

## **Electoral System Reform in Malaysia: A Delayed Success?**

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### **ABSTRACT**

The Election Commission (EC), Malaysia's electoral body, is frequently chastised by the public for its lack of neutrality, manipulation of the electoral roll, gerrymandering practices in constituency delineation, and unfair media access to contesting parties. As a result of these weaknesses, the Pakatan Harapan (PH) manifesto for the 14<sup>th</sup> General Election (GE-14) promised to reform the country's electoral system if they won the election. The PH Manifesto won 121 of the 222 contested parliamentary seats, capturing the people's hearts. Hence, this article examined the electoral system reforms enacted by the PH administration from its election victory in May 2018 until the end of its term in February 2020. The article asserts that PH had successfully instituted four major reforms in the country's electoral system, including placing the EC under the parliament, cleaning up the electoral roll, enhancing electoral transparency, and amending the federal constitution to allow *Undi18* (Vote18) and automatic voter registration, despite its brief tenure in power. However, the electoral system reforms stalled following the collapse of the PH government due to the Perikatan Nasional (PN) government's lack of commitment to continue this reform.

*Keywords:* Electoral system, Malaysia, Pakatan Harapan, reform, the Election Commission

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### **INTRODUCTION**

Electoral freedom is a frequent topic of discussion in democratic nations. Consequently, allegations of electoral system manipulation marred the elections, resulting in unfair and unjust elections. In Tanzania, election commissions are frequently accused of not being independent in their election management because the National Electoral Commission (NEC)

committee members are appointed by the President of Tanzania, who is also the president of the ruling party, rather than by an independent body (Makulilo, 2009). Mabere Nyahucho Marando and Edwin Mtei, leaders of the opposition party, filed a judicial review in 1993, questioning the legitimacy of the president's appointment of NEC committee members on the grounds that these appointments violated freedom in the conduct of elections. The court, however, rejected the judicial review because, while the president appointed committee members, this did not imply that the NEC was not independent because the commission's independence was based on the credibility of the appointed commission committee members, not their appointments by the president. Due to the lack of electoral independence, Tanzania has been ruled solely by the Chama Cha Mapinduzi party since 1980 (Morse, 2014).

In Malaysia, too, the election was allegedly unfair due to the perception that the electoral body was biased towards the government because this institution is placed under the Prime Minister's Department (PMD), demonstrating the existence of executive control over the Election Commission of Malaysia (EC) (Funston, 2018). Pakatan Harapan (PH) promised in its GE-14 manifesto that it would reform the electoral system if elected as the federal government. The promise persuaded voters to elect the coalition in GE-14. Therefore, this article focuses on electoral system reform during the PH administration. While electoral system

reform was successfully implemented during the PH administration, its success has been delayed.

### **Electoral System Reforms in Malaysia**

Numerous Malaysian scholars have published works on electoral system reforms. Weiss (2009), for instance, discussed the electoral system's reform during Abdullah Badawi's reign. He noted that the Coalition for Clean and Fair Elections (BERSIH), which staged massive demonstrations in late 2007, resulted in the Abdullah Badawi-led government implementing several electoral system reforms, including the elimination of serial numbers on ballot papers, the introduction of transparent ballot boxes, and the use of permanent ink in the election. However, permanent ink was cancelled for the GE-12 because the EC was concerned that parties would manipulate the voting process by smearing ink on voters' fingers before casting ballots. The decision drew criticism from Malaysians for Free and Fair Elections (MAFREL), who withdrew as election observers to protest the EC's action. In addition, opposition parties criticised Abdullah Badawi's decision to phase out the use of indelible ink as a failure to follow through on promised electoral system reforms.

Brown (2013) looked at the electoral system reform during the reign of Najib Razak. As the prime minister, Najib Razak established the Parliamentary Select Committee on Electoral Reform in 2011, consisting of five BN Members of Parliament (MPs), three opposition MPs,

and one independent MP. A year after its formation, the committee presented its report to parliament, covering automatic voter registration, more flexible voting locations, and simplified voting mechanisms for Malaysians living abroad. According to Brown (2013), the committee's recommendations were not implemented because Najib Razak lacked the political will to implement those recommendations. After all, Najib was concerned that the electoral reform would undermine his ruling power and allow opposition parties to gain influence. Brown emphasised at the end of his analysis that the failure to reform Malaysia's electoral system was due to the government's lack of political will because of fear of power challenges.

