

ISSN 0219-3213

2017 no. 19

Trends in Southeast Asia

MALAYSIA'S ELECTORAL PROCESS:
THE METHODS AND COSTS OF
PERPETUATING UMNO RULE

KAI OSTWALD

ISEAS YUSOF ISHAK
INSTITUTE

Trends in Southeast Asia

The **ISEAS – Yusof Ishak Institute** (formerly Institute of Southeast Asian Studies) is an autonomous organization established in 1968. It is a regional centre dedicated to the study of socio-political, security, and economic trends and developments in Southeast Asia and its wider geostrategic and economic environment. The Institute's research programmes are grouped under Regional Economic Studies (RES), Regional Strategic and Political Studies (RSPS), and Regional Social and Cultural Studies (RSCS). The Institute is also home to the ASEAN Studies Centre (ASC), the Nalanda-Sriwijaya Centre (NSC) and the Singapore APEC Study Centre.

ISEAS Publishing, an established academic press, has issued more than 2,000 books and journals. It is the largest scholarly publisher of research about Southeast Asia from within the region. ISEAS Publishing works with many other academic and trade publishers and distributors to disseminate important research and analyses from and about Southeast Asia to the rest of the world.

2017 no. 19

Trends in
Southeast Asia

MALAYSIA'S ELECTORAL PROCESS:
THE METHODS AND COSTS OF
PERPETUATING UMNO RULE

KAI OSTWALD

ISEAS YUSOF ISHAK
INSTITUTE

Published by: ISEAS Publishing
30 Heng Mui Keng Terrace
Singapore 119614
publish@iseas.edu.sg <http://bookshop.iseas.edu.sg>

© 2017 ISEAS – Yusof Ishak Institute, Singapore

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form, or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission.

The author is wholly responsible for the views expressed in this book which do not necessarily reflect those of the publisher.

ISEAS Library Cataloguing-in-Publication Data

Ostwald, Kai.

Malaysia's Electoral Process : The Methods and Costs of Perpetuating
UMNO Rule.

(Trends in Southeast Asia, 0219-3213 ; TRS 19/17)

1. United Malays National Organisation.
2. Elections—Malaysia.
3. Political parties—Malaysia.
4. Malaysia—Politics and government.

I. Title.

II. Series: Trends in Southeast Asia ; TRS 19/17.

DS501 I59T no.19 (2017)

November 2017

ISBN 978-981-4786-93-5 (soft cover)

ISBN 978-981-4786-94-2 (e-book, PDF)

Typeset by Superskill Graphics Pte Ltd

Printed in Singapore by Mainland Press Pte Ltd

FOREWORD

The economic, political, strategic and cultural dynamism in Southeast Asia has gained added relevance in recent years with the spectacular rise of giant economies in East and South Asia. This has drawn greater attention to the region and to the enhanced role it now plays in international relations and global economics.

The sustained effort made by Southeast Asian nations since 1967 towards a peaceful and gradual integration of their economies has had indubitable success, and perhaps as a consequence of this, most of these countries are undergoing deep political and social changes domestically and are constructing innovative solutions to meet new international challenges. Big Power tensions continue to be played out in the neighbourhood despite the tradition of neutrality exercised by the Association of Southeast Asian Nations (ASEAN).

The **Trends in Southeast Asia** series acts as a platform for serious analyses by selected authors who are experts in their fields. It is aimed at encouraging policy makers and scholars to contemplate the diversity and dynamism of this exciting region.

THE EDITORS

Series Chairman:

Tan Chin Tiong

Series Editor:

Ooi Kee Beng

Editorial Committee:

Su-Ann Oh

Daljit Singh

Francis E. Hutchinson

Benjamin Loh

Malaysia's Electoral Process: The Methods and Costs of Perpetuating UMNO Rule

By Kai Ostwald

EXECUTIVE SUMMARY

- Malaysia will hold its 14th general election before August 2018, bringing renewed focus on the nature of political competition in the country. This paper provides a systematic overview of the electoral process and an assessment of how it shapes the country's political environment.
- Political competition in Malaysia is extensively manipulated to provide the incumbent government substantial advantages in elections. Most of the manipulations are a result of institutional bias during the pre-election phase. They create a fundamentally uneven playing field that has entrenched the political dominance of the UMNO-led coalition.
- Electoral manipulations impose numerous costs. These include direct costs like the inefficient allocation of resources, as well as indirect costs like the exacerbating of ethnic divisions. Both channels hinder Malaysia's efforts to reach further developmental milestones.
- The high degree of electoral manipulation in Malaysia, juxtaposed against its successful developmental record and relative social stability, makes the country an important case for the growing body of research on electoral integrity and malpractice.

Malaysia's Electoral Process: The Methods and Costs of Perpetuating UMNO Rule

By Kai Ostwald¹

INTRODUCTION

Malaysia will hold its 14th general election before August 2018. Though it is not a foregone conclusion, few analysts expect an outcome different from the prior 13 general elections held since independence² in 1957: a victory by the United Malays National Organization (UMNO) and its Barisan Nasional (BN) coalition.³ UMNO's unbroken electoral dominance has several reasons. Many stem from the country's exemplary developmental performance under the helm of UMNO, with Malaysia having enjoyed relative social stability, seen substantial improvements in the living conditions of its citizens, and joined the ranks of upper middle-income economies. Yet Malaysia's electoral process has also played a central role, as it is manipulated in ways that confer fundamental advantages to the BN.

This paper acts as a primer on elections in Malaysia by providing a systematic assessment of how the electoral process is strategically manipulated to secure the political dominance of UMNO and its coalition

¹ Kai Ostwald is Assistant Professor, School of Public Policy and Global Affairs & Department of Political Science, University of British Columbia, Vancouver. Dr Ostwald is also a Faculty Affiliate at UBC's Institute of Asian Research and an Associate Fellow with ISEAS – Yusof Ishak Institute, Singapore.

² Peninsular Malaya became independent in 1957. Singapore as well as the East Malaysian states of Sabah and Sarawak joined Malaya to create the Federation of Malaysia in 1963. Singapore left the federation in 1965.

³ The UMNO-led coalition was known as The Alliance prior to 1973.

partners. It is divided into four parts. The first provides a brief overview of Malaysia's institutional structure and electoral history. The second brings Malaysia's electoral process into comparative perspective using recent data from the Electoral Integrity Project (Norris and Grömping 2017a). By these and other measures, Malaysia manipulates its electoral system more significantly than other countries with comparable levels of development and institutionalization. This has strong implications for our understanding of Malaysia's domestic politics; it also illustrates the importance of Malaysia as a case in the growing body of research on electoral integrity. The third section uses a theoretical framework from Birch (2011) to provide a structured overview of manipulations in each phase of Malaysia's electoral process. The pre-election period is the most significant, as extensive institutional bias creates a fundamentally uneven playing field for political competition by inhibiting challengers and shaping the preferences of voters towards the BN. The final section briefly discusses the range of costs entailed by the electoral manipulations. These are both direct in nature, for example, inefficient budgetary allocations and resultant fiscal burdens, as well as indirect, including disillusionment and subsequent disengagement with the political system among a substantial portion of the electorate.

Ultimately, these costs impede Malaysia's efforts to attain higher levels of development.

1. MALAYSIA'S POLITICAL INSTITUTIONS AND ELECTORAL HISTORY

A brief discussion of Malaysia's political institutions and electoral history provides necessary context for the subsequent sections on electoral integrity. Malaysia is a constitutional monarchy that uses a Westminster-style parliamentary system inherited from the British. It has a federal structure with power nominally divided between federal and state levels, though in practice it is highly centralized (Hutchinson 2014; Ostwald 2017). The king (Yang di-Pertuan Agong) acts as the largely ceremonial head of state and is elected for a five-year term by and from among the country's nine hereditary sultans. The federal parliament is bicameral, comprised of an appointed senate (Dewan Negara) with

limited powers and an elected lower house (Dewan Rakyat). The Dewan Rakyat currently has 222 seats, a substantial increase from the 98 at the time of the first general election. The prime minister, who to-date has come only from UMNO, is the chief executive and head of government.

Malaysia's electoral system has received substantial academic attention (Welsh 2014; Lim 2002). Elections follow first-past-the-post (FPTP) rules in single-member districts, and must be held at least once every five years. The Yang di-Pertuan Agong can dissolve parliament upon the request of the prime minister, which triggers new elections. The minimum campaign period is currently eleven days. This short campaign period provides a significant incumbent advantage (Lim and Ong 2006). State and federal elections are generally held concurrently in the eleven states of peninsular Malaysia.

