

# **Pre-Electoral Malpractice, Gerrymandering and its Effects on Singapore's 2015 GE**

*Netina Tan*

**A**bout a month before the issue of the election writ, Singapore's Electoral Boundaries Review Committee (EBRC) released a report detailing changes to the electoral boundaries and the number and size of constituencies. In total, three new single constituencies (SMCs) and one four-member group constituency (GRC) were created. A single ward that was hotly contested in the last 2011 General Election (GE) and another four-member GRC were also eliminated from the electoral map. The lack of clear rationale given for the dissolution of Joo Chiat SMC was especially controversial and led to charges of gerrymandering by the opposition. Unlike most Westminster parliamentary systems, Singapore does not have any specific law regulating redistricting or creation of districts. Does Singapore's boundary delimitation practice meet international standards of electoral integrity? Did the People's Action Party's (PAP) benefit from the pre-electoral changes to secure its large 69% win in GE 2015?

To address these questions, I begin by highlighting the importance of electoral integrity before tracing Singapore's history of pre-electoral manipulation since 1963. The second section then examines the pre-electoral changes introduced for 2015 elections before comparing the criteria and rules used by Singapore's EBRC for redistricting with those of three other parliamentary systems—Canada, Malaysia and the United Kingdom. To assess whether the PAP benefitted from the pre-electoral changes and redistricting, the fourth section will use two measures of electoral disproportionality to assess the effects on Singapore's party

system. Additionally, it will also compare the ratio of the largest and smallest constituency to the electoral quota to assess the partisan effects of mal-apportionment. Drawing from both international and local survey data, the final section concludes with the perceptions of electoral integrity in Singapore.

### **Electoral Integrity and Pre-Electoral Manipulation**

Current literature on electoral malpractice typically highlights ballot rigging, vote count irregularities or illegal acts that occur on polling day. Comparatively, less is said about the manipulation of rules before election. Yet, the integrity of the electoral process cannot be judged based on what happens on the election day itself. Electoral malpractices can occur in all eleven stages of the electoral cycle, beginning sequentially from the technical and subtle forms of manipulation of legal framework governing elections to the more overt forms of intimidation and corruption at the ballot box on the polling day.<sup>1</sup> As Birch's seminal work shows, electoral malpractice can occur through (1) the manipulation of rules (through legal framework); (2) the manipulation of voters (preference-formation and administration); or (3) manipulation of voting (electoral administration) (2011).

In this chapter, electoral integrity refers to 'agreed upon international conventions and universal standards about elections reflecting global norms applying to all countries worldwide throughout the electoral cycle, including the pre-electoral period, the campaign, on polling day, and its aftermath.'<sup>2</sup> Conversely, electoral malpractice refers to the violation of these principles. Conceived this way, breaking a single link in the electoral cycle would constitute undermining the legitimacy and integrity of elections.

This chapter focuses on the pre-electoral manipulation of rules as they are 'the most specific manipulative instrument of politics.'<sup>3</sup> The aim is to highlight the triggers, rules and criteria behind the changes in electoral rules, boundaries and also assess their mechanical effects on Singapore's

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- 1 Pippa Norris, *Electoral Engineering: Voting Rules and Political Behaviour* (New York: Cambridge University Press, 2004) at 33.
  - 2 Ibid, at 21.
  - 3 Giovanni Sartori, 'Political Development and Political Engineering' (1968) 17(2) *Public Policy* 261–298, at 273.

hegemonic party system.<sup>4</sup> Broadly, electoral rules include the range of official policies, legal regulations, and administrative practices governing all steps in the redistricting, nomination, campaigning and polling. Pre-electoral misconduct thus includes actions taken prior to the election that aims to restrict political competition.

Electoral rules matter as they assert ‘psychological’ and ‘mechanical’ effects on how parties and candidates compete, and also voters response to the inter-party competition.<sup>5</sup> While psychological effects alter the choices of parties and voters, mechanical effect have a direct impact on vote shares and party system. Pre-election misconduct typically includes the manipulation of rules that can trigger deterrence mechanisms that prevent opposition formation or contest.