Dettman (2020), Ostwald (2020), and Oliver (2020) elaborated on the electoral reform during the PH era and Dr. Mahathir's second term. They pointed out that one of the significant electoral system reforms implemented by the PH government was lowering the voting age from 21 to 18 years old. The objective is to grant 18-year-old citizens the same voting rights as in most other democracies. To ensure that the EC is free of executive control and can carry out its duties independently and impartially, the PH government moved the EC from the PMD to parliament.

Although the studies mentioned above are intriguing, most do not evaluate the success of previous electoral system reforms. Therefore, this article addresses the gap by evaluating the success of electoral system reforms under the PH administration. The

main argument of this article is that the implementation of electoral system reforms has been hampered by constraints addressed in the following discussion.

## RESEARCH METHODOLOGY

The research method used in this article was a qualitative one. As qualitative research involves an interpretive process, it allowed the researchers to dig deeper into the electoral system reforms implemented in Malaysia to answer the research questions. Hence, this article relied on primary data gathered through interviews with informants, including Wan Junaidi Tuanku Jaafar, Minister in the Prime Minister's Department (Parliament and Law), Malaysian Opposition Leader Anwar Ibrahim, Parti Amanah Negara (AMANAH) President Mohamad Sabu, and Democratic Action Party (DAP) Secretary-General Anthony Loke Siew Fook. All these informants were involved in the electoral system reform implementation process, either as cabinet members or as members of parliamentary committees. They were able to provide information and data relevant to this article, making their information significant. Books, journals, theses, newspapers, and electronic media portals were used to obtain secondary data. These data were descriptively analysed to assess the success of electoral system reforms implemented during the PH administration. Thus, this article employed the concept of the electoral system as an analysis tool and the reform of the electoral system as its unit of analysis.

**FINDINGS AND DISCUSSION**

Malaysia is one of the Southeast Asian nations with the least trustworthy elections. Table 1 shows that Malaysia is ranked eighth out of ten ASEAN countries in terms of average electoral integrity from 2012 to 2018. The data is divided into eight categories: election law implementation, election implementation procedures, constituency boundaries, voter registration, political party registration, media coverage, campaign financing by political parties and candidates, voting procedure, and vote counting procedure.

According to the Electoral Integrity Project, the practice of gerrymandering and malapportionment through constituency demarcation are the primary reasons Malaysia is classified as one of the worst countries (Norris & Gromping, 2019). The disparity between the number of elected representatives and the number of voters in a constituency is referred to

as malapportionment. Gerrymandering redraws electoral districts to favour the government (Ostwald, 2020). For example, in 2018, the Putrajaya parliamentary seat had approximately 27,306 voters, while the Damansara parliamentary seat had 164,322 voters, demonstrating that redistricting electoral districts is a form of injustice intended to benefit the ruling party.

Thus, electoral system reform in a country is required to enable the execution of free and fair elections. For example, during Soeharto’s reign in Indonesia, elections were not held openly and equitably because the General Election Institute (LPU), the election management body, comprised ministers under his administration. It led to the country having executive control over elections, with the GOLKAR party, represented by Soeharto, constantly winning elections from 1977 to 1997 (King, 2000). However, following the downfall of President Soeharto in 1998, an electoral institutional reform was adopted, resulting in more free and fair elections in Indonesia. It is proven by establishing an independent agency called the General Election Commission (KPU), which aims to oversee free and fair elections. As a result of this measure, Indonesia has one of the highest levels of free and fair elections among ASEAN countries.

Therefore, in Malaysia, PH in GE-14 pledged to reform the electoral system if they won, and they kept their promise after achieving the victory. Hence, this article discussed four major reforms implemented by the PH government during its 22-month

Table 1  
*Average score index of the ASEAN Countries Electoral Integrity Index 2012–2018*

| No. | ASEAN Countries | Average Score |
|-----|-----------------|---------------|
| 1   | Timor-Leste     | 64            |
| 2   | Indonesia       | 57            |
| 3   | Myanmar         | 54            |
| 4   | Singapore       | 53            |
| 5   | Philippines     | 51            |
| 6   | Thailand        | 51            |
| 7   | Laos            | 48            |
| 8   | Malaysia        | 35            |
| 9   | Vietnam         | 34            |
| 10  | Cambodia        | 30            |

Source: Norris and Gromping (2019, p. 6)  
Note. 100-Best, 0-Poor

tenure in office: placing the EC under parliament, cleaning up the electoral roll, improving the electoral process, and implementing *Undi18* (Vote18).