The population of Malaysia is highly diverse, being comprised of ethnic Malays (55 per cent), Chinese (23 per cent), Indians (7 per cent), and others (15 per cent). Malays and other indigenous groups are categorized as *bumiputra* (sons of the soil) and are conferred substantial and constitutionally enshrined privileges and special rights. The monarchy is comprised exclusively of Malays; it is widely conceded that the head of government is also reserved for Malays.

UMNO, which was founded in 1946 to represent the interests of ethnic Malays, has thoroughly dominated Malaysia's politics from the transition to independence through today. While it has always governed as part of a coalition, it is the clear hegemonic member and has largely dictated the terms of power sharing. Its coalition partners — the Malaysian Chinese Association (MCA), the Malaysian Indian Congress (MIC), and numerous smaller parties active in East Malaysia — are also predominantly structured along ethnic lines. Table 1 shows the percentage of popular vote and parliamentary seats captured by UMNO's coalition in each of Malaysia's 13 previous general elections. It is noteworthy that with the exceptions of 1969, 2008, and 2013, UMNO's coalition secured a two-thirds parliamentary supermajority, allowing it to easily amend the constitution.

Malaysia's electoral institutions and procedures have been continuously subject to partisan pressure from the moment of their creation (Means 1970). Several critical junctures, however, warrant

Table 1: General Elections in Malaysia: Dominance of UMNO's Coalition

Year	Percentage of votes	Percentage of seats	Total number of seats
1959	63.7	73.5	98
1964	58.2	84.6	104
1969	45.3	52.1	142
1974	60.8	87.7	154
1978	57.3	85.3	163
1982	60.5	85.1	148
1986	57.3	83.6	177
1990	53.1	70.6	180
1995	63.2	84.4	192
1999	56.8	76.7	193
2004	63.8	90.4	219
2008	51.4	63.1	222
2013	47.4	60.0	222

discussion. The basic rules governing Malaysia's elections were altered numerous times through constitutional amendments, each time loosening constraints on the government (Lim 2002). Ethnic riots in 1969 catalysed significant restrictions on campaigns and media independence, which have often been used to hamper opposition activity. The tenure of Mahathir Mohamad (from 1981 to 2003) had an especially large impact on Malaysia's political landscape (Milne and Mauzy 2002). Slater (2003) notes the personalization of power during this period, which undercut the independence of key institutions like the judiciary. Mahathir's extensive economic restructuring also created a tight nexus between the state and the private sector that substantially increased the role of money in politics (Gomez 2012; Gomez 1996).

The opposition in Malaysia is granted enough operating space to contest and win seats at the federal level, and occasionally to form governments at the state level. This does not make elections free and generally fair. As detailed in the subsequent sections, Malaysia's electoral process is systematically manipulated to bias outcomes. The bias is predominantly partisan in nature and designed to ensure that the

BN is not dislodged from power. In this sense, Malaysia resembles other single-party dominant systems with “hybrid” characteristics (Diamond 2002). Some aspects of the broadly defined manipulations, however, are less targeted, as they are designed to increase the political weight of *bumiputra* voters generally. While UMNO has sought to capture these votes, they have been contested by opposition parties with some success. The effect has been to create a segment of highly influential voters, while relegating others to being less significant to electoral outcomes.

2. ELECTORAL MANIPULATIONS IN COMPARATIVE PERSPECTIVE

How extensively is Malaysia’s electoral system manipulated for partisan purposes? Several recent datasets allow for cross-national comparisons of bias in electoral competition. Of these, the Electoral Integrity Project’s *Global Perceptions of Electoral Integrity (PEI)* provides the greatest coverage and focuses most explicitly on electoral manipulations (Norris and Grömping 2017a).⁴ The aggregate PEI score incorporates measures for electoral laws, electoral procedures, district boundaries, voter registration, party registration, media coverage, campaign finance, the voting process, and the vote count to capture an electoral system’s overall degree of manipulation. This allows countries to be placed into one of the following categories based on the integrity of their electoral process: *Very High*; *High*; *Moderate*; *Low/Flawed*; or *Very Low/Failed*.

Table 2 shows a selection of countries ranked according to PEI score. Malaysia falls in the *Very Low/Failed* category, ranking 142nd out of the 158 assessed countries. Nearly all other countries in this category have experienced deep social and political instability (like Afghanistan and Zimbabwe) or have single-party systems (like Vietnam) that preclude meaningful electoral competition. Neither of these is true for Malaysia, making it a clear outlier in the category. To the contrary, Malaysia has

⁴ The Varieties of Democracy <www.v-dem.net> dataset considers fewer dimensions of electoral manipulations, but has greater temporal coverage.

Table 2: Electoral Integrity PEI scores

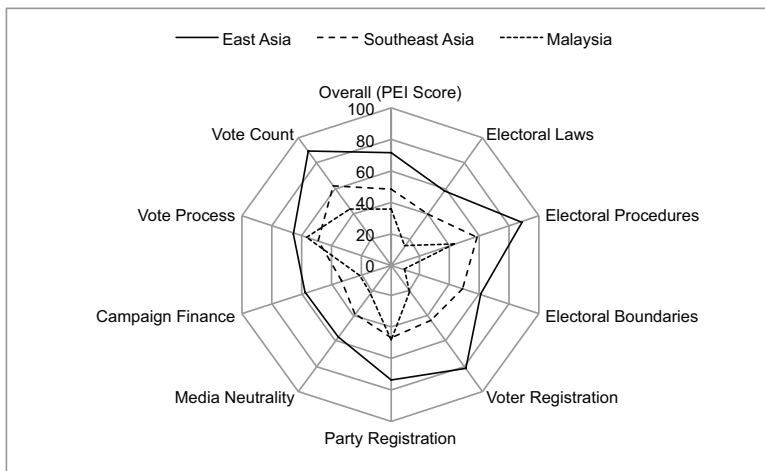
Country	Global Rank	PEI score	Category
Denmark	1	86	Very high
Canada	17	75	Very high
Japan	32	68	High
India	62	59	Moderate
Indonesia	68	57	Moderate
Myanmar	83	54	Moderate
Singapore	94	53	Moderate
The Philippines	101	52	Moderate
Pakistan	106	49	Low/Flawed
Malaysia	142	35	Very Low/Failed
Zimbabwe	143	35	Very Low/Failed
Vietnam	147	34	Very Low/Failed
Afghanistan	150	31	Very Low/Failed

a strong and well-institutionalized state that has provided relative social stability, a high level of human development (UNDP 2016), and robust economic development (World Bank 2008). This developmental success brings Malaysia's poor electoral integrity into stark contrast and suggests that its deficiencies are the result of deliberate manipulations, rather than a by-product of developmental strife.

Figure 1 disaggregates the electoral process into the key areas enumerated above and compares Malaysia against its Southeast and East Asian neighbours.⁵ Malaysia's electoral process is broadly manipulated,

⁵ In Southeast Asia, Brunei and East Timor are excluded. In East Asia, China is excluded.

Figure 1: Perceptions of Electoral Integrity: East Asia, Southeast Asia, and Malaysia compared



with only Party Registration and the Vote Process on polling day reaching regional standards. When the less developed countries of Cambodia, Laos, Myanmar and Vietnam are excluded, however, the gap reappears even in these areas. Malaysia’s Electoral Laws and Electoral Boundaries have among the lowest scores in the world.

3. ELECTORAL MANIPULATIONS

As with popular attention, academic attention on electoral integrity has often focused on polling day malpractices like ballot rigging, alteration of vote counts, or violence at the polls (Alvarez, Hall and Hyde 2009). Despite the intense reactions these malpractices elicit, more staid pre-election manipulations often have a greater impact on outcomes by fundamentally biasing the playing field in favour of the incumbent. This is strongly the case in Malaysia, where nearly every aspect of electoral competition is biased in favour of the BN through institutions and procedures that fall short of neutrality.

This overview is loosely structured around the framework proposed by Birch (2011). As such, section 3.1 focuses on bias in the *institutional and legal framework* and section 3.2 addresses systematic manipulations of *voter preferences*. Both of these are most pronounced in the pre-election phase. Section 3.3 focuses on polling day malpractices, while 3.4 addresses the post-election phase.

3.1 The Institutional and Legal Framework of Elections

Slater and Fenner (2011, p. 16) argue that “*state power* is the strongest institutional foundation for authoritarian regimes’ *staying power*.” In other words, control of a high-capacity state can be leveraged towards entrenching a party and staving off political challenges, whether electoral or other. As Pempel (1990) contends, dominance begets dominance. In the seventy years that UMNO has been at the helm of Malaysia’s state, it has penetrated nearly all of the state’s appendages, rendering the line between UMNO and the state essentially indistinguishable in many areas. The result of this state capture is a fundamental bias towards UMNO and the BN in many institutions at the centre of the electoral process.

