

April 2009 “Tri-elections” in Malaysia: Maintaining the Status Quo

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Abstract: By-elections held after the 12th general elections held on March 8, 2008 are of special significance as they indicate the level of support gained by the opposition as well as the receding popularity of the ruling coalition. The three by-elections (hence called tri-elections), one parliamentary and two state assemblies, held in April 2009 show that the composition of the federal parliament and the state assembly of Kedah and Sarawak remained the same. The PR garnered multiethnic support in the peninsula while BN remains strong in Sarawak.

Key words: tri-elections, Pakatan Rakyat, Barisan Nasional, Permatang Pauh, Sarawak

A by-election, as a feature of electoral democracy, is held to fill any vacancy in the legislative assembly. In a political system where the administration regularly holds a comfortable majority like that of Malaysia, by-elections often do not result in a change of administration. However, by-elections that were held since March 2008 elections assume greater interests since they indicate the levels of support to the perceived growing popularity of the opposition alliance—Pakatan Rakyat (PR)—and the declining support of the ruling coalition—Barisan Nasional (BN).

In the March general elections, BN lost its two-thirds majority in the federal legislature as well as the control of five state assemblies—Kelantan, Kedah, Pulau Pinang, Perak and Selangor—to the PR for the first time in its 34 years history. The two by-elections that soon

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followed—Permatang Pauh in Pulau Pinang and Kuala Terengganu in Terengganu—showed that PR did not merely win with an increased majority in Permatang Pauh but also won the Terengganu seat previously held by BN. This has reinforced the calls within UMNO for the Prime Minister Abdullah Ahmad Badawi to resign. Abdullah was duly replaced by Najib Tun Razak as UMNO president and the Prime Minister in April, 2009.

In April 2009, voters in three constituencies, one parliamentary and two state assemblies, participated in by-elections. The parliamentary seat of Bukit Gantang is located in the state of Perak, which experienced a controversial turnover in February 2009. The two state assembly seats were Bukit Selambau in the PR-led state of Kedah, and Batang Ai in the BN traditional stronghold state of Sarawak. This study analyses the three by-elections, referred by the media as “tri-elections,” and examines its impact on the overall scheme of Malaysia’s politics.

Background

The Election Commission (EC) had originally decided for two by-elections, in Kedah and Perak, as they were vacant at about the same time. In Kedah, a state assembly person, V. Arumugam, resigned as the state executive councilor and state assembly person of Bukit Selambau on February 8, 2009. He cited threats from BN as the reason for his decision to vacate the seat, while his detractors accused him of committing the much hated bigamy.¹ In Perak, the member of parliament for Bukit Gantang, Roslan Shaharum, died also on February 9, 2009. Later, when there was a vacancy in Sarawak’s state assembly, the EC decided to hold the by-election together with the other two. The state assemblyperson of Batang Ai, Dublin Unting, who was also Sarawak’s Assistant Sports Minister, died on February 24, 2009.

In the Bukit Selambau state assembly elections in March 2008, V. Arumugam contested as an independent candidate and won the seat by defeating a BN candidate. Arumugam had the support of the PKR as its candidate was disqualified on technical grounds. PKR campaigned for Arumugam and accepted him as a party member after the elections. Arumugam was also rewarded with a state executive councilor post. Arumugam’s position as a state executive

councilor had been a subject of scrutiny because he was the sole Indian executive in the PAS-run state administration. In fact, under BN's rule, the state assemblyperson for the Bukit Selambau seat, which was reserved to the Malaysian Indian Congress (MIC), was also entrusted with the executive post. There were allegations that BN leaders in Kedah were trying to get several state assemblypersons to cross over to BN component parties so that BN could form the state administration.

The fear for crossovers was real; it happened in the neighbouring state, Perak. In February 2009, three assemblypersons—two of whom were executive councilors from PKR and another a deputy speaker from DAP—defected from their parties, declared themselves as “independents” and pledged their support to the BN, giving it the majority in the state assembly. The Sultan of Perak, after examining the change in the status quo, decided to appoint UMNO's Zambry Abdul Kadir as *Menteri Besar* (Chief Minister, MB) from BN, replacing PAS's Nizar Jamaluddin.

