. Cikgu Rahayu, pengasas Buku Jalanan Chow Kit
5. Datuk Dr Toh Kin Woon, former Penang State exco and Bersih Steering Committee
6. Brigadier Jeneral (B) Dato Arshad Raji
7. Dr Edmund Terence Gomez, former Professor of Political Economy, Universiti Malaya
8. En Chan Siew Joe, IBM Z Ambassador
9. Dr Azmil Mohd Tayeb, Associate Professor, Universiti Sains Malaysia
10. Dr. Savinder Kaur Gill, Assistant Professor, School of Politics, History and International Relations, University of Nottingham Malaysia
11. Datuk Dr Johan Samad, former CEO of the Institute for Development Studies Sabah
12. Dr Ahmad Fauzi Abdul Hamid, Profesor (Sains Politik), Pusat Pengajian Pendidikan Jarak Jauh, Universiti Sains Malaysia
13. Hazman Baharom, Waseda University
14. Nur Adilla, Waseda University
15. Dato' Ambiga Sreenevasan, former chair of the Institutional Reforms Committee and Bersih chairperson
16. Beverly Joeman, former Bersih Vice-Chair (Sabah)
17. Tan Sri Mohd Sherif Kassim, former secretary-general of Finance Ministry
18. Shah Fariq Aizal Sha Ghazni, entrepreneur
19. Brenda Yong Ping Ping, academic
20. Lim Wei Jiet, Peguam
21. Maha Balakrishnan, Parliamentary Expert
22. Iqbal Fatkhi, Editor-in-Chief of Cilisos
23. Dr Lim Chee Han, Coordinator, Manifesto Rakyat
24. Datin Fazar Arif, Pengasas, Pergerakan Orang Wanita Empowerment and Revolution (POWER)