On the other hand, information mechanisms are triggered when voters are prevented from supporting the opposition parties.<sup>6</sup> Some examples of deterrence mechanisms can include creating higher entry barriers and stringent registration requirements that discourage opposition parties from running or intimidation that threatens opposition leaders. On the other hand, information deterrence can consist of media manipulation, censorship or unbalanced media coverage in state controlled outlets. Incumbents can use their control over the political and local officials to limit the oppositions’ ability to disseminate information to prevent campaign activities. Media manipulation can also place limits on campaign activities and assert psychological effects on voters and limit their choices. Alternatively, it can constrain the opposition’s ability to register, campaign and get their message out. It is not possible to include the full ‘menu of

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4 Following Sartori, a hegemonic party regime is defined as a polity where a party dominates policy, controls access to political office, even though other parties may exist and compete for power. It refers to a semi-competitive party system where a hegemonic party exercises tight control over the players; rules of the game in the electoral arena and leaves little room for opposition and contestation (2005, 204).

5 See K Benoit, ‘The Endogeneity Problem in Electoral Studies: A Critical Re-Examination of Duverger’s Mechanical Effect’ (2002) 21(1) *Electoral Studies* 35–46; and Rein Taagepera & and Matthew Soberg Shugart, ‘Predicting the Number of Parties: A Quantitative Model of Duverger’s Mechanical Effect’ (1993) 87(2) *The American Political Science Review* 455.

6 Daniela Donno & Nasos Roussias, ‘Does Cheating Pay? The Effect of Electoral Misconduct on Party Systems’ (2012) 45(5) *Comparative Political Studies* 575–605.

manipulation<sup>7</sup> that alters the level playing field in this chapter. It will, however, highlight the key changes in the electoral rules and assess their mechanical effects on vote shares and Singapore's hegemonic party system.

### Singapore's 'Flexible Constitution'

In Singapore, pre-electoral manipulation had begun as far back as 1963, when the constitution was amended to prevent party switching, an endemic practice in the early 1960s.<sup>8</sup> Then, dissenting PAP legislators would defect to the United People's Party and Barisan Sosialis to challenge the PAP in the House. To quell inter-party struggles, the former PAP leader, Lee Kuan Yew pushed hard to amend the constitution in 1965 to ensure that when a member who has resigned or expelled from the party, she will lose her seat in Parliament.<sup>9</sup> This rule effectively ended party switching. Since then, Singapore has developed a very 'responsive and flexible constitution'.<sup>10</sup> In addition, the PAP's uninterrupted rule and average 98% legislative supermajority since 1968 has also made it very easy for the party to pass bills and alter the constitution without much debate.<sup>11</sup>

Changing electoral rules is not a new phenomenon or viewed as illegal. Many electoral democracies have changed its electoral system or introduced affirmative action policies such as ethnic or gender quotas to improve legislative diversity, accountability and representation from previously

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7 Andreas Schedler, 'The Menu of Manipulation' (2002) 13(2) *Journal of Democracy* 36–50.

8 The key legislations governing the conduct of parliamentary elections would comprise: 1) the Constitution of the Republic of Singapore (The Legislature—Part VI); 2) The Parliamentary Elections Act (Chapter 218); 3) The Political Donations Act (Chapter 236); and 4) Key Subsidiary Legislations.

9 The tenure of the MP is governed by Part VI, 46 (2b) of Singapore Constitution (AGC Singapore 2012).

10 Kevin YL Tan, 'State and Institution Building Through the Singapore Constitution 1965–2005' in Thio Li-ann & Kevin YL Tan (eds.) *Evolution of a Revolution: Forty Years of the Singapore Constitution* (London: Routledge-Cavendish, 2009) 50–78, at 55.

11 The Amendment Act No. 8 of 1965 Constitution was initiated because of the PAP's concern that it will not be able to secure two-thirds majority in Parliament in the upcoming 1968 election. The Act was amended in 1979 (Act 10 of 1979) to restore the requirement back to the two-thirds majority. The easing of the amendment process sets the precedence and made for a very flexible constitution (K Tan 2009, 55).

excluded social groups.<sup>12</sup> In Singapore, the GRC scheme was introduced in 1988 to shape parties' candidate selection and voting behaviour so to ensure the legislative representation of ethnic minorities.