### **The Placement of EC Under the Parliament**

The Election Commission oversees managing the electoral process in Malaysia. However, the agency is frequently criticised for failing to manage the electoral process impartially and fairly because the EC is housed within the Prime Minister's Department, which has led to allegations of executive interference and the perception that the agency favours the government in elections (Pepinsky, 2007). After claiming control of the federal government, the PH government restructured the agencies under the PMD to reduce the prime minister's concentration of power (Hashim, 2019; Nashril-Abaidah & Yusoff, 2021). The EC was one of the agencies involved in the restructuring process, and it was then placed under the jurisdiction of the parliament (Ostwald & Oliver, 2020). By placing the EC under the control of the parliament, this agency will be directly accountable to the parliament and will no longer be under the control of the executive branch. To ensure the smooth transition of the EC to the parliament, the PH government established a Special Select Committee on Electoral Reform on October 17, 2019, chaired by Dewan Rakyat Speaker, Mohamad Ariff Md Yusof ("Dewan Rakyat tubuhkan 4 lagi jawatankuasa pilihan khas," 2019). The committee's objective is to improve and refine the EC's policy to become more

effective prior to placing the agency under parliamentary control. In an interview with AMANAH President M. Sabu (personal communication, September 26, 2021), he commented:

*"When we incorporate the EC into parliament, all members of parliament will be able to track its progress. Second, the EC is no longer under the control of the government, as it was previously under PMD. The EC is perceived to be biased in favour of the governing government under PMD. Third, the EC has the autonomy and independence required to hold free and fair elections."*

The move to place the EC under parliament is not novel, as countries with free and fair elections, such as Canada and New Zealand, are already doing so. According to Pal (2016), as well as Lawlor and Mayrand (2020), who studied the EC's journey in these two countries, placing the EC under the parliament can increase the institution's credibility as independent and neutral. It can boost public trust in the EC's transparency and integrity as the agency oversees conducting free and fair elections.

However, in Malaysia, efforts to place the Election Commission under the control of the parliament stalled after the PH government was deposed via the Sheraton Move in late February 2020. The Perikatan Nasional (PN) government, which took over from the PH, acted to abolish the Special Select Committee on Electoral Reform,

resulting in the process of placing the EC under the parliament being halted and the EC remaining under the PMD. This matter was raised by Khoo Poay Tiong, who is a member of the Parliament for the City of Melaka, on September 21, 2021, in a special chamber session demanding an explanation on the abolition of this committee when the EC returned under the PMD (Parlimen Malaysia, 2021). However, the answer given by the Deputy Minister of the Prime Minister's Department (Parliament and Law), Mas Ermieyati Samsudin, at that time was that the establishment of the EC was under the executive mandate and that the PMD was responsible for the administration and general management of the EC only. He added that although the EC is under the PMD, it remains an independent body to ensure that elections in Malaysia are conducted freely and fairly.

Despite the guarantee given by the government for the EC to remain an independent body under the PMD, there is a tendency for the executive to control the institution as it did during the previous Barisan Nasional (BN) rule. In fact, by placing the EC under the PMD, the institution is responsible for reporting to the minister in charge of the prime minister, the chief executive in the government. It indirectly illustrates that the EC is still subject to executive control even though the government guarantees only in aspects of administrative and management affairs. Because of that, the EC must be under the supervision of the parliament to ensure that this institution remains independent.

### **The Clean-up of Electoral Roll**

The electoral roll is not clean when a deceased voter still has a record on it or when an address has multiple registered voters. Malaysian opposition leaders and civil movements like BERSIH and MAFREL frequently question the EC's transparency in ensuring the voter register's integrity. MAFREL discovered that locals did not identify 50% and 73% of the electoral rolls in its 2004 survey of the Gombak and Lembah Pantai parliaments, respectively. Even the addresses listed on the electoral rolls were unknown to locals (Wong et al., 2010). MAFREL concluded that the existence of "phantom voters" had granted BN a decisive victory in GE-11. It resulted in the Islamic Party of Malaysia (PAS) and the People's Justice Party (KEADILAN) filing an election fraud and ghost voter complaint with the Human Rights Commission (SUHAKAM) (Khalid, 2007). Aside from that, both parties demanded that the EC not release the election results until the investigation into electoral roll irregularities was completed. However, the EC continued to publish the election results, and the opposition parties filed 40 election petitions nationwide to challenge the results (Moten & Mokhtar, 2006).

