Inking in electoral reforms

The Election Commission is putting in place a number of reforms for the coming general election. How this will impact the elections remains to be seen.

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One man, Mr Wong, was so excited with reforming the electoral process he took to “stalking” the Parliamentary Select Committee (PSC) on Electoral Reform when it held its public hearings.

“He showed up at three of our six public hearings including the one in Sabah,” says Datuk Seri Mohd Radzi Sheikh Ahmad, who sits in the nine-member committee.

“He was very interesting. He worked hard, did a lot of research, was very detailed, asked legitimate questions and made good suggestions. He even drafted amendments to the (Election) law and forwarded me his proposal!”

He feels that people are “definitely more interested” in the general election these days compared with 10 years ago.

Following the July 9 Bersih 2.0 rally calling for electoral reforms, the PSC on Electoral Reform was set up on Oct 2. Comprising five MPs from Barisan Nasional, three from Pakatan Rakyat and one who is independent, and headed by Datuk Seri Dr Maximus Ongkili, it was given six months to come up with recommendations to improve the country’s electoral process.

It had its 14th and final meeting on Wednesday and will table its report in parliament tomorrow.

Describing its report as “thorough”, Dr Maximus says the committee agreed to some points unanimously, some by majority and others which they “agreed to disagree”.

When the PSC presented an interim report in December, the Election Commission (SPR) agreed to adopt a number of its recommendations including the use of indelible ink, doing away with the one-hour objection period for candidates, and to carry out advance voting instead of the traditional (and contentious) postal votes for the police and army.

In the 2008 election, SPR had wanted to use indelible ink to ensure there was no double voting. It even bought the ink but this was called off at the eleventh hour when the Cabinet decided against it.

As the then Home Minister, Radzi was part of the Cabinet that called off the use of the indelible ink. Why has he changed his mind now?

He says that back in 2008, there was an option.

“If someone refused to have his finger marked with the ink for any reason, he could not be denied the right to vote. He would only have to fill up a form declaring that he had not voted and he could vote without his finger marked.

“We thought this would result in chaos and long queues. Besides, if you have the option whether or not to have your finger marked, it defeats the purpose of the indelible ink, which is to make sure that no one votes a second time.

“But now, the PSC called in the Attorney-General and asked whether with new regulations, a person could insist on voting if he refuses to have his finger marked with indelible ink and the A-G said ‘no’.

“So I feel it’s okay now because there are no exceptions,” says Radzi, who was the Umno General and asked whether with new regulations, a person could insist on voting if he refuses to have his finger marked with indelible ink and the A-G said ‘no’.

“While we were working, we also asked SPR: ‘Can you do this?’ and ‘Can you do that?’ We kept SPR in the loop all the time.

“Most of our recommendations involve amendments to regulations, not to the law, so it’s very simple,” says Radzi, who was a practising lawyer before entering politics.

Parti Keadilan Rakyat (PKR) secretary-general Saifuddin Nasution who is also the Machang MP says that when the report is tabled in Parliament, the pressure will be on SPR to implement it in the coming election.

“People’s expectations are high. There is a lot more interest and awareness among the public and this is in line with the demands for electoral reforms and also the changes taking place globally.”

“The pressure will be high on SPR to be seen as independent and fair in carrying out its responsibilities,” he says.

Saifuddin draws a distinction between fundamental and secondary reforms.

For him, fundamental reforms include having a clean electoral roll, doing away with postal votes, having fair media coverage for the opposition and a caretaker government once parliament is dissolved while secondary reforms involve things like the use of the indelible ink.

He is not happy with SPR’s efforts in cleaning up the electoral roll, saying that SPR itself acknowledges there are 42,000 dubious names, where these names are on the roll but not found in the National Registration...
Department.

"If they are not registered with the NRD, this means they do not have ICs so how can they vote? They should be struck off the electoral roll," he says.

Saifuddin also finds it odd that there is an unusual increase in the number of new voters in Selangor and Perak – more than double the national average of 8%.

But Radzi wants names. He does not believe tens of thousands of "dubious" voters have registered on the roll since July.

"It's not fair to make accusations like that. Give us names. If this is true, I will hentam (whack) SPR myself," he says.

On his part, de facto Law Minister Datuk Seri Nazri Aziz stresses that the setting up of the PSC on Electoral Reform is by no means an admission that things were lacking in the 2008 election.

"We agreed to do this now to address the concerns and prevent the so-called issues raised by the opposition from happening in the next election.

"This is not to say it has happened in the past. The whole idea of (using) indelible ink is to prevent double voting, but we know there has never been a case of double voting in Malaysia," he insists.

Nazri, who has yet to see the PSC report (like the other MPs, he will get to see it on Monday when it is tabled in Parliament), cautions against expecting SPR to adopt all the recommendations.

