

Press Release from BERSIH 2.0

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Split Electoral Management in Malaysia Into Three Commissions

The Coalition for Clean and Fair Elections (BERSIH 2.0) proposes that the electoral management body in Malaysia be split into three commissions with different jurisdictions and autonomies. This division is proposed so that electoral management in Malaysia can be implemented more efficiently, effectively and independently.

Currently, the Election Commission (EC) bears all the workload of electoral conduct such as voter registration, constituency delimitation and conduct of elections such as nomination and enforcement of the Election Offences Act with assistance from other agencies including the Royal Malaysian Police (PDRM).

The proposal was made based on a research report launched by BERSIH 2.0 today entitled "Three is Better Than One: Institutional Reforms for Electoral Management in Malaysia". This

study was conducted by Chan Tsu Chong and commissioned by BERSIH 2.0.

The three proposed commissions, should be:

1. Election Commission (EC) - The commission maintains the responsibility for the conduct of election processes such as voters' registration, nomination, polling, vote counting and tabulation and announcement of election results.

2. Election Enforcement Commission (EEC) - The commission's responsibility is to monitor and ensure compliance with all election-related laws including the Elections Act 1958 and the Election Offences Act 1954. The EEC is also responsible to regulate political parties' registration including political financing and reporting requirements. The EEC will have the power to investigate, issue warrants and summon suspects and witnesses. This commission can also set up an Electoral Tribunal to receive complaints and conduct investigations.

This Commission shall consist of the Inspector-General of Police (IGP), the Chief Commissioner of the Malaysian Anti-Corruption Commission (MACC), the Attorney General (AG) and four other members appointed based on expertise. Of these four, two should be appointed from civil society organizations (CSO).

3. Electoral Boundaries Commission (EBC) - This Commission should be established on an ad-hoc basis when there is a need for a re-delineation exercise according to the provisions of the Thirteenth Schedule of the Federal Constitution. We propose that this Thirteenth Schedule be amended to give the EBC the final authority to approve the delineation proposal.

The EBC must consist of a Federal Court Judge, a member of EC, a member of EEC, a Director-General of the Department of Survey and Mapping, the Chief Statistician and two individuals with appropriate valid qualifications and at least 10 years experience in elections, statistics and geography.

BERSIH 2.0 proposes that these three commissions be completely independent of the Executive as well as the civil service and that all these commissions should be monitored by and report to the Parliamentary Select Committee (PSC) on electoral matters in Parliament.

For the nomination of candidates who are eligible to be members of these commissions, BERSIH 2.0 proposes that an Electoral Commission Nomination Committee (ECNC) shall be formed to shortlist the candidates who are competent to be presented to the Yang di-Pertuan Agong, who will appoint the members of these commissions. The committee shall consist of the Prime Minister, the Opposition Leader, the Chairman and a ranking member of the PSC on Electoral Matters, the Chief Justice, the Chairman of the Human Rights Commission (SUHAKAM), the President of the Bar Council, and a CSO member.

BERSIH 2.0 believes electoral and institutional reform is crucial, and this should happen by reforming the electoral management body so that it is seen as transparent, efficient and has the public support to conduct elections. The confidence of the people is highly dependent on the transparency of the election process and if there are sufficient institutional checks and balances to the EMB.

Released by,

The Steering Committee of BERSIH 2.0

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