Yet, electoral rules have consequences.<sup>13</sup> Remmer's work on institutional change in Latin American has shown that changes in the rules of the game often reflect the political interests of the dominant parties in the face of rising electoral uncertainty.<sup>14</sup> Aside from maintaining legislative diversity, pre-electoral manipulation can also occur because of the incumbent's attempt to preserve its position or to improve its seat shares at the expense of another. We know that electoral manipulation has occurred when the action is intended to produce a bias favouring the electoral success of the ruling party.<sup>15</sup>

Singapore elections are not a façade as Levitsky and Way have suggested (2002, 54)<sup>16</sup> The PAP does not engage in overt electoral fraud such as omitting voters from registration list, ballot stuffing, mis-tallying ballots or certifying fraudulent results to ensure its electoral victory. As a hegemonic party, the PAP does not need to resort to fraud as it enjoys 'hyper incumbency advantage'<sup>17</sup> and already secured governing majority on the nomination day, as seen in 1988, 1991, 1997 and 2001 elections. Yet, parties like the PAP are dissatisfied with winning because their mandate to rule depends on the size of their popular vote. Elections are important as they help to renew legitimacy, leadership and gather information so as to maintain mass support. The PAP strives for oversized governing majority to control institutional change and project an 'image of invincibility' to

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12 See Norris, n 1 above; and Allen Hicken, 'Political Engineering and Party Regulation in Southeast Asia' in Benjamin Reilly & Per Nordlund (eds), *Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development* (New York: United Nations University Press, 2008) 69–94.

13 See Bernard Grofman & Arend Lijphart, *Electoral Laws and Their Political Consequences* (New York: Algora Publishing, 2003)

14 KL Remmer, 2008. 'The Politics of Institutional Change: Electoral Reform in Latin America, 1978–2002' (2008) 14(1) *Party Politics* 5

15 Donno & Roussias, n 6 above, at 578.

16 Steven Levitsky and Lucan Way, 'The Rise of Competitive Authoritarianism' (2002) 13 (2) *Journal of Democracy* 51–65.

17 Kenneth F Greene, *Why Dominant Parties Lose: Mexico's Democratization in Comparative Perspective* (Cambridge: Cambridge University Press, 2007) at 259.

deter challengers.<sup>18</sup> This desire for oversized majority explains why despite boosting its vote shares by nearly 10 points in the 2015 GE, a newly elected PAP Member of Parliament (MP), Ong Ye Kung would state that the PAP is ‘not letting up’ or ‘taking nothing for granted’ as it failed to reclaim any of the six seats lost to the opposition in 2011 GE.<sup>19</sup>

The PAP wants a strong margin of victory to strengthen its mandate to rule and to disempower the opposition. The constant tweaking and changes in electoral rules reflects a desire to reduce electoral uncertainty and increase the margin of victory. For example in 2010, to pre-empt rising opposition support and large turnouts in election rallies, an arbitrary ‘cooling-off’ day campaign ban was imposed on the eve of polling day to prevent ‘emotional voting’ and ‘risk of public disorder’.<sup>20</sup> While campaign ban is commonly imposed on polling day amongst some countries, the lack of justification or debate behind the campaign-ban in Singapore raises questions of partisanship behind the rule.

Over the years, the PAP government has introduced many changes to Singapore’s electoral system which included the Non-Constituency Members of Parliament (1984), the Group Representative Constituencies (1988) and the Nominated Members of Parliament (NMP) that brought non-elected members into the Parliament and turned single-member, simple plurality system to a mixture of single and multi-member district based on plurality party block vote rule.<sup>21</sup> (See Table 1.) A lot of work has been done to show how these new electoral innovations dampened inter-party competition and spiked the number of ‘walkovers’ or contested seats

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18 Beatriz Magaloni, *Voting for Autocracy: Hegemonic Party Survival and Demise in Mexico*. (Cambridge: Cambridge University Press, 2006) at 15.

19 Justin Ong, ‘PAP’s Election Win Narrower Than It Seems: Ong Ye Kung.’ *Channel NewsAsia*, 4 Nov 2015, available at <<http://www.channelnewsasia.com/news/singapore/pap-s-election-win/2238628.html>> (accessed 15 Dec 2015).

20 ‘No Campaigning Allowed on Cooling-off Day and Polling Day’ *AsiaOne* 4 May 2015, available at <<http://www.asiaone.com/News/AsiaOne+News/Singapore/Story/A1Story20110504-277166.html>> (accessed 15 Dec 2015).