In addition to MAFREL, the Parliamentary Select Committee on Electoral Reform, it was revealed in 2012 that up to 200,000 suspicious voters were on the electoral roll that year, with more than 100 voters living at the same address (Case, 2013). Due to the existence of this tainted electoral roll, BERSIH held its first demonstration in November 2007 to

demand free and fair elections. BERSIH 2 through BERSIH 5 were held between 2011 and 2016 in response to the EC's refusal to clean up the electoral roll (Johns & Cheong, 2019). Its primary demands were clean elections, a clean government, preserving the nation's economy, and the right to demonstrate (Chong, 2018).

The success of such protests prompted the EC to allow political parties and the public to review the electoral rolls quarterly (Weiss, 2009). This reform, however, was insufficient because the EC had not demonstrated a commitment to cleaning up the electoral roll, even though the electoral roll was made public. In an interview with him, the opposition leader, A. Ibrahim (personal communication, September 17, 2021), stated:

*“Why is it so difficult for the government to meet the people's and BERSIH's demands for a free and fair election process? Our demands are simple: a clean electoral roll, postal vote reform, and media access. What exactly is the problem with this electoral roll? The electoral roll is not being updated, so deceased voter data remains; there are 'ghost voters,' or voters who use other people's identity cards to vote; and the list of names in the electoral roll suddenly disappears on polling day. While we understand that implementing these things takes time, it is highly unreasonable to take too long to do so.”*

The EC's failure to resolve these issues demonstrates that the country's electoral system is not being implemented independently and fairly. As a result, when the PH was in power, the task force committee was formed, which involved the EC and the National Registration Department (NRD) to coordinate the investigation of issues concerning the verification of citizen information to clean the electoral roll (“SPR, JPN tubuh pasukan petugas khas,” 2019). The EC has worked with the NRD through this committee to ensure that the electoral roll is free of voters who are not eligible to vote. Cooperation with the NRD is critical because the agency has data on every Malaysian citizen, and the coordination of citizen information is required to release the names of deceased voters.

The Electoral Reform Select Committee was established at the parliament level in October 2019 (Carvalho et al., 2019). This cross-party committee was formed to provide suggestions and recommendations to the EC to increase transparency in Malaysia's election process. This committee's primary function is to make recommendations on the issue of electoral roll cleaning. From its inception until the end of February 2020, this committee had actively requested that the EC provide a report on the reform of election implementation as well as the cleaning of the electoral roll.

These steps to clean up the electoral roll showed a positive effect until 2020. According to Kota Melaka Member of Parliament Khoo Poay Tiong, who is

also a member of the Electoral Reform Select Committee, the committee's recommendation for electoral roll cleaning resulted in the EC removing 348,098 individuals who were discovered dead between 2018 and 2020 ("Apa nasib usaha reformasi proses pilihan raya," 2020). It demonstrates that during the PH era, the EC began implementing electoral system reforms by cleaning the electoral roll.

However, after the fall of the PH government and the change of EC leadership, the process of cleaning the electoral roll slowed again during the PN and BN eras. It can be seen when there were allegations about unresolved voter registration issues. For example, Fuziah Salleh, a Kuantan MP, claimed that after researching the list of new voters registered by the EC between September 30 and December 31, 2021, the names of deceased voters remained on the electoral roll. As a result of the allegations, BERSIH urged the government to establish an independent electoral roll audit committee to review and audit the electoral roll ("BERSIH gesa kerajaan tubuhkan jawatankuasa audit," 2022). However, the government and the EC did not accept this proposal until the 15th General Election (GE-15). The government's and the EC's failure to take this issue seriously causes doubts about the voter register in Malaysia.