The political crisis in Perak added the importance of the Bukit Gantang's parliamentary by-election. In the 2008 general elections, PAS, through Roslan Shaharum won the seat by a 1,566 majority, defeating Abdul Azim Zabidi, an UMNO-BN candidate.² In 2004, BN won the seat through its Malaysian People's Movement's (GERAKAN) candidate, Tan Lian Hoe. One of the factors that the seat fell to PAS in the 2008 elections was the internal struggle within BN (between UMNO and GERAKAN) and the choice of Abdul Azim, an outsider, as the candidate.

PAS and PR considered the Bukit Gantang parliamentary by-election as a referendum of the people on its administration in Perak. UMNO and BN, however, downplayed the by-election, fully aware of its declining support among the electorate.

Unlike in peninsular Malaysia, politics in Sabah and Sarawak were calmer. In the 2008 elections, the two states helped BN gain a comfortable margin of victory. There was a slight fear in Sarawak that the opposition was gaining inroads when it won its largest number of seats in the era of the current Chief Minister's administration in the 2006 Sarawak state assembly elections. Nevertheless, the 10 seats it won (out of 71) in 2006 did not threaten Sarawak BN's two

thirds majority in the assembly.³ Therefore, the Batang Ai by-election was to gauge the levels of support for the state's BN and the increasingly confident PR.

The Constituencies

Bukit Selambau is a state assembly constituency in the northern state of Kedah. It is located in the southern part of the state, under the Sungai Petani parliamentary constituency. In the April 2009 by-election, there were 35,140 registered voters in the constituency, consisting of 50 percent Malays, 29.5 percent Indians, while the rest were Chinese and a few voters of other ethnicities.⁴

Bukit Gantang is a parliamentary constituency located in the northern part of Perak. 55,562 voters registered for the April 2009 by-elections. The ethnic composition in the constituency approximately reflected that of the Malaysian ethnic composition, with 63.5 percent Malays, 27.1 percent Chinese, 9.1 percent Indians, and 0.2 percent voters of other ethnic groups.⁵

Batang Ai is a state assembly constituency under the Lubok Antu parliamentary constituency of Sarawak, bordering the Indonesian region of Kalimantan. It had 8,006 registered voters, about 95 percent of whom were Ibans.⁶

Nomination

The Election Commission in its meeting in February 2009 was satisfied that there were vacancies in the three constituencies and decided that the nomination for the by-elections be held on March 7, 2009 and the polling on April 7, 2009.⁷ This was decided despite the fact that the Batang Ai seat was vacant on a different date from Bukit Selambau and Bukit Gantang. EC maintained that it acted within its powers. Its detractors accused EC of scheduling the by-elections so as not to coincide with UMNO's General Assembly that was held from 24 until 28 March 2009. Although it was within its powers, it was strange that the EC decided to hold the by-elections just short of the 60 days rule following the vacancy of the seat provided by the electoral laws.

In the case of Bukit Gantang and Bukit Selambau, the difference between the dates when the seat fell vacant and the by-elections

was 58 days. The by-elections were also held on a Tuesday, adding speculation that it was to the BN's advantage since outstation voters—thought to be pro-opposition—would find it difficult to come back and cast their votes.

Nomination for the three by-elections was held on March 29, 2009. For the Bukit Selambau state assembly seat, an unprecedented 15 candidates filed their applications and were accepted. S. Ganesan of MIC contested as BN candidate, S. Manikumar of PKR represented PR, the rest contested as independents. It was widely believed that the contest was between the two “coalition” candidates. No one gave any realistic chance to the 13 independent candidates.