21 See Garry Rodan, ‘Westminster in Singapore: Now You See It, Now You Don’t’ in Haig Patapan, John Wann & Patrick Moray Weller (eds), *Westminster Legacies: Democracy and Responsible Government in Asia and the Pacific*, 109–28. (Sydney: University of New South Wales Press, 2005) 109–28; and Hussin Mutalib, ‘Constitutional-Electoral Reforms and Politics in Singapore’ (2002) 27(4) *Legislative Studies Quarterly* 659–672.

in the mid-2000s.<sup>22</sup> My study elsewhere found evidence that the GRC scheme has a strong mechanical, reductive effect on the effective number of parties and electoral competition.<sup>23</sup> Additionally, a myriad of rules have also been created to prevent information dissemination. Singapore's highly regulated mainstream media is well-documented and requires no further elaboration.<sup>24</sup> Here, it suffices to say that, information regulations such as the banning of election surveys and online funding in 2001 and banning of parties to stream podcasts or vodcasts in 2006 are likely attempts to hamstring the oppositions' reach to its supporters. For a timeline of key electoral changes and mechanisms of electoral misconduct, see Table 1 (overleaf).

### 2015 Pre-Electoral Changes

In most Westminster parliamentary systems, the government decides on the election date. Similarly in Singapore, the PAP government called the election in 2015, at the most opportune time. Unlike the strong anti-PAP sentiments in 2011, the conditions in 2015 were almost perfect for the government. The national mourning for Lee Kuan Yew's death in March, coupled with the year-long stirring of patriotism and nationalism following the successful 28<sup>th</sup> Southeast Asian Games and Golden Jubilee celebrations highlighted the PAP's effective governance, giving it a head start in the election campaign. While it is difficult to assess how this early head-start benefitted the incumbent, what is clear is that the short nine days campaign

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22 See Tey Tsun Hang 'Singapore's Electoral System: Government By the People?' (2008) 28(4) *Legal Studies* 610–628; Thio Li-Ann 'Choosing Representatives: Singapore Does It Her Way' in Graham Hassell & Cheryl Saunders (eds.) *The People's Representatives: Electoral Systems in the Asia Pacific Region* (Sydney: Allen & Unwin, 1997) 38–58; and Joel Fetzer, 'Election Strategy and Ethnic Politics in Singapore' (2008) 4(1) *Taiwan Journal of Democracy* 135–153.

23 Netina Tan, 'Manipulating Electoral Laws in Singapore' (2013) 32 (4) *Electoral Studies* 632–643.

24 See for example, 'Singapore: Freedom of the Press' *Freedom House*, 2011, available at <<https://freedomhouse.org/report/freedom-press/2014/singapore>>; 'Systematic Repression of Freedom in Singapore' 9 Feb 2011, available at <[http://yoursdp.org/news/iba\\_systematic\\_repression\\_of\\_freedom\\_in\\_singapore/2011-02-09-3246](http://yoursdp.org/news/iba_systematic_repression_of_freedom_in_singapore/2011-02-09-3246)>; and Cherian George, *Freedom from the Press: Journalism and State Power in Singapore* (Singapore: NUS Press, 2012).

Table 1: Timeline of Selected Electoral Changes (1963-2010)

Year	Key Changes	Stated Purpose	Mechanism of Electoral Misconduct
1963	Constitution of Singapore Amendment Act (No. 8 of 1965)	To prevent party switching	Deterrence
1984	NCMP scheme (up to six)	To ensure a minimum representation of opposition members in the Parliament.	Deterrence
1988	GRC scheme	To ensure a minimum legislative ethnic minority presence	Deterrence
1990	NMP scheme	To co-opt a wider spectrum of alternative voices in the House	Deterrence
2001	Ban on election surveys and online appeals for funds (including email and digital phone messages)		Information
2006	Ban on political blogs, vodcasts and podcast for election advertising	To prevent	Information
2009	<ul style="list-style-type: none"> <li>• NMP scheme institutionalized</li> <li>• No. of NCMP increased from 6 to 9</li> <li>• No. of SMCs increased from 9 to 12</li> <li>• GRC sizes reduced from 6-5 to 5-3</li> </ul>	To allow more alternative voices in the House	Deterrence
2009	Public Order Bill	To give the police more powers over the control of outdoor political events	Deterrence
2010	'Cooling off day' campaign ban on the eve of polling day	To prevent 'emotional voting' and 'risk of public disorder'	Information
2015	<ul style="list-style-type: none"> <li>• Limit on the number and location of posters and banners near polling stations</li> <li>• Inclusion of photo on the ballot</li> <li>• Requirement for GRC minority candidate to produce a certification from Malay or Indian Community Committee to verify their ethnicity</li> </ul>	<p>To ensure even playing field</p> <p>To help senior voters better identify candidate Unclear</p>	<p>Information</p> <p>Deterrence</p>

Sources: Compiled by author based on media reports and from Singapore Elections Department.