The Election Commission (EC), which is tasked with maintaining electoral rolls, establishing electoral boundaries, and administering the elections themselves, is among the most important of these (Lim 2002). The Constitution stipulates that the EC is to be a neutral body that maintains the public’s confidence. As such, it is nominally independent and non-partisan. As Lim (2002, p. 113) notes, however, from the early 1960s onwards, the EC has been under constant pressure “to consult the government while carrying out its functions”, undermining its neutrality in practice. Furthermore, the EC is constituted by the prime minister and comprised largely of retired civil servants with UMNO connections. Hence it is little surprise that “former and current commissioners [of the EC] have publicly claimed loyalty to UMNO” (Welsh 2014, p. 17) and have, upon retirement, been forthright about their attempts to influence electoral outcomes.

The partiality of the EC manifests itself in multiple ways. The bias is pronounced in the delineation of electoral boundaries, which occurs at regular intervals of not less than eight years. It involves the EC

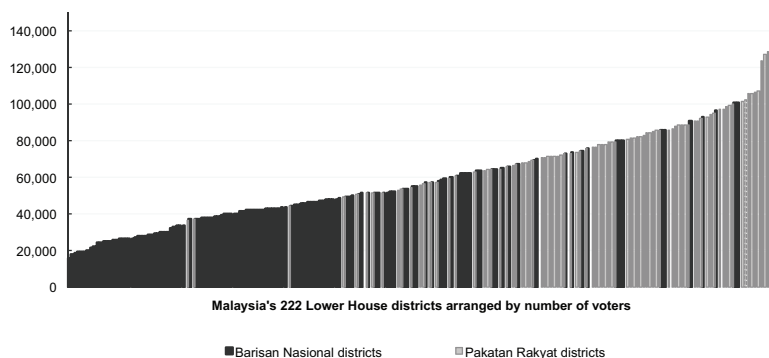
submitting a proposal for new district boundaries to the prime minister for amendment, before the proposal is approved through a simple majority parliamentary vote.⁶

Partisan manipulation of district boundaries, particularly in single-member FPTP systems like Malaysia's, can impact electoral outcomes through both malapportionment and gerrymandering. Malapportionment is the creation of electoral districts with dissimilar ratios of voters to representatives. In practice, it amplifies the influence of voters in districts with fewer voters and dilutes the influence of voters in districts with larger numbers of voters. While some degree of over-representation in rural areas is a common feature of electoral systems, high levels of malapportionment can significantly distort the translation of votes into parliamentary seats.

Constitutional limits on malapportionment in Malaysia were relaxed in 1962 and removed entirely in 1973 (Lim 2002). Levels of malapportionment are now among the highest in the world; in fact, the EIP ranks Malaysia's electoral boundaries as the most biased of the 155 countries assessed (Norris and Grömping 2017a). The current boundaries substantially dilute the influence of opposition voters and bias outcomes towards the BN (Lim 2003; Ostwald 2013; Lee 2015; Ong, Kasuya and Mori 2017). To illustrate, the median number of voters in BN-held districts following the 2013 general election was 43,876, relative to 78,148 in opposition-held districts. Figure 2 displays the 222 districts arranged in terms of the number of voters from smallest (where the impact of a vote is magnified) to largest (where it is diluted). The BN (in dark grey) won 83 of the 86 smallest districts. By contrast, the opposition Pakatan Rakyat (PR) coalition won a substantial majority of the largest one-third of districts. There is compelling evidence that this distribution of seats reflects intentional partisan bias in the drawing of boundaries, rather than differences in party appeal based on the structural characteristics of districts: even when controlling for voter density (rural

⁶A two-thirds majority is required to approve delineations that include an increase in the number of seats.

Figure 2: Malapportionment of Parliamentary Districts (2013 General Election)



bias) and percentage of *bumiputra* voters, BN-held districts still have on average over 20,000 fewer voters than their opposition-held counterparts (Ostwald 2013).

Current levels of malapportionment greatly reduce the chances that the BN can be defeated at the ballot box. The 2013 general election illustrates this clearly, as malapportionment translated the BN's 4 per cent popular vote *deficit* into a 20 per cent *advantage* in parliamentary seats. To overcome the mechanical bias and capture a majority of seats, in other words, the opposition would require a substantially larger margin of victory in the popular vote, or defections from the BN coalition. Strikingly, the EC's new redelineation proposal — revealed in late 2016 — appears to exacerbate the existing pro-BN bias.⁷ If it is

⁷ See Wong, Yeong and Ooi (2016) for a comprehensive analysis. Interestingly, there has been unprecedented civil society mobilization against the proposed redelineation, leading to a court challenge. The detailed evidence produced has delayed the implementation of the proposal and may force the EC to redo parts of the proposal, at least for the important state of Selangor. The ultimate fate of the re-delineation is unclear at the time of writing.

adopted, a conventional transition via the ballot box will become even more unlikely.

Independent of electorate size, electoral boundaries can also be manipulated through gerrymandering to advantage the incumbent by strategically dividing (cracking) or concentrating (packing) opposition supporters. Both forms are prevalent in Malaysia, where electoral boundaries frequently deviate from municipal boundaries or natural community clusters.⁸ Aside from narrowly targeted interventions affecting individual races, the redelineation exercise has also been used broadly to alter the demographics of districts in ways thought to be advantageous for the BN. In response to voting behaviour in the 1999 general election, for example, the 2002 redelineation created districts that were on average more ethnically diverse vis-à-vis its predecessors (Lee 2016).

The EC is also tasked with preparing and maintaining Malaysia's electoral rolls. These have been subject to criticism, with allegations that they contain substantial inaccuracies and reflect partisan bias (Lim 2002; Wong, Chin, and Othman 2010; MERAP 2013; Bersih 2014). Involuntary voter deregistration, specifically eligible voters missing from the electoral roll, has been widely noted. Lim (2002, p. 116), for example, writes that "more than 300,000 persons were removed as electors..." just prior to the 1974 election. Since most of those removed were non-Malays, the "proportion of Malay electors increased from 55.7 to 57.9 per cent." As Malay voters were disproportionately likely to support UMNO, this provided an important advantage to the BN (Crouch 1996). Unwarranted removal of voters, including without the required public notification, was reported as recently as the 2013 GE (MERAP 2013).

Presumably inaccurate entries on the electoral rolls are also a concern, as they potentially enable "phantom voters" or multiple voting. Close analysis of the rolls used for the 2013 GE, for example, found numerous

⁸ See Wong, Yeong and Ooi (2016) for selected examples. Electoral maps of Malaysia have been compiled by Tindak Malaysia. Available at <<http://www.tindakmalaysia.org/online-electoral-maps-of-malaysia>>.

instances of multiple entries with the same name and either the same or very similar birth dates (Ong 2012). Other entries had substantially incomplete or missing addresses, or were otherwise questionable: 324 addresses, for example, had more than 100 voters registered to them. Also noted were the large number of older voters, including more than 1,000 above 100 years old and one with an 1890-birth year.

It is difficult to assess the extent to which those inaccuracies reflect clerical errors, or explicit attempts to alter the electorate. The history of strategic manipulation of electoral rolls in Malaysia justifies concerns of the latter. There is strong evidence, for example, that several hundred thousand illegal immigrants to the state of Sabah — a substantial portion of the electorate — were given the identity cards needed to secure voting rights, despite many native (and non-Muslim) Sabahans lacking the required documentation to vote (Sadiq 2005). This “importation” of Muslim voters from Indonesia and the Southern Philippines — sometimes referred to as “Project IC” — substantially increased the size of Sabah’s Muslim electorate, which votes disproportionately for the BN (Chin 2012; Welsh 2013).

The Malaysia Electoral Roll Analysis Project (MERAP) documents a large number of voters whose assigned constituency changed in ways that appear to benefit the BN (MERAP 2013). One noted outcome is that the constituencies of the BN’s key leaders gain additional and presumably safe voters to decrease the probability of their defeat. In other instances, districts that were decided by a slim margin in the previous election received new voters from safe districts. In aggregate, the biased electoral borders and documented issues with the electoral rolls clearly advantage the BN and undermine the nominal neutrality of the EC.