"For us in parliament, we can accept the report – no problem. But if you talk about SPR being an independent body, it must not only be independent from the executive but it must also be independent from the legislative (i.e Parliament) and the judiciary.

"So Parliament must understand that it can’t impose its will on SPR because that would amount to interference.

"We can only propose and it is up to SPR as an independent body – at the end of the day – to make its own decision."

On perception that SPR takes instructions from the executive, Nazri says that in matters that do not involve changes to the law, SPR is free to do whatever it wants without referring to the executive.

"But if it requires an amendment to an Act, then they have to sit down and talk with us.

"The system in Parliament is such that the majority in Parliament is the executive. So if it involves changes in the law, they should refer to us (executive) because we are the majority. Otherwise it’s going to lose," he adds.

On its path of reform, SPR also announced it wants to abolish the practice of candidates being accompanied on nomination day by a large entourage of supporters; and that on polling day the counting of votes would start only at 4pm so that the voting trend and results would not be influenced.

But as far as academics are concerned, while electoral reforms are good as a whole, this does not have a huge sway on voters.

They believe voters pick which party to vote for based on things that impact their lives most, such as bread-and-butter issues, jobs, cost of living, the crime rate, foreign workers, and social issues rather than electoral reforms.

UKM political science lecturer Datuk Dr Mohamad Agus Yusoff believes that this time around, people are not feeling the pinch of a higher cost of living as they did in 2008, and the petrol prices too have not gone up recently despite a hike in global oil prices.

He says the Prime Minister is shrewd in trying to isi perut rakyat dan isi poket rakyat (fill the people’s stomachs and pockets) through giving out financial aid and announcing salary hikes.

But when it comes to corruption, transparency, the crisis of confidence towards the judiciary and economic reforms, he says, nothing much has changed since 2008.

In Dr Agus’ estimation, only the older folks are hardcore supporters of any particular party.

"Young voters these days tend to be fence-sitters. They change whom to vote for from time to time based on issues and current developments that impact their lives."

He warns there are also silent voters “who work with the government, support the government and its policies outwardly but vote against the government”.

The former rector of International Islamic University Datuk Dr Syed Arabi Iddid says voters are looking at which side is able to provide them with a better package when it comes to jobs, the economy, social issues and combating crime.
He believes that 60% of voters have already made up their minds whom to vote.

“I think Barisan has a slight edge among the young because they feel it can offer them stability.”

He feels that while tools like the new media (online news portal, blogs, Twitter and Facebook) have an impact on the young, it is still not accessible in most homes, particularly in rural areas.

Another interesting aspect in this election is whether the four Pakatan-ruled states (Selangor, Kelantan, Kedah and Penang) will call for state elections at the same time as the Barisan-ruled federal and state governments.

Dr Agus and Dr Syed Arabi believe that having elections simultaneously would be better for all political parties where money, resources and election machinery are concerned.

If a state holds the state election separately, they believe the party that controls the federal government would have the advantage.

Nazri points out that it is nothing new to have state elections separate from the general election.

“But if they do that, our whole machinery will be focused on that state and it is not to the opposition’s advantage.

“But if it is held simultaneously, then we won’t have time to go to other states because we are concentrating on winning in our own state,” he says.

Disagreeing, PKR’s Saifuddin says that historically, the advantage is to the opposition if state elections are held separately.

He cites the example of PAS wresting the Kelantan and Terengganu state governments in the late 1950s when the state elections were held separately from the general election.

“So whether it is concurrent or separate will be a tactical strategy on our part.

“There is also a possibility that Pakatan states might dissolve their state assemblies earlier. People won’t expect this and an element of surprise and unpredictability could be an advantage for us,” he adds.

For Saifuddin, while there has been some reforms and liberalisation since the last general election, it is not enough.

He points to extreme countries like Myanmar and regimented ones like Singapore where the mainstream media has started giving ample coverage to the opposition and he wants the same in Malaysia.

For Nazri, the biggest challenge in the coming election is getting a two-thirds majority in Parliament.

“Tell me which developed country has a two-thirds majority. It is something you don’t talk about any more in countries like the UK,
Australia, Canada, or the US. They all have slim majority, minority or a coalition government and a change of government.

“These are characteristics of a developed nation status. Our voters are more discerning, they take voting seriously, they want a stronger opposition, checks and balances. They want to get involved in issues and they know they have the power to change the government.”

But will all the liberalisation and reforms backfire on Barisan?

“What choice do we have? You either go along with it or get left behind. “This is something that should happen to this country if we are pursuing a developed nation status.

“You can’t not give education to the people if you fear education might open up their minds.

“The government can’t go against the flow. It has to move. This is something any government must do, even if it means it goes against them,” says Nazri.
Poll process: Voters may be marked by indelible ink in the next general election to prevent double voting. — Filepic