In Bukit Gantang, three candidates contested the elections. PAS fielded Mohammad Nizar Jamaluddin, whom the PR maintained was the rightful MB for Perak. BN fielded an UMNO candidate, Ismail Saffian, a local leader who is also the information chief for Bukit Gantang's UMNO division. An independent candidate, Kamarul Ramizu Idris, also joined the contest. He claimed that he was establishing a new political party, Pan-Malaysian *Iman* (Faith) Party, or PIS.

It was only in Sarawak that there was a straight fight between BN and PR. The Batang Ai's state constituency, a traditional BN's stronghold was contested by the BN candidate, Malcolm Mussem Lamoh, and PKR's Jawah Gerang. Jawah was formerly a BN member of parliament for Lubok Antu, the constituency in which Batang Ai is located.

No disqualification was declared in any of the nomination, despite numerous complaints during the one-hour protest after the nomination period ended. Interestingly, although there were rumours and calls for certain independent candidates in Bukit Selambau to withdraw their nomination, none actually did, confirming Bukit Selambau—with 35,140 registered voters—as the constituency with the largest number of contestants in Malaysia's electoral history.

Campaigns and Issues

The three by-elections, though unrelated, were a test of the parties' acceptance among the electorate about a year after the 12th general elections. In Kedah, the Bukit Selambau by-election was a test for

the state's PAS-led leadership and the trend of voting among the Indians who generally supported non-BN parties in the 12th general elections. The Bukit Gantang by-election was to be a referendum among the constituency's to the state's PR administration that was overthrown by BN through defections. It was also to be an indicator of the Malays' support for UMNO, who had just experienced a change in leadership. A win for BN was to be an endorsement to Najib Tun Razak's premiership. The Batang Ai by-election posed as a test to all parties for the impending Sarawak's state assembly elections due in 2011.

The by-elections in the peninsula were held at a time where the leader of the ruling coalition, UMNO, was at a better morale following the smooth leadership transition in both the party and government. Historically, a change in the national leadership had been met with a strong approval among the electorate, as the previous Abdullah's administration has shown. Nevertheless, the by-elections were also held at a time when the opposition coalition was becoming increasingly popular among the electorate.

The political parties utilised various campaign strategies, which included posters, billboards, *ceramah* (talk, often to a small group of voters as political rallies are banned), print and electronic media, Internet, mobile text messages, and face-to-face campaigning. The use of communications technology was exploited by the political parties. For instance, PKR claimed to have met more than 80% of the Bukit Selambau voters personally. It also had data of 4,000 mobile phone users in the constituency, and calculated that 20 percent of these mobile users reside outside the constituency.⁸ PKR party workers were trained to politely remind the outstation voters to come back and vote.

In Bukit Selambau, the MIC reminded the voters about the importance of returning its candidate to the state assembly, because MIC was only the party that truly represents ethnic Indians. Furthermore, MIC has the experience of representing Indians since independence. MIC claimed that PKR was only playing the sentiments of the Indians to vote against the government, when in fact it did nothing to advance the interests of the Indians. PKR exploited the aging leadership in MIC, which had just elected the powerful but increasingly unpopular Samy Vellu uncontested to helm

the party, claiming that MIC's leadership has lost touch with the ethnic Indians who wanted positive reforms for the community.

The contest for Bukit Selambau was also significant as the PKR's candidate was expected to be appointed a state executive councilor, since he would be the sole Indian representative in the Kedah state assembly. MIC and BN would score a political point if PKR is defeated in saying that the PAS-led PR government was not serious in upholding the ethnic Indian interests. Furthermore, during the campaign, MIC president Samy Vellu claimed that the Indian voters' support for BN in Bukit Selambau has increased from just about 20 percent during the 2008 elections to about 40 to 45 percent in this by-election.⁹ With a field of 15 candidates, it was possible for MIC to stage an upset in Bukit Selambau.

The campaign in Bukit Gantang was probably the most significant of the three by-elections since politics in Perak was mired with controversy since the formation of a new government led by BN through defections of three assemblypersons from PR. The state police imposed some restrictions on campaigning in the name of preserving peace and order. Candidates and their parties were barred from raising the Altantuya murder case and the Sultan of Perak's decision not to dissolve the state assembly. They were also asked to stop campaigning by 11.00 p.m.¹⁰ These restrictions practically stopped PR from raising its main campaign issues.