The Registrar of Societies (ROS), which falls under the Ministry of Home Affairs, has likewise shown pro-BN institutional bias. The ROS is responsible for overseeing the registration and operation of societies, including political parties. It has the power to block the formation of new parties or deregister parties that do not follow its provisions, which cover a wide range of areas from parties’ internal governance to their names and symbols. The ROS’s decisions have frequently appeared partial and politically tainted (Welsh 2014; Gomez 2012). Several recent examples are illustrative. The opposition Democratic Action Party (DAP) held

internal elections for its central executive committee in late 2013. In mid-2017, as tensions between UMNO and the DAP grew with the next general election on the horizon, the ROS revisited those elections and declared them illegal. This leaves the DAP in a state of limbo at the time of writing, especially since a 2014 court decision appeared to validate the election. At the very least, the ROS challenge requires an untimely shift in focus and resources that could otherwise be directed at preparations for the coming general election. A more serious outcome could see the DAP prevented from using its logo in the election or its top leadership excluded from contesting the next election.⁹ Almost concurrently, the ROS declared the logo of the newly formed opposition coalition Pakatan Harapan (PH) invalid on technical grounds. While the fix was presumably simple, it still required remaking campaign materials, the original versions of which had just been revealed.¹⁰

The judiciary's independence and partiality has also been widely questioned. This is evident in the selective usage of several powerful coercive mechanisms (Means 1996). The Sedition Act of 1948 — originally intended to curb opposition to colonial rule but amended in 1971 — prohibits speech or action with “seditious tendencies”, which are vaguely defined as “any act” that: “excite[s] disaffection against any Ruler or ... any government”; that “raise[s] discontent amongst subjects”; “promote[s] ill-will and hostility ... between races or classes of the population”; or “question[s] sensitive matters”, including “any provisions dealing with the right, status, position, [or] privilege ... in relation to citizenship, language, the special position of the Malays ... [and] the Malay Rulers.” Moreover, “the intention of the person charged at the time he did or attempted [a seditious act] ... shall be deemed to be

⁹ See “RoS orders DAP to hold fresh election”, *Free Malaysia Today*, 7 July 2017 <<http://www.freemalaysiatoday.com/category/nation/2017/07/07/ros-orders-dap-to-hold-fresh-election/>>.

¹⁰ See “RoS wants change of logo, PH to comply”, *Free Malaysia Today*, 28 July 2017 <<http://www.freemalaysiatoday.com/category/nation/2017/07/28/ros-wants-change-of-logo-ph-to-comply/>>.

irrelevant if in fact the act had, or would, if done, have had ... a seditious tendency.” The strikingly broad nature of the law, together with the low bar for guilt, facilitates its usage against political opponents. It has been regularly applied towards this end, including on senior opposition figures, with those found guilty sentenced up to three years in jail or at least tied up in consuming legal processes. In 2015 alone, for example, over ninety individuals were arrested, charged, or investigated for sedition, with nearly all having ties to the opposition.¹¹ The law was amended in 2015; while some provisions were removed, others were strengthened and the maximum penalties were increased.¹² It continues to have a powerful effect on politics, constraining the operating space for opposition parties.

The Internal Security Act (ISA) of 1960, which allows preventive detention without trial under limited circumstances, is more draconian. While it was initially instituted to counter communist activities in the wake of the Malayan Emergency of 1948 to 1960, it has been directed against numerous opposition and civil society leaders. The ISA was officially repealed in 2012, but the act that replaces it — known as the Security Offences (Special Measures) Act (SOSMA) — retains many of its features.

A host of additional legal measures are relevant to the electoral process. The 13 May 1969 riots, for example, prompted a ban on political marches. Political rallies are tightly controlled and limited to *ceramahs*, which must be held in enclosed spaces. While these ostensibly constrain both the BN and the opposition, the partiality of adjudicating institutions often results in dissimilar burdens in practice. Other legal measures are relevant at the candidate level. All candidates, for example, are required

¹¹ See “Malaysia must end unprecedented crackdown on hundreds of critics through sedition act”, *Amnesty International*, 25 January 2016 <<https://www.amnestyusa.org/press-releases/malaysia-must-end-unprecedented-crackdown-on-hundreds-of-critics-through-sedition-act/>>.

¹² See Mong Palatino, “Malaysia Strengthens Sedition Act”, *The Diplomat*, 13 April 2015 <<http://thediplomat.com/2015/04/malaysia-strengthens-sedition-act/>>.

to pay an election deposit in order to appear on the ballot. The deposit, which is among the highest in the world, is forfeited if the candidate does not secure one-eighth of votes cast in the constituency. In addition, candidates are given only one hour to complete nomination forms on nomination day. That tight window has led to the disqualification of numerous opposition candidates (Brown 2008). In aggregate, the pro-BN bias present in many of Malaysia's institutions hampers the ability of the opposition to challenge elections on a level playing field.

3.2 Manipulation of Voters

Aside from biasing the playing field for political parties, institutional bias also directly affects the preferences of voters themselves. Three channels stand out. The first is the traditional mass media, which shows a substantial pro-BN bias. Second is the monetization of politics, which benefits the incumbent due to its far greater access to resources. Third is the pervasive narrative, often enforced by state appendages, the media, and UMNO-aligned activist groups, that a range of areas from Malay privileges to Malaysia's continued development and stability, are conditional on the BN maintaining power.

Media bias has been identified as an important factor in the BN's electoral resilience, as the print media — long the major source of information for Malaysia's voters — generally provides positive coverage of the BN, while undermining the opposition's attempts to build credibility through negative coverage (Abbott and Wagner Givens 2015; Brown 2005).¹³ The first major source of media bias is the legal framework overseeing the mass media. The Official Secrets Act (OSA) of 1972 prohibits the publication of any information that the government deems confidential or sensitive, unless explicitly authorized. Given that

¹³ The extent of the constraints and bias in the mass media is underscored by Malaysia's ranking of 144 out of 180 countries in the 2017 Reporters Without Borders World Press Freedom Index <<https://rsf.org/en/ranking#>>.

discretion to determine what constitutes confidential and sensitive lies with the government, the OSA effectively grants the state broad powers to criminalize non-approved dissemination of information on its own activities. It has frequently directed these powers at journalists, inhibiting domestic investigative journalism. The OSA has also been used to target opposition politicians: the only major domestic prosecution in Malaysia's IMDB financial scandal — which implicates senior UMNO officials¹⁴ — is of opposition lawmaker Rafizi Ramli, who was handed an eighteen-month prison sentence under the OSA for revealing passages of the Auditor General's findings. The OSA's effect, in short, is to muzzle information critical of the government.

The Printing Presses and Publications Act (PPPA) of 1984 further selectively constrains media activity. It requires all printing presses to renew licenses on a yearly basis through the Ministry of Home Affairs, which is under UMNO control and closely follows the directives of the prime minister. The PPPA gives the Minister of Home Affairs the "absolute discretion" to grant and revoke printing licences. Furthermore, it punishes with a prison sentence any attempt to print, import, or distribute a newspaper in the absence of an appropriate licence, as well as imposes a fine on anyone found in possession of such a newspaper. Amendment 13A prevents court challenges against the Minister's decisions. The act has been regularly invoked against newspapers and journalists, though overwhelmingly in a partial manner that targets outlets deemed critical of the government. The risk of prosecution induces substantial self-censorship in matters that may be deemed sensitive to the government.

The ownership structure of Malaysia's traditional mass media contributes to bias as well. As has been widely noted, most of the country's major newspapers are either directly owned by the BN or closely linked to key BN figures, placing them effectively under the BN's control. UMNO, for example, is the majority owner of the company that publishes dominant Malay-language papers like *Utusan Melayu*

¹⁴ See Case (2017).

and *Kosmo*. Other major papers like the *New Straits Times* and *Berita Harian* are tied to UMNO through government holdings and personal connections. The BN constituent party Malaysian Chinese Association (MCA) directly controls *The Star*, an English daily. The Malaysian Indian Congress (MIC) is closely associated with the country's Tamil newspapers. Several television and radio stations are likewise tied to the BN.

As a consequence of the legal environment and ownership structure, Malaysia's print press frequently biases reporting in favour of the BN and often takes the role of the government's mouthpiece. Several studies have empirically examined the extent of this bias. *Watching the Watchdog* assessed news coverage of the 2013 general election across major outlets (Houghton 2013). For every one "positive" mention of the BN in the Peninsular English language print media, there were only .026 "positive" mentions of the opposition — nearly forty times fewer. By contrast, for every one "negative" mention of the BN, there were over fourteen of the opposition. The numbers were similar in Malay language print and only slightly less biased in television coverage. Among the traditional media, only the Chinese language press showed a semblance of balance. Abbott and Wagner Givens (2013) reach similar conclusions in their analysis of major newspapers, which stretched back to 2011 (Abbott 2011). While privately owned media has some degree of partisan bias in most countries, its magnitude in Malaysia is unusually high. In addition, publically funded media like Radio Televisyen Malaysia (RTM) — which are non-partisan in mature democracies — display the same pro-BN bias in Malaysia. In a context where the traditional mass media was long the dominant source of information, the impact of this bias on public opinion formation and party attachment should not be underestimated.