period (similar to the last three GEs) would have given the opposition parties less time to plan or build ties with the constituents. Besides, the timing of election, which coincides with the Chinese Seventh Month Hungry Ghost Festival was also said to have doubled the cost of holding election rallies, which would disadvantage the resource poor opposition.<sup>25</sup>

Singapore has a 'Governmental' model whereby the Elections Department of Singapore (ELD) is a department directly under the Prime Minister's (PM) office and responsible for the planning, preparation and management of the presidential and parliamentary elections.<sup>26</sup> While this model may have advantages such as being cost effective or having a ready pool of bureaucratically experience staff and power base within government, it can suffer from credibility problem for being viewed as too closely aligned with the government. The ELD's opaqueness, lack of information and accountability to the legislature on the electoral revisions also does not inspire confidence that the institution is neutral or non-partisan.

In this election, five days before the issue of the election writ, the ELD once again announced a string of electoral changes which included: (1) raising the spending limit for each candidate from \$3.50- \$4.00 for every voter; (2) lowering the electoral deposit for each candidate from S\$16,000 in 2011 to S\$14,500; (3) having candidate photos on ballot paper; (4) setting limits on the number and location of posters and banners to be displayed near the polling station; and (5) requiring an ethnic minority candidate standing in a GRC to produce a Certificate of the Malay Community (MCC) or a Certificate of the Indian and Other Minority Communities Committee (IOMCC) to the Returning Officer on Nomination Day (Elections Department of Singapore 2015).

While the new spending limit, lower electoral deposit and inclusion of candidate photo on the ballot could be seen to enhance the overall electoral process, it is unclear why a new requirement is imposed on

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25 Lim Yan Ling, 'GE 2015: Posters of PM Lee in Potong Pasir Go Against Essence of Election, Says Lina Chiam', *The Straits Times* 2 Sep 2015, available at <<http://www.straitstimes.com/politics/ge2015-posters-of-pm-lee-in-potong-pasir-goes-against-the-essence-of-the-election-lina>> (accessed 15 Dec 2015).

26 Broadly, there are three models of electoral management: Independent, Governmental or Mixed (IDEA 2006).

GRC minority candidates to certify their ethnicity. This is an additional requirement on top of the Nomination Paper and Political Donation Certificate that a candidate has to obtain before being able to contest. Given that all Singaporean citizens already carry an identity card that specifies their race, the requirement for additional certification of ethnicity appears superfluous. Moreover, given that the opposition parties are known to face difficulties in attracting Malay candidates to contest, the new requirement may deter more Malay candidates from coming forward. Additionally, the new poster promotional rules were also unclear about mobile promotional advertisements placed on buses. The fact that the PAP displayed PM Lee's posters in all the constituencies during the campaign may also gave the PAP an unfair advantage.<sup>27</sup> Clearly, more study is needed to ascertain the psychological effects of these new rules on parties and voters. Given the short time period between the announcement of the electoral changes and the campaign period, the unnecessarily stringent registration and campaign requirements may be seen as deterrence mechanism that dampens electoral competition.

### **2015 Electoral Boundary Changes**

Apart from changing electoral rules, Singapore's electoral boundaries are also frequently and arbitrarily changed before every election, which is inconsistent with international norm. Similarly in this election, the Electoral Boundary Review Committee (EBRC) once again made changed the electoral boundaries, and the number and sizes of several constituencies. (See Table 2.)

In this 2015 boundary report, the size of the Parliament was raised from 87 to 89 while the total number of electoral districts went up from 27 to 29. In addition, a single ward and a four-member group constituency were dissolved while another three single and one four-member group constituencies were created.<sup>28</sup> In all, this delimitation exercise affected

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<sup>27</sup> Ibid.

<sup>28</sup> Chua Mui Hoong, 'News Analysis: Sober Report, with a Few Puzzles', *The Straits Times* 25 Jul 2015, available at <<http://www.straitstimes.com/opinion/news-analysis-sober-report-with-a-few-puzzles>> (accessed 15 Dec 2015).