BN's campaign slogan was "to get the people's blessing," referring to its wish to gain legitimacy for its takeover of the government.¹¹ BN placed the posters of its candidate, Ismail Saffian and the newly-appointed *Menteri Besar*, Dr. Zambry Abdul Kadir, at strategic places throughout the constituencies. PAS's slogan was "PAS for all," which is a departure from its "developing with Islam" slogan of the 1990s.¹² This change of slogan signaled PAS's realization of the need to garner support from among the non-Muslims. Meanwhile, the independent candidate's slogan was "return to faith, return to al-Qur'an."¹³ Due to very limited resources, his posters and other campaign materials lacked visibility.

PAS put up serious efforts in getting support from the non-Malay voters, especially from the 27.1 percent Chinese voters in the constituency. It collaborated with DAP in reaching out to the Chinese

voters, especially when the police refused permit for DAP's *ceramah* because of EC's rule that only parties contesting in the elections are allowed to campaign. Since PR is not a registered political party, its components are disallowed from organising campaigns and even putting up their posters. Despite this rule, PKR and DAP's posters were visible throughout the constituency. PAS's candidate, Mohammad Nizar Jamaluddin was popular among the Chinese voters, partly because of his policies of granting land titles to the Chinese in the New Villages when he was the Chief Minister.

BN's campaign received a morale boost when the former Prime Minister Dr. Mahathir Mohamad went to Bukit Gantang on April 6, 2009 to speak to the voters. Mahathir quit UMNO in 2008 due to differences with the then Prime Minister, Abdullah Ahmad Badawi but rejoined after Najib took over UMNO's presidency in late March 2009. Mahathir asked the voters to support the BN's candidate because his rival, Nizar had committed an act of treason towards the Sultan. He also took the opportunity to remind the voters not to vote PR because its leader, Anwar Ibrahim, cannot be trusted for his craze for power. He also supported the new Prime Minister, saying "Najib is willing to listen to criticisms and correct himself. He is not like some who know it all."¹⁴ Mahathir also went to Bukit Selambau to campaign for BN after his stop in Bukit Gantang.

The Batang Ai constituency provided a different challenge to the contestants. The constituency's size was about 1,341 km square, with about 22,000 residents and 8,006 registered voters.¹⁵ The topography was challenging for the political parties in reaching out to the voters. Most of the residents live in longhouses, and some of these longhouses situated near river banks were inaccessible during heavy rains. BN had better facilities to campaign effectively in this remote constituency. PKR depended mainly on the personality of Jawah Gerang, an influential Iban leader.

PKR promised to appoint an Iban Chief Minister if it wins the next state assembly elections. PKR wanted to use the Batang Ai by-election as a launching pad to the next state elections. It also promised to uphold native customary rights on land to the Iban and other natives in Sarawak. BN on its side promised development and necessary infrastructure to the people of Batang Ai, and accused PKR of bringing its aggressive style of politics into Sarawak.

There were reports of character assassination aimed at the candidates. For instance, the BN candidate in Bukit Gantang lodged a police report of false allegations against him made by the opposition parties. BN also reported dirty tactics by the opposition i.e. the circulation of letters bearing UMNO's logo and signed by the Bukit Gantang UMNO's division secretary informing BN voluntary party workers that they will receive payment for voting and working for BN candidate.¹⁶ The opposition parties were accused of creating a view that BN was spending a huge sum of money in the campaign.