The growth of online media has increased access to alternative sources of information and opened a space for the vibrant exchange of political views (Tapsell 2013). While online media has been embraced by many Malaysians, it provides only a partial counterbalance to the bias introduced through the traditional mass media, and is likely not capable of independently transforming the political landscape (Weiss 2013; Pepinsky 2013). Its potential is constrained by several factors. Internet penetration and consumption patterns, for example, are favourable for

the BN: the Malay heartland on which the BN continues to rely on for electoral support still turns primarily to mainstream media for information. New media is also subject to some of the same restrictions as the print media. The case of *The Malaysian Insider*, previously one of Malaysia's primary online news sources, is illustrative: following reporting on the IMDB scandal in early 2016, its website was blocked (in Malaysia) by the Malaysian Communications and Multimedia Commission (MCMC). This eventually prompted a decision to close the organization.

Money politics are likewise used to bias the preferences of Malaysia's voters. This channel has grown dramatically in breadth and importance since the emergence of a tight state-business nexus in the late 1980s, which saw the state, BN-connected business elites, and BN constituent parties become central players in the economy (Gomez and Jomo 1999; Gomez 2012).¹⁵ Through this, the BN gained access to far greater financial resources than are available to opposition parties, though the opposition has had increased success in attracting corporate support during the past decade.

Asymmetric resource endowments give the BN general advantages in its day-to-day operations, whether maintaining permanent offices or conducting research and political education in between campaign periods. Its effects are most pronounced, however, during campaigns. It is noteworthy that while there are legally defined limits on campaign spending at the candidate level, the limits do not apply to general party spending, allowing the BN to take advantage of its substantially deeper resource pool. This takes many forms. Since public rallies are not permitted, labour-intensive and costly door-to-door canvassing is the dominant method of campaigning. The opposition is frequently forced to depend on volunteers towards this end, while the BN is able to pay its campaigners (Gomez 2012). Greater resources also allow the BN to flood various media channels with its messages. Even more visible

¹⁵ Malaysia is one of the few countries in the world in which political parties own corporate enterprises (Gomez 2012).

are the ubiquitous BN banners, flags, and posters that line streets in the run-up to elections, and often overwhelm opposition material even in opposition strongholds. Furthermore, every election brings examples of state infrastructure, from vehicles to buildings, carrying some form of BN endorsement.

There is ample anecdotal evidence of electoral cycle spending, with the state ramping up expenditures prior to an important election (Pepinsky 2007). As Lim and Ong (2005, p. 63) note, “[t]he sudden widening and tarring of dilapidated roads, the provision on new facilities at the local park, the clearing of drains and rubbish dumps, the sudden allocation of grants to an area...” all ultimately advantage the BN when they are strategically delivered to win support in closely contested districts.

Several major programmes blur the distinction between the state and the party, leading to quasi-clientelistic relationships that tie important voting blocks to the BN. The broadest is the New Economic Policy (NEP), which instituted a range of affirmative action programmes designed to alleviate poverty *and* improve the position of *bumiputra*, of which Malays constitute the large majority (Malaysia 1971; Gomez and Saravanamuttu 2013). It provided wide-ranging economic benefits and quotas in areas like education and the civil service. While it has since been superseded by other models, many of its core features have been retained. It remains popular with many Malay voters, who respond to the UMNO-led narrative that a turnover in power would result in the disappearance of their economic and social benefits.

The more targeted Federal Land Development Authority (FELDA) scheme also requires discussion. It initially assisted the resettlement of more than 100,000 landless Malay families to designated small landholding areas beginning in the late 1950s, and continues to provide support for homes and land acquisition to designated FELDA settlers. It now also operates commercial plantations that make it the world’s third largest palm oil producer by acreage. In 2012, the Malaysian government publicly listed the commercial enterprise (FELDA Global Ventures Holdings, or FGV) and made FELDA settlers its majority shareholder, with each family receiving an initial payout equivalent to nearly US\$5,000 prior to the 2013 general election. FELDA settlers constitute nearly 1.2 million voters — almost 10 per cent of Malaysia’s electorate

— distributed across 54 of Malaysia’s 222 parliamentary districts. These voters, for whom the conflation between state and party is often complete, have been a virtual “fixed-deposit” for the BN (Maznah 2015).¹⁶

With a full strength of roughly 1.6 million, Malaysia has one of the world’s largest civil services when controlling for population size.¹⁷ It constitutes roughly 10 per cent of the electorate and has long been a stable source of votes for the BN. Its electoral reliability is facilitated by the BN’s penetration of the state, which allows it to reward loyalists and punish suspected opposition sympathizers. Salary increases frequently coincide with the electoral cycle, providing another subtle nudge towards the BN. Other electoral cycle handouts and subsidies are less narrowly targeted. *Bantuan Rakyat 1 Malaysia (BR1M)*, for example, provides cash payment to low-income households. It was announced and implemented just prior to the last general election.

These programmes and actions all seek to foster clientelistic ties between the BN and key voting blocks. While the resources themselves generally flow from the state, there is a clear effort to position the BN as the patron responsible for them. In some cases, the line is blurred completely, for example in the East Malaysian state of Sabah where BR1M payments were made through UMNO offices rather than through the state (Gomez 2016). In short, many key expenditures are strategically targeted, whether narrowly to specific constituencies identified as high-priority by the BN, or broadly to a decisive segment of the electorate, typically rural Malays that reside in districts to which malapportionment confers disproportionately large influence.

The BN embeds these expenditures in a broader narrative that claims that not just individual well being, but also the well being of the nation

¹⁶ There is speculation, however, that the poor performance of FGV since the 2013 election may endanger the overwhelming pro-BN support among FELDA voters.

¹⁷ Malaysia has 1 civil servant for every 19 people. This is far higher than in South Korea (1 to 50); Singapore (1 to 71); China (1 to 108); and Indonesia (1 to 110).

itself would be endangered by a turnover in power. Like in neighbouring Singapore, Malaysia's considerable post-independence developmental strides took centre stage in campaigns and provided the ruling party with significant performance legitimacy, at least until the mid-1990s. As an upper middle-income country, Malaysia's ever-flattening growth curve, however, now limits the extent to which this appeal resonates among the population.¹⁸ In its place has come a range of narrower appeals. UMNO leaders frequently warn Malay voters, for example, that an opposition government would repeal their political and economic privileges, despite many of these being enshrined in the Constitution, and opposition parties generally pledging to maintain many *bumiputra* advantages.

Many of the narrow appeals focus on Islam, which has increasingly been politicized to capture crucial Malay votes and constrain the operating space of secular parties (Liow 2004; Ahmad Fauzi 2013). More broadly, the conservative turn of politicized Islam in Malaysia (Mohamed Nawab 2017) has reduced accommodations for religious pluralism, at least in the public sphere (Barr and Govindasamy 2010). In this charged climate, the line between mobilizing Malay voters and sidelining religious minorities is relatively thin.

That line is crossed with references to Malaysia's past ethnic violence. These are made in statements ranging from subdued to incendiary, in which ethnic provocations are often followed by suggestions that only UMNO can maintain the peace between the country's ethnic groups. With GE14 on the horizon, for example, Najib recently reminded a large audience that the Chinese community would be the first to be targeted if Malaysia descended into chaos, following which he offered reassurances that his is a moderate government committed to maintaining stability.¹⁹

¹⁸ Ruling parties face diminishing performance legitimacy pay-offs as their country becomes more developed. This suggests that, like the PAP in Singapore, UMNO may find it increasingly difficult to rely on this channel for electoral support (Oliver and Ostwald 2017).

¹⁹ See *Malaysiakini*, "Chinese the first to be targeted if there is no peace, PM fears", 16 September 2017.