### **The Enhancement of Electoral Transparency**

Electoral transparency in Malaysia is frequently contested. According to Welsh

(2015), Weiss (2016), and Ostwald (2020), this lack of transparency occurs in five instances. The first example is scepticism concerning postal votes because the EC does not provide postal voter lists to agents of opposition party candidates, and they are not permitted to enter polling stations to monitor voting procedures. As a result, the postal vote works as a lifeline to victory in the GE and benefits the BN government. In GE-10, for example, Shahrizat Abdul Jalil, the BN candidate for the Lembah Pantai seat, lost in the regular voting process but won with a majority of 1417 votes after postal votes were counted (Weiss, 2000). Besides that, the Merdeka Centre study in GE-13 discovered that postal votes helped BN win in 22 parliaments nationwide, with the party receiving 89.5% of the votes (Ufen, 2013). It raises the issue of transparency in its implementation, as representatives of opposition parties are not permitted to monitor the postal vote's implementation.

Second, there are allegations of election fraud that favour BN. In GE-13, for example, the electricity supply was cut off during the vote-counting process (Welsh, 2013). Following the GE-13, opposition parties and civil society held a 'Blackout 505' rally, with thousands of participants flooding the Kelana Jaya Stadium (Mohd Zulkifli, 2021). Another fraud allegation is using permanent ink in GE-13, which allegedly faded when washed. Although the EC stated that the ink would remain to prevent the existence of repeat voters, the reality was that the ink used in the election did not remain as claimed (Ufen, 2013). It demonstrates that



Malaysia's electoral process is opaque due to the possibility of manipulation and fraud.

Thirdly, there are money politics and corruption. For example, following money politics, the court annulled the victory of the BN candidate in Bukit Begunan DUN, Sarawak, namely Mong Ak Dagang, in the Sarawak State Election 1996. An independent candidate, Donald Lawan, filed an election petition to overturn Dagang's victory over allegations of bribing voters to gain support. The court then overturned the state assembly election results (Chin, 1998).

The fourth issue is the redelineation of electoral constituencies as a result of the use of gerrymandering and malapportionment in the redelineation process. Gerrymandering is the practice of manipulating constituency boundaries to benefit the government. In Selangor, for example, prior to the redelineation of electoral constituencies in 2018, 16 constituencies in the state had mixed voters (50% to 60% Malay voters or 50% to 60% Chinese voters). However, after the demarcation, the area was changed to 13 Malay-majority seats (over 60% of Malay voters) and three Chinese-majority seats (over 60% of Chinese voters) (Wong, 2018). This action gave BN an advantage because the party enjoyed strong support in Malay-majority areas compared to mixed areas.

Malapportionment occurs when one constituency's voter ratio differs significantly from that of another. In GE-13, for example, the Putrajaya parliament had only 15,791 voters, whereas another parliamentary constituency in the Klang Valley, Kapar, had nearly ten times the

number of voters as Putrajaya, with 144,159 voters (Ostwald, 2013). It violates Section 2(c) of the Thirteenth Schedule of the Federal Constitution, which states that the number of voters in each constituency in a state must be roughly equal to each other, "The number of electors within each constituency in a State ought to be approximately equal except that, having regard to the greater difficulty of reaching electors in the country districts and the other disadvantages facing rural constituencies, a measure of weightage for area ought to be given to such constituencies."

Although gerrymandering and malapportionment are against the constitution's intent, the EC continues to use them because they benefit the BN government. It is why the EC is viewed as not being transparent, independent, or fair in its election administration. In GE-13, for example, BN lost the popular vote by 4% but still managed to form a government with a 20% majority in the parliament (Ostwald, 2020). BN received 47.4% of the popular vote nationwide but won 59.9% of the parliamentary seats. Pakatan Rakyat (PR), which at the time consisted of DAP, PKR, and PAS, won 50.9% of the popular vote but only 40.1% of parliamentary seats (Chin, 2013). It illustrates that the practice of gerrymandering and malapportionment had resulted in BN's victory, even though they did not generally receive the support of most voters. Therefore, gerrymandering and malapportionment are vehemently opposed by civil society organisations such as BERSIH, which see this practice as one

of the country's electoral system's injustices (Fadzil & Samsu, 2015).

These four issues exemplify Malaysia's lack of transparency in elections. It has resulted in manipulating the GE implementations, which benefits the ruling party. Ergo, after PH won the GE-14, the EC implemented several electoral system reforms to increase the transparency of Malaysia's electoral process. The EC has collaborated with the Royal Malaysian Police (PDRM) and the Malaysian Anti-Corruption Commission (MACC) to combat money politics by candidates and political parties. For example, during the Sabah State Election on September 21, 2020, the MACC arrested two security forces members carrying money suspected of buying votes for a political party (Hassan, 2020).