The EC was also a target of the opposition parties' campaigns. It was criticised for bias in favour of the ruling party. Its decision to hold the three by-elections simultaneously raised doubts over its impartiality as the dates the three constituencies fell vacant were different. Furthermore, the decision to hold the by-elections of Bukit Selambau and Bukit Gantang toward the end of the 60 days period allowed under the law, presumably because of the impending UMNO general assembly and elections, was criticized as giving advantage to the ruling party. The choice of date for by-elections (Tuesday April 7, 2009) was also criticised as it would inconvenience the voters from casting their votes as it was a working day. The EC chairman, Abdul Aziz Mohd Yusof, defended the decision saying that "we made the announcement within 10 days according to the powers given to us. I did nothing wrong."¹⁷

Results

The electoral process went without major untoward incidents in all three constituencies. There were reports of minor scuffles in Bukit Gantang and Bukit Selambau when PR supporters stopped several buses suspected of ferrying "phantom" voters. However, police intervention prevented any serious fights between party supporters. In Batang Ai, the heavy downpour the night before the by-election had swollen the rivers and made it difficult for voters in the longhouses to go to the polling stations as their homes were only accessible by boat. However, the water levels returned to normal by noon, allowing voters in the longhouses to cast their votes.¹⁸

Unlike the previous by-elections results in Permatang Pauh and Kuala Terengganu where PR's victory was predicted, the prediction for Bukit Gantang and Bukit Selambau was rather cautious. The

change in national leadership could have tilted the balance of support among the electorate in the two constituencies in Kedah and Perak back to BN. However, the candidacy of Mohammad Nizar, the deposed Perak MB, could also obtain votes from sympathizers and angry voters. In Bukit Selambau, despite the crowded field of candidates, the Hindu Rights' Action Front (HINDRAF) support for PKR's candidate was a strong sign of endorsement of the Indian grassroots. In Batang Ai, BN's dominance looked set to continue, but there was a concern that electoral trends in the peninsula might spread to the state. In view of the impending state assembly elections due in 2011, the by-election was a platform to gauge voters' sentiments toward the political parties.

When the votes were tallied, the March 2008 status quo was preserved in Bukit Gantang and Bukit Selambau, while the 2006 state assembly outcome was also retained in Batang Ai. In all the constituencies, the victors were returned with even bigger majority than the previous elections.

In Bukit Gantang, PAS candidate, Mohammad Nizar Jamaluddin obtained 21,860 votes, compared to 19,071 votes obtained by BN's Ismail Saffian, and only 62 votes were garnered by the independent candidate, Kamarul Ramizu Idris who forfeited election deposit as he failed to obtain one-eighth of the total votes cast.¹⁹ A total of 41,467 voters (75 percent) casted their votes. The results were considered by the opposition parties as a vindication to Mohammad Nizar, who used the by-election as a referendum on his administration. His 2,789 votes majority was a significant increase from the 1,566 majority gained by the PAS candidate in the 2008 general elections.²⁰ BN refused to recognize the results as a referendum, taking comfort in the increase of Malay support for UMNO.

The Bukit Gantang by-election suggested that the people of Perak, or at least those in the constituency, disproved the BN takeover of the state administration in February 2009. PAS's victory in a constituency composed of ethnic distribution close to the national percentage also meant that it was gaining acceptance from a multiethnic electorate. Even BN leaders admitted that it lost heavily in Chinese and Indian areas in the constituency. However, it could still not be generalised that the trend will continue as Nizar was

identified by Malay voters as a “moderate” PAS leader, while most non-Malay voters are still wary of the ‘*ulama*’ group within PAS. It is suggested that non-Malay voters are willing to listen to PAS when PAS drops the issue of Islamic State from its agenda.

In Bukit Selambau, as expected, the real contest was between BN’s S. Ganesan and PKR’s S. Manikumar. A total of 24,611 voters, or 70.04 percent, casted their votes. Despite reports of cracks in the state’s PKR, and the presence of 13 independent candidates, S. Manikumar polled 12,632 votes as against Ganesan’s 10,229 votes. Thus, PKR’s candidate defeated his closest rival by a 2,403 votes majority. This was a slight improvement of the 2,362 vote’s margin achieved by V. Arumugam in the 2008 general elections. Independent candidates forfeited their election deposit money. Among the independents, Major (Rtd.) Anuar Abdul Hamid received 528 votes, Husaini Yaacob polled 257 votes and the remaining 11 candidates garnered less than 100 votes each.²¹