Other thinly veiled statements by UMNO and UMNO-linked figures are more directly aimed at demobilizing ethnic minorities by noting the potential for unrest if these demand too many concessions from the Malays. At UMNO's 2005 annual general meeting, for example, then UMNO Youth leader Hishammuddin Hussein brandished a *keris* (traditional Malay sword) while reminding Malaysia's minority groups of the rightful dominance and limited patience of the Malay community. The current prime minister Najib Razak allegedly made similar statements at a 1987 UMNO rally, vowing to soak the *keris* in Chinese blood.²⁰ The UMNO-owned *Utusan Malaysia* newspaper, which remains widely read among rural Malays, has frequently pushed this divisive narrative, framing inter-ethnic conflict in a pro-UMNO manner (Fong and Ishak 2014) and resorting to dehumanizing language, especially vis-à-vis ethnic minorities (Christie and Noor 2017). An ominous headline immediately following the 2013 GE, for example, asked bluntly: "*Apa Lagi Cina Mahu*" (What more do the Chinese want?); another shortly after called on the Chinese to "Wake Up", followed by suggestions that a majority in the community were racist, greedy, and unable to recognize how much the government had done for them.²¹

Tensions have been compounded in recent years by the rise of Malay rights NGOs like Pertubuhan Pribumi Perkasa (Perkasa) and Ikatan Muslimim Malaysia (ISMA) that style themselves as defenders of Islam and of the Malays, whose rights they maintain are under imminent threat from Malaysia's ethnic minorities. The groups have been labelled extremist for their often-violent rhetoric and confrontational manner. Examples abound: Perkasa president Ibrahim Ali pronounced in 2011 that his group was prepared to wage a "crusade" against the country's

²⁰ See *The Malaysian Insider*, "Dr M Chided Najib for Stoking Racial Tensions", 17 April 2012 <<http://www.freemalaysiatoday.com/category/nation/2012/04/17/dr-m-chided-najib-for-stoking-racial-tension/>>.

²¹ See *Utusan Malaysia*, "Apa Lagi Cina Mahu", 6 May 2013, and "Sedarlah Cina", 9 June 2013, respectively.

Christians, where Perkasa’s “leaders will ... lay down their lives and die sprawling in blood.”²² Perkasa in particular has worked hand in hand with the BN, coordinating activities and constituting, in effect, a radical, grassroots activist arm of UMNO.²³ More recently, the so-called Red Shirts, led by an UMNO member, have staged regular protests against opposition figures and NGOs. Their manner has likewise been aggressive and confrontational, amplifying fear of conflict. These inflammatory actions by UMNO-linked figures are rarely prosecuted, even during periods when the Sedition Act is regularly applied against actors on the opposing end of the political spectrum.

The substantial vote share secured by opposition parties makes clear that the perpetual, thinly veiled threats levied by pro-UMNO figures are not a comprehensive deterrent to voters with opposition predilections, at least not among ethnic minorities and urban residents. The sense of perpetual crisis they engender, however, may deter rural Malays from supporting opposition coalitions that have an assertive non-Muslim component. The sense of looming threat also inhibits “normal” politics among the opposition. Following the DAP’s 2008 state-level victory in Penang, for example, the streets of otherwise lively George Town — the state’s capital — were largely deserted for fear of provoking a backlash. The party’s leaders were similarly restrained in their statements. General trepidation of this type has had an inhibitive effect on political mobilization, though the general trend has been towards more “normal” politics in the past decade.

3.3 Polling Day Manipulations

The range of pre-election manipulations detailed above ensures that electoral competition does not occur on a level playing field. As its effect

²² See Aidila Razak, “Perkasa ready to crusade against ungrateful Christians”, *Malaysiakini*, 15 May 2011.

²³ The relationship between UMNO and Perkasa has become strained — with Perkasa itself splintering — after the falling out between current Prime Minister Najib and former Prime Minister Mahathir Mohamed.

has been to all but guarantee an outcome in favour of the UMNO-led coalition for many of Malaysia's past elections, there have been few incentives to extensively manipulate the elections themselves. The last two elections are unusual for their more competitive nature and smaller margins of victory. In 2013, for example, of the 222 total seats, 8 seats were decided by a margin of less than 1 per cent and 20 seats by a margin of 2 per cent or less. This is still smaller than the total seat differential of 44, but it nonetheless raises the stakes and the incentives for the BN to ensure close contests go in its favour.²⁴

There are no robust data to conclusively show whether the more competitive recent elections have triggered an increase in polling day manipulations relative to their predecessors. Anecdotal evidence, however, points to at least some polling day malpractices in the 2008 and 2013 general elections. The PEMANTAU (2013) Pilihan Raya Rakyat initiative, which used over 2,000 election observers to monitor and prevent fraud at the 2013 general election, provides the most comprehensive overview.

Many of the polling day malpractices stem directly from the aforementioned institutional biases. This is particularly pronounced in regards to the electoral rolls: PEMANTAU (2013) notes that 8 per cent of observed constituencies had instances of voters being reassigned to a different constituency for unexplained reasons; in 14 per cent of observed constituencies, instances of eligible voters not appearing in the rolls were reported. Dubious voters, whose identity observers distrusted, were reported in over a quarter of observed constituencies. These raised fears of multiple voting or voting in place of rightful voters. Suspicions were especially elevated due to widespread irregularities with indelible ink: instances of it easily washing off, in some cases with water alone just outside the polling station, were reported in 24 per cent of observed constituencies. A subsequent discussion in Parliament revealed that the

²⁴ The BN won 13 of the 20 seats decided by a margin of 2 per cent or less, and 18 of the 31 decided by a margin of 3 per cent or less.

ink contained only 1 per cent silver nitrate, far less than the 10 to 18 per cent needed to make the ink indelible for the intended three to five days (Bersih 2014).

Concerns of malpractice were also raised around the vote-counting process (Bersih 2014). They stem in part from observed failings to ensure the safe custody of electoral materials: credible reports indicate, for example, that some ballot boxes from advanced voting were kept unsecured, potentially compromising their integrity prior to the tallying process. The poor training of election officers and suspicions around their impartiality compound the concerns. Discrepancies in the actual tallying process, for example the number of recorded votes not matching the number of ballots distributed, were likewise reported (Bersih 2014).

Attempts to influence voter preferences continued on polling day. PEMANTAU observers reported continued campaigning — which is expressly forbidden on polling day — in 44 per cent of observed constituencies; in roughly a quarter, this occurred within the fifty-metre perimeter that is legally off limits for non-authorized individuals. Various forms of vote buying were witnessed: instances of cash, cash vouchers, travel allowances, or travel reimbursements being illegally distributed were reported in 18 per cent of observed constituencies. This rose to 24 per cent for prohibited distribution of food and drinks. As Gomez (2016, p. 583) points out, “[t]he successful exercise of vote-buying requires that politicians have considerable local knowledge, sufficient workers and a well-functioning machinery to identify voters who need to be convinced to vote for them.” The BN’s extensive machinery and greater resources provide it with a clear advantage in this area.

It is unclear to what extent these polling day malpractices are a function of inadvertent errors and inadequate training of election officers, or of deliberate manipulations intended to skew the outcome of the election. It is likewise difficult to estimate how substantially they alter the outcome. As noted, only twenty seats were won by a margin of 2 per cent or less; significantly fewer, in other words, than total seat differential of forty-four. Flipping results becomes increasingly risky and complex the greater the deficit that must be overcome. The effect of electoral boundary manipulation — particularly malapportionment — by contrast,

turned the opposition's solid victory in the popular vote into a substantial parliamentary majority for the BN (Lee 2015; Ostwald 2013). The scale of this distortion alone, in other words, almost certainly overshadows the impact of polling day malpractices.

3.4 Post-election Manipulations

Even an opposition victory — in the sense of securing a majority of parliamentary seats — may not result in a clean turnover of power, as illustrated by the state of Perak. In the 2008 state-level election, the opposition Pakatan Rakyat secured 52.5 per cent of the popular vote and a narrow seat margin of thirty-one to twenty-eight seats against the incumbent BN. Not long after the formation of the new government, three Pakatan Rakyat legislators were persuaded to defect and support the BN in votes of confidence. A request by the speaker to dissolve the legislature and hold fresh elections was denied by the Sultan, who instead supported the formation of a new BN state government (Chin and Wong 2009). Legal challenges eventually favoured the BN, effectively overturning the results of the election and granting the BN full control of the state. A similar scenario played out in Sabah in 1994, where the BN likewise assumed control of the government after securing defections (Chin 1994).

Two implications are noteworthy. First, there is a strong possibility that UMNO would scramble to secure potential defectors if the opposition won a narrow majority of parliamentary seats. A likely scenario would be a push for a Malay unity government, doubling down on the narrative — with the support of the aforementioned Malay NGOs — that an opposition government would mean the end of Malay privileges. The BN's substantial resources would likewise be mobilized. Second, the BN is likely to leverage the partiality of key institutions like the EC and the judiciary to challenge disputed outcomes. In essence, then, the opposition faces two challenges. First, it must secure a large enough number of voters to overcome the inherent bias present in Malaysia's electoral process. Second and separately, it must convince key elements of the Malaysian state and political elite, which are capable of hindering a clean transition of power through the ballot box, to “defect” from their default pro-BN position.