Furthermore, the EC has increased postal vote transparency by declaring the number of postal votes cast on nomination day. According to EC Chairman Azhar Azizan Harun, this declaration was made to avoid allegations of postal vote manipulation to benefit specific candidates or parties (Alias & Parzi, 2019). For example, in the Tanjung Piai by-election, the EC declared 227 postal voters eligible to vote. Another example is that the EC announced that 17,885 postal ballot papers were issued in the Sarawak State Election at the end of 2021. The postal ballot papers were distributed in the presence of candidate representatives from all parties or individuals contesting in the election (Ibrahim, 2021).

Hence, the EC will broadcast the vote-counting process live to ensure no election

fraud. It began with the Sungai Kandis by-election following GE-14 (Azman, 2018). The goal is to ensure transparency in the vote-counting process and to demonstrate that it is carried out transparently without any manipulation to favour certain candidates. With these changes, there are fewer disagreements in the country about the transparency of the electoral process.

However, another unimplemented electoral system reform is the elimination of gerrymandering and malapportionment because a constitutional amendment is required to provide a clearer clause on a more equitable re-demarcation ratio to be used as a guide by the EC. In response, DAP Secretary-General A. L. S. Fook (personal communication, February 10, 2022) stated:

*“To ensure that gerrymandering and malapportionment do not occur again, the constitution, particularly the Thirteenth Schedule, must be amended. However, during that time, we needed a two-thirds majority in order to amend the constitution, which the PH did not have at the time. If we wanted to do it, we needed the opposition's help. However, the opposition did not agree because it did not give them an advantage.”*

Following the fall of the PH government, the PN and BN governments lacked the political will to prevent gerrymandering and malapportionment from occurring again. They cited the lack of a two-thirds majority as a barrier to enacting constitutional

amendments, particularly those involving the Thirteenth Schedule. W. J. T. Jaafar (personal communication, January 6, 2022), Minister in the Prime Minister's Department (Parliament and Law), stated in an interview with him:

*“If the opposition believes that the constitution should be amended to address the issue of gerrymandering and malapportionment, they can introduce a private bill in parliament. They should keep in mind that amending the constitution requires a two-thirds majority, which I doubt they will be able to achieve. In fact, the government does not intervene in gerrymandering, malapportionment, as well as redelineation deal. That is a recommendation from the EC, not the government. Hence, we follow that advice.”*

It is not impossible if the government has a strong political will to reform the electoral system to prevent gerrymandering and malapportionment from occurring again. However, the implementation process of the reform is being acknowledged to take a long time because the government needs the opposition party to support it. The government and the opposition must discuss and negotiate to ensure both parties accept the proposal. However, until now, there has been no discussion between the two parties about this reform, which indicates that gerrymandering and malapportionment are to be continued in the future.

### **The Execution of Undi18 and Automatic Voter Registration**

In accordance with their manifesto in the GE-14 campaign, the PH government also reduced the voting age from 21 to 18 years old and implemented automatic voter registration. It is consistent with the practice of most countries around the world, which have reduced the voting age to 18 years since the 1960s (Mycock et al., 2020). It is also coherent with Article 1 of the United Nations (UN) Convention on the Rights of the Child, which defines a “child” as anyone under the age of 18 (United Nations International Children's Emergency Fund, 2007). So, according to this definition, anyone over 18 is considered an adult. In Malaysia, the Adult Age Act 1971 established the age of 18 as the legal age of adulthood for Malaysians (Malaysia, 2006).

Furthermore, the PH government is confident that young people aged 18 and above have adequate political awareness to vote in elections. As a result, on July 16, 2019, the government proposed an amendment to the Federal Constitution to reduce the voting age from 21 to 18 years. The motion was passed with a two-thirds majority after 211 MPs voted in favour (Mat Ali & Yusoff, 2022).

Although many countries have reduced the voting age, prior to the amendment to the Federal Constitution, only Malaysia and Singapore, among the ASEAN countries, kept the voting age at 21 or older. This age limit is also similar to that of countries still lagging in democracies, such as Kuwait, Oman, Cameroon, Lebanon, Samoa, and

Tonga (Dundas, 2014). The situation is different in almost all Asian countries that have reduced the voting age to 18 years, and some European countries, such as Austria, Norway, Scotland, and Germany, which have begun to reduce the voting age from 18 to 16 years (Maheo & Belanger, 2020).