PKR’s victory in the constituency underlines BN’s difficulty in regaining the ethnic Indians’ support. MIC was unable to bring back the Indians’ support to BN. Furthermore, the results of the Bukit Selambau by-election suggested that the voters were quite comfortable with PAS’s administration of the state. BN’s confidence with former Prime Minister Dr. Mahathir’s presence in the constituency could not translate into victory. Like in Bukit Gantang, Dr. Mahathir’s campaign in Bukit Selambau was not enough to bring back the voters to support BN.

The close fight expected in Batang Ai did not materialise. BN increased its majority of 806 votes in the 2006 Sarawak’s state assembly elections to 1,854 votes in the by-election. The voter turnout was 75.32 percent. The BN candidate garnered 3,907; his rival polled 2,053 votes.²² Evidently, the excitement of a battle between the PKR’s former BN leader and a BN’s newcomer was short-lived. Sarawak’s BN leaders argued that the people were not prepared to adopt the opposition’s confrontational style into Sarawak’s politics.

The Batang-Ai by-election was an indication of the next state assembly elections in Sarawak, which is due to be held by 2011. It underscored the advantages of incumbency enjoyed by the ruling party. PKR faced many difficulties in reaching out to the voters due to transportation and logistical problems. Furthermore, in a remote

constituency like Batang Ai, the people's attachment to BN is very strong.

Conclusion

The "tri-elections" did not affect any change in the Malaysian political leadership. The federal and state governments were not affected by the results of these by-elections. At best, the tri-elections serve as an indicator of political development since the 2008 general elections. The Bukit Gantang and Bukit Selambau by-elections suggested that the PR managed to consolidate its positions in the peninsula. The higher majority it achieved also strengthened its electoral pact. The BN faced serious challenges in getting back the support from the non-Malay voters, although there were signs that support among the Malay voters was increasing.

Sarawak provides a totally different challenge to non-BN parties. The Batang Ai by-election showed that political developments in the peninsula had little impact on the outcomes of the election. The local issues in Sarawak, although manipulated by PKR, were not strong enough to counter the politics of development brought by BN.

In the end, the tri-elections showed that the democratic process had taken its course. The composition of the federal parliament and the state assembly of Kedah and Sarawak continued as they were prior to the "tri-elections." The aspect of change could be seen in the improved majority secured by the victorious political parties. PR showed that it continues to capture multiethnic support in the by-elections, while BN remains strong in Sarawak. The "tri-elections," therefore, served mainly as a reinforcement of the electoral outcomes of the previous elections. The results also showed that the independent candidates could not match the resources and machineries possessed by the political parties and hence could not win.

Notes

1. *The Star*, February 10, 2009.
2. "Election Results 2008: A New Straits Times Special," *New Straits Times*, March 10, 2008.

3. For the Sarawak state assembly elections in 2006, see among others, Arnold Puyok, "Voting Pattern and Issues in the 2006 Sarawak State Assembly Elections in the Ba'kelalan Constituency," *Asian Journal of Political Science*, 14:2, (November 2006): 212-228.
4. *The Star*, March 30, 2009.
5. Ibid.
6. Ibid.
7. *The Star*, February 17, 2009.
8. *The Edge Financial Daily*, April 5, 2009.
9. *The Edge Financial Daily*, March 31, 2009.
10. *The Star*, March 31, 2009.
11. *Utusan Malaysia*, April 3, 2009.
12. Ibid.
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14. *The Star*, April 7, 2009.
15. *Utusan Malaysia*, April 6, 2009.
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19. Source: Election Commission Malaysia, *Penyata Pengundian selepas Penjumlahan Rasmi Undi (Borang 16)* [Online] available at http://www.spr.gov.my/index_files/result_praya/Borang16P59.pdf, accessed May 20, 2009.
20. Ibid.
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