4. DISCUSSION

Malaysia's generally outstanding development in the first several decades after independence, together with the lack of a credible opposition, enabled UMNO-led coalitions to secure a strong degree of legitimacy and widespread support among large segments of the electorate. This model is difficult to sustain over the long run. As Malaysia becomes more developed, its growth curve necessarily flattens, and the previously large strides in well-being become ever more modest. Today's more viable opposition also represents a credible alternative to UMNO's leadership for significant parts of the electorate. The BN's resilience despite these fundamental changes brings into sharp focus the extent to which manipulations of Malaysia's electoral process entrench the BN's dominance. As argued by a growing body of research on electoral malpractice, such manipulations can impose substantial social, political, and economic costs (Birch 2011).

From the perspective of Malaysian voters who seek political change, the 2013 election was a "best case scenario": the opposition coalition effectively coordinated its efforts, new resource channels had opened, and timing appeared favourable.²⁵ Many hoped for a watershed moment in Malaysia's political evolution. The result — a victory margin of 4 per cent in the popular vote (7.7 per cent in the peninsula) — was a substantial feat given the many pro-BN biases in the electoral process. Yet even this outcome was far short of the threshold required for unseating the BN, given the malapportionment of parliamentary seats.

Among many opposition supporters, the anti-climactic outcome of this best case scenario engendered disillusionment with electoral politics, driven by a sense that change through the ballot box was not possible. Other factors compounded this sentiment. UMNO's ethnic Chinese and Indian coalition partners (the MCA and MIC) fared poorly in the election, leaving the government more Malay in composition than typical. Given that many of the electorally important seats were in Malay-majority

²⁵ See Ong (2017) for coordination in the opposition coalition.

areas, Islam played a central role in UMNO's campaign narrative, further distancing minority communities from the government and increasing doubts around legitimacy. Recent polls underscore the widespread sense of resignation and alienation from politics. The independent Merdeka Centre for Opinion Research, for example, found that over 70 per cent of 21 to 30 year olds sampled felt they had no influence over government policy-making. The sentiment was especially pronounced among Chinese and Indian respondents. Less than one-third of respondents indicated an interest in politics, with a staggering 40 per cent of eligible voters choosing not to register to vote.²⁶

For some Malaysians, the outcome compounded the sense of being second-class citizens, precipitating an acceleration of already high rates of outward migration. The ethnic dimension was again pronounced, with Chinese constituting a large majority: strikingly, nearly half of ethnic Chinese sampled in a recent study expressed a strong desire to leave Malaysia (Al-Ramiah, Hewstone and Wölfer 2017).²⁷ As outward migrants are disproportionately highly educated, this exacerbates Malaysia's already serious brain drain problem, which the World Bank (2011) warned significantly impedes Malaysia's economic development. Others turned energies towards inducing change through civil society activism. Despite the confrontational nature of the aforementioned Malay NGOs like Perkasa, ISMA, and the Red Shirts, for example, the Coalition for Clean and Fair Elections (BERSIH) doubled down on its efforts to reform the electoral system (Govindasamy 2015).

Birch (2011) argues that electoral manipulations often enable corruption and impose indirect costs. These are evident in Malaysia as well. Attempts to buy votes through local party machinery, for example, deepen illicit forms of clientelism. More broadly, several of

²⁶ Merdeka Centre for Opinion Research, "Youth Perception of Economy, Leadership and Current Issues", 20 September 2017.

²⁷ See Lee (2017) for a discussion of additional recent empirical research on inter-ethnic relations in Malaysia.

the initiatives the BN has rolled out to bolster its popularity— like the aforementioned BR1M project and salary increases to civil servants — constitute major new and potentially unsustainable expenditures for the state (Gomez 2016). Ultimately, the malpractices threatened to deepen already substantial cleavages²⁸ in Malaysia: as UMNO’s grip on power is ensured ever more exclusively by the narrow constituency whose electoral influence is amplified by malapportionment, its incentives to appeal to broader segments of Malaysia’s population — predominantly the ethnic minorities and urban dwellers — diminish. Marginalized in electoral politics, these groups will either retract further from politics or engage in increasingly confrontational extra-institutional politics. Both avenues entrench the sense of differentiated citizenship in an already divided Malaysia.

REFERENCES

- Abbott, Jason. “Electoral Authoritarianism and the Print Media in Malaysia: Measuring Political Bias”. *Asian Affairs: An American Review* 38, no. 1 (2011): 1–38.
- and John Wagner Givens. “Strategic Censorship in a Hybrid Authoritarian Regime? Differential Bias in Malaysia’s Online and Print Media”. *Journal of East Asian Studies* 15 (2015): 455–78.
- Ahmad Fauzi Abdul Hamid. *Political Islam and Islamist Politics in Malaysia*. Trends in Southeast Asia, no. 2/2013. Singapore: Institute of Southeast Asian Studies. 2013.
- Al-Ramiah, Ananthi, Miles Hewstone, and Ralf Wölfer. “Attitudes and Ethnoreligious Integration: Meeting the Challenge and Maximizing the Promise of Multicultural Malaysia”. Report for the CIMB Foundation, 2017.

²⁸ The majority of respondents in a recent study identify more strongly with their ethnic group than they do with being Malaysian (Al-Ramiah, Hewstone and Wölfer 2017).

- Alvarez, Michael, Thad Hall, and Susan Hyde, eds. *Election Fraud: Detecting and Deterring Electoral Manipulation*. Washington, D.C.: Brookings Institute Press, 2009.
- Barr, Michael and Anantha Raman Govindasamy. "The Islamisation of Malaysia: religious nationalism in the service of ethnonationalism". *Australian Journal of International Affairs* 64, no. 3 (2010): 293–311.
- Bersih. *Findings of the People's Tribunal on Malaysia's 13th General Elections*. 2014 <<http://www.bersih.org/wp-content/uploads/2014/03/Peoples-Tribunal-on-GE13-Findings-Report.pdf>>.
- Birch, Sarah. *Electoral Malpractice*. Oxford: Oxford University Press, 2011.
- Brown, Graham. "The Rough and Rosy Road: Sites of Contestation in Malaysia's Shackled Media Industry". *Pacific Affairs* 78 (2005): 39–56.
- . "Federal and state elections in Malaysia, March 2008". *Electoral Studies* 27 (2008): 740–73.
- Case, William. "Stress testing leadership in Malaysia: the 1MDB scandal and Najib Tun Razak." *Pacific Review* 30, no. 5 (2017): 633–54.
- Chin, James. "Sabah State Election of 1994: End of Kadazan Unity". *Asian Survey* 34, no. 10 (1994): 904–15.
- . "Forced to the Periphery: Recent Chinese Politics in East Malaysia". In *Malaysian Chinese: Recent Developments and Prospects*, edited by Lee Hock Guan and Leo Suryadinata. Singapore: Institute of Southeast Asian Studies, 2012.
- and Wong Chin Huat. "Malaysia's Electoral Upheaval". *Journal of Democracy* 20 (2009): 71–85.
- Christie, Daniel and Noraini Noor. "Humanising and Dehumanising the Other: Ethnic Conflict in Malaysia". In *Enlarging the Scope of Peace Psychology*, edited by Mohamed Seedat, Shahnaaz Suffla and Daniel Christie. Springer International Publishing, 2017.
- Crouch, Harold. *Government and Society in Malaysia*. St. Leonards: Allen and Unwin, 1996.
- Diamond, Larry. "Thinking About Hybrid Regimes". *Journal of Democracy* 13, no. 2 (2002): 21–35.