In addition to lowering the voting age to 18, the PH government has amended the constitution to allow automatic voter registration. Automatic voter registration was implemented to make it easier for citizens to register and to increase voter turnout. Before the amendment was implemented, the national electoral system was prohibited by Article 119 Clause (4) of Paragraph (b) from implementing automatic voter registration that states—“qualifying date” means the date on which a person applies for registration as an elector in a constituency or the date on which he applies for the change of his registration as an elector in a different constituency in accordance with the provisions of any law relating to elections. It means that if a person wishes to vote, they must submit an application to be registered with the EC before casting ballots.

Following the fall of the PH government, the PN governments lacked the political will to carry out *Undi18* and automatic registration. *Undi18* and automatic voter registration were supposed to go live in July 2021 but were pushed back to September 1, 2022. The reason was due to the COVID-19 pandemic and the implementation of the Movement Control Order (MCO). On March 25, 2021, EC Chairman Abdul Ghani Salleh

stated that automatic voter registration and *Undi18* could only be implemented after September 1, 2022 (Rahim, 2021). However, opposition parties and civil society objected to the EC’s explanation. They emphasised that the delay should not have occurred because the agreed-upon amendment to the Federal Constitution had been done and that the delay in implementing it demonstrated disrespect for the consented amendment to the Federal Constitution.

Although PN and BN MPs supported the constitutional amendment in 2019 to ensure the implementation of *Undi18* and automatic registration, they were seen as deliberately delaying its implementation while in government. The main reason for this delay is that they were not convinced that *Undi18* and automatic registration would benefit them once they took office. As a result, when they became government, they lacked the political will to expedite the implementation of *Undi18* and automatic registration. A. L. S. Fook (personal communication, February 10, 2022), Secretary General of the DAP, stated:

*“When the PN and BN MPs became the opposition, they supported Undi18 to demonstrate that they, too, recognise the rights of Malaysia’s youth. However, once in power, they were hesitant to implement Undi18 because they were unsure that young people would vote for them. This is why the PN and BN are viewed as untrustworthy and are delaying*

*the implementation of Undi18. The same is true for automatic registration. They previously supported it, but their government is now unsure whether it will benefit them.”*

As a result of the EC's action, 18 people filed a judicial review on April 2, 2021, to challenge the government's decision to postpone the implementation of *Undi18* (Abas, 2021). On May 3, 2021, five Sarawak youths petitioned the Kuching High Court for a judicial review, urging the federal government to immediately implement *Undi18* under Section 3 (Constitution (Amendment) Act 2019) (Abdul Rashid, 2021). They regarded postponing the implementation of *Undi18* as denying more than 125,000 young people in Sarawak the right to vote in state elections. The Kuching High Court granted the application on September 3, 2021, and ordered the federal government to exercise *Undi18* by December 31, 2021 (“Mahkamah arah SPR laksana Undi 18”, 2021). The government then directed the EC to implement *Undi18* by December 31, 2021, to comply with the Kuching High Court's decision. However, *Undi18* was implemented earlier, beginning on December 15, 2021, after the Attorney General's Department issued the federal government gazette on December 1, 2021 (Ali, 2021).

## CONCLUSION

This article discusses the electoral system reforms implemented by the PH government

during its 22-month tenure. There were four electoral system reforms: placing the EC under parliament, cleaning up the electoral roll, increasing electoral transparency, and amending the federal constitution to implement *Undi18* and automatic voter registration in elections. Even though the reforms were implemented, there were constraints in implementing them. These constraints stemmed from three factors: the new government's lack of commitment, constitutional obstacles, as well as the PN and BN governments' distrust of the new system.

Regarding the new government's lack of commitment, the PN government and others do not see the need to continue with the PH government's electoral system reform. They never promised to reform the electoral system in their election manifestos. Second, the PH is restricted by constitutional constraints, particularly the practice of gerrymandering and malapportionment at every electoral demarcation due to the PH not having a two-thirds majority at the time to amend the federal constitution to include a clear clause on the electoral boundaries when the redelineation of electoral constituencies is implemented. Finally, the PN and BN governments are sceptical of the new system, which they perceive as threatening their power hegemony. It is feared that these reforms will allow opposition parties to increase their influence. Thus, these three obstacles have hindered and delayed the success of the electoral system reforms that the PH government initiated.

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