- Fong, Yang and Md Sidin Ahmad Ishak. "Framing interethnic conflict in Malaysia: A comparative analysis of newspaper coverage on the *keris* polemics". *Ethnicities* 14, no. 2 (2014): 252–78.
- Gomez, Edmund Terence. "Electoral funding of general, state and party elections in Malaysia". *Journal of Contemporary Asia* 26, no. 1 (1996): 81–99.
- . "Monetizing Politics: Financing Parties and Elections in Malaysia". *Modern Asian Studies* 46, no. 5 (2012): 1370–97.
- . "Resisting the Fall: The Single Dominant Party, Policies and Elections in Malaysia". *Journal of Contemporary Asia* (Online), 7 June 2016.
- and Jomo K.S. *Malaysia's Political Economy: Politics, Patronage and Profits*. Cambridge: Cambridge University Press, 1999.
- and Johan Saravanamuttu, eds. *The New Economic Policy in Malaysia: Affirmative Action, Ethnic Inequalities and Social Justice*. Singapore: NUS Press and Institute of Southeast Asian Studies, 2013.
- Govindasamy, A.R. "Social movements in contemporary Malaysia: The cases of BERSIH, HINDRAF and Perkasa." In *Routledge handbook of contemporary Malaysia*, edited by Meredith Weiss. Routledge, 2015.
- Houghton, Tessa. "'Watching the Watchdog': Malaysian Media Coverage of GE13". In *New Mandala*. "Malaysian media — watchdog or running dog?". 2013 <<http://www.newmandala.org/malaysian-media-watchdog-or-running-dog/>>.
- Hutchinson, Francis. "Malaysia's Federal System: Overt and Covert centralisation". *Journal of Contemporary Asia* 44 (2014): 422–42.
- Lee Hock Guan. "Malapportionment and the Electoral Authoritarian Regime in Malaysia". In *Coalitions in Collision: Malaysia's 13th General Elections*, edited by Johan Saravanamuttu, Lee Hock Guan and Mohamed Nawab Mohamed Osman. Singapore: Institute of Southeast Asian Studies, 2015.
- . "Extreme Partisan Gerrymandering Malaysian Style". *ISEAS Commentary* 2016/64, 26 September 2016 <<https://iseas.edu.sg/medias/commentaries/item/4035-extreme-partisan->

- gerrymandering-malaysian-style-a-commentary-by-lee-hock-guan>.
- Lee Hwok Aun. “Fault Lines — and Common Ground — in Malaysia’s Ethnic Relations and Policies”. *ISEAS Perspective*, no. 63/2017, ISEAS – Yusof Ishak Institute, Singapore, 15 August 2017.
- Lim Hong Hai. “Electoral Politics in Malaysia: ‘Managing’ Elections in a Plural Society”. In *Electoral Politics in Southeast and East Asia*, edited by Auriel Croissant, Gabriele Bruns and Marie John. Singapore: Friedrich Ebert Stiftung, 2002.
- . “The delineation of peninsular electoral constituencies: Amplifying Malay and UMNO power”. In *New Politics in Malaysia*, edited by Francis Loh Kok Wah and Johan Saravanamuttu. Singapore: Institute of Southeast Asian Studies, 2003.
- and Ong Kian Ming. “Electoral Campaigning in Malaysia”. In *Electoral Campaigning in East and Southeast Asia*, edited by Christian Schafferer. Aldershot: Ashgate, 2006.
- Liow, Joseph Chinyong. “Political Islam in Malaysia: problematising discourse and practice in UMNO-PAS ‘Islamisation race’”. *Commonwealth & Comparative Politics* 42, no. 2 (2004): 184–205.
- Malaysia. *Second Malaysia Plan 1971–1975*. Kuala Lumpur: Government Press, 1971.
- Maznah Mohamad. “Fragmented but Captured: Malay Voters and the Felda Factor in GE13”. In *Coalitions in Collision: Malaysia’s 13th General Elections*, edited by Johan Saravanamuttu, Lee Hock Guan and Mohamed Nawab Mohamed Osman. Singapore: Institute of Southeast Asian Studies, 2015.
- Means, Gordon. *Malaysian Politics*. New York: New York University Press, 1970.
- . “Soft Authoritarianism in Malaysia and Singapore”. *Journal of Democracy* 7, no. 4 (1996): 103–17.
- MERAP. *Malaysian Electoral Roll Analysis Project*. 2013 <<http://malysianelectoralrollproject.blogspot.ca>>.
- Milne, R.S. and Diane Mauzy. *Malaysian Politics under Mahathir*. London: Routledge, 2002.
- Mohamed Nawab Mohamed Osman. “The Islamic conservative turn in

- Malaysia: impact and future trajectories”. *Contemporary Islam* 11, no. 1 (2017): 1–20.
- Norris, Pippa. “The new research agenda studying electoral integrity”. *Electoral Studies* 32 (2014): 563–75.
- and Max Grömping. *The expert survey of Perceptions of Electoral Integrity*, Release 5.0 (PEI_5.0), April 2017a <www.electoralintegrityproject.com>.
- and Max Grömping. “Populist Threats to Electoral Integrity: The Year in Elections 2016–2017”. *The Electoral Integrity Project*, 2017b.
- Ong, Elvin. “Varieties of Opposition Cooperation in Electoral Authoritarian Regimes: Coordination and Signaling in Singapore and Malaysia”. MPSA 2017 Conference paper, 2017.
- Ong Kian Ming. “10 major problems in EC’s electoral roll”. *Malaysiakini*, 7 April 2012 <<https://www.malaysiakini.com/news/194373>>.
- , Yuko Kasuya and Kota Mori. “Malapportionment and democracy: A curvilinear relationship”. *Electoral Studies* (Online first), 17 July 2017.
- Oliver, Steven and Kai Ostwald. 2017. “Explaining Elections in Singapore: One-Party Dominance and Valence Politics” <<https://ssrn.com/abstract=2899285>>.
- Ostwald, Kai. “How to Win a Lost Election: Malapportionment and Malaysia’s 2013 General Election”. *The Round Table* 102, no. 6 (2013): 521–32.
- . “Federalism without Decentralization: Power Consolidation in Malaysia”. *Journal of Southeast Asian Economies* 34, no. 3 (2017): 488–506.
- PEMANTAU. “An Election Observation Report for GE13: Clean and Fair?”. Petaling Jaya: Persatuan Kesedaran Komuniti Selangor (EMPOWER), 2013.
- Pempel, John. *Uncommon Democracies: The One-Party Dominant Regimes*. Ithaca, NY: Cornell University Press, 1990.
- Pepinsky, Thomas. “Autocracy, Elections, and Fiscal Policy: Evidence from Malaysia”. *Studies in Comparative International Development* 42, no. 1–2 (2007): 136–63.
- . “The new media and Malaysian politics in historical perspective”.

- Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 35, no. 1 (2013): 83–103.
- Sadiq, Kamal. “When States Prefer Non-Citizens Over Citizens: Conflict Over Illegal Immigration into Malaysia”. *International Studies Quarterly* 49 (2005): 101–22.
- Slater, Dan. “Iron Cage in an Iron Fist: Authoritarian Institutions and the Personalization of Power in Malaysia”. *Comparative Politics* 36 (2003): 81–101.
- and Sofia Fenner. “State Power and Staying Power: Infrastructural Mechanisms and Authoritarian Durability”. *Journal of International Affairs* 65, no. 1 (2011): 15–29.
- Tapsett, Ross. “The Media Freedom Movement in Malaysia and the Electoral Authoritarian Regime”. *Journal of Contemporary Asia* 43, no. 4 (2013): 613–35.
- UNDP. *Human Development Report 2016*. New York: UNDP, 2016.
- Weiss, Meredith. “Parsing the Power of ‘New Media’ in Malaysia”. *Journal of Contemporary Asia* 43, no. 4 (2013): 591–612.
- Welsh, Bridget. “Malaysian elections 2013: A step backward”. *Journal of Democracy* 23, no. 4 (2013): 136–50.
- . “Elections in Malaysia: Voting behaviour and electoral integrity”. In *Routledge Handbook of Contemporary Malaysia*, edited by Meredith Weiss. Routledge, 2014.
- Wong Chin Huat, James Chin and Norani Othman. “Malaysia: Towards a topology of an electoral one-party state”. *Democratization* 17, no. 5 (2010): 920–49.
- Wong Chin Huat, Yeong Pey Jung and Ooi Kok Hin. “Malapportionment of Constituencies: Analysis of the 2016 Redelineation Proposal (First Display) for the Peninsula and Sabah and the 2015 Redelineation Exercise for Sarawak”. 2016 <<http://penanginstitute.org/v3/research/political-studies-programme/malapportionment-in-the-2015-2016-redelineation-exercises>>.
- World Bank. *The Growth Report: Strategies for Sustained Growth and Inclusive Development*. Washington, D.C.: World Bank, 2008.
- . *Malaysia Economic Monitor: Brain Drain*. Washington, D.C.: World Bank, 2011.

ISEAS

PUBLISHING

30 Heng Mui Keng Terrace
Singapore 119614

<http://bookshop.iseas.edu.sg>

TRS19/17s

ISBN 978-981-4786-93-5



9 789814 786935