Table 2: Changes in the Number of Single-Member and Group Representative Constituencies and Elected Seats (1988-2015)

Boundary Report Year	1988	1991	1996	2001	2006	2011	2015
No. of electors cited (% increase from previous report)	1,709,000 (14)	1,722,630 (0.8)	1,880,560 (9.2)	2,035,422 (8.2)	2,157,840 (6)	2,350,257 (8.2)	2,462,926 (4.6)
Ave. no of electors per MP	22,000	21,000	23,000	24,500	26,000	27,014	27,673
SMCs eliminated	46	21	14	3	2	5	1
New SMCs created	3	0	2	3	2	8	3
<b>Total SMCs</b>	<b>42</b>	<b>21</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>12</b>	<b>13</b>
GRCs eliminated	-	2	4	3	0	2	1
New GRCs created	13	4	6	2	0	3	2
<b>Total GRCs</b>	<b>13</b>	<b>15</b>	<b>15</b>	<b>14</b>	<b>14</b>	<b>15</b>	<b>16</b>
<b>Total electoral constituencies</b>	<b>27</b>	<b>23</b>	<b>24</b>	<b>23</b>	<b>23</b>	<b>27</b>	<b>29</b>
<b>Total elected seats</b>	<b>87</b>	<b>85</b>	<b>83</b>	<b>84</b>	<b>84</b>	<b>87</b>	<b>89</b>

Source: Data for 1988-2001 from *The Straits Times*, 29 Jan 2011. Data for 2011 and 2015 from Electoral Boundaries Review Committee Reports.

16.7% of 2.46 million voters, less than the 30% of 2.35 million voters in 2011.<sup>29</sup> The 13<sup>th</sup> Parliament constituted after the 2015 GE consists of 89 elected seats representing 29 constituencies: 13 SMCs and 16 GRCs (each consisting of four to six seats)—up from 13 SMCs and 15 GRCs in 2011. (See Table 2.)

What was most controversial in this redistricting exercise was the elimination of Joo Chiat SMC, hotly contested by the opposition Workers' Party (WP) candidate, Yee Jenn Jong in the last 2011 GE. Yee, lost narrowly, by 1% to his PAP opponent. Expressed his disappointment with the EBRC report on his Facebook post, Yee lamented that: '[T]here is no clear justification for the changes. With the eraser and the pencil, the mighty committee has made the Joo Chiat SMC with such a rich and unique tradition disappear. It was a SMC from 1959-1988 and also for the last 3

29 Xabryna Kek 'Opposition Parties Studying Electoral Boundaries Review Committee's Report' *Channel NewsAsia* 24 Jul 2015, available at <<http://www.channelnewsasia.com/news/singapore/opposition-parties/2005766.html>> (accessed 1 Dec 2015).

GEs since 2001.<sup>30</sup> Aside from this curious elimination, it was also puzzling why the EBRC retained the two six-member GRCs, despite earlier promises to reduce the number of larger GRCs to lower the barrier for opposition contest. In 2011, the average number of MP per GRC was reduced from 5.4 to 5. The number of six-member GRCs was also reduced from 5 to 2, while the SMCs increased from 9 to 12. Then, to explain the logic behind the reduction in the GRC sizes, PM Lee Hsien Loong said ‘This should lower the hurdle for parties intending to contest the elections,’ with an implicit acknowledgement that the larger GRCs were an impediment to the opposition.<sup>31</sup> Hence, the retention of the two six-member GRCs held by PM Lee Hsien Loong (Ang Mo Kio) and Deputy PM Teo Chee Hean (Pasir Ris-Punggol) this election appears politically motivated and perpetuates the view that they were retained so as to allow inexperienced rookies PAP candidates to get elected on the coattails of the heavy weight leaders.

### Lack of Clarification and Information

As in the past redistricting exercises, no explanation was given as to why certain constituencies were dissolved or created. The short 14-page EBRC report contains scant or no explanation aside from a sentence that states that the Committee has ‘reviewed all the existing electoral divisions, taking into account their current configurations, population shifts and housing developments since the last boundary delineation exercise.’<sup>32</sup> Over the years, the lack of transparency in the redistricting process has led to opposition complaints and protests of gerrymandering. For example, opposition WP leader, Sylvia Lim’s has said in Parliament that:

[T]he entire electoral boundary re-drawing process is completely shrouded in secrecy, chaired by the Secretary to the Cabinet. There

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30 Ibid.

31 Li Xueying, ‘PM: Lower Hurdle for Opposition Parties’, *The Straits Times*, 26 Feb 2011, available at <[http://www.pmo.gov.sg/content/pmosite/mediacentre/inthenews/primeminister/2011/February/PM\\_Lower\\_hurdle\\_for\\_opposition\\_parties.html](http://www.pmo.gov.sg/content/pmosite/mediacentre/inthenews/primeminister/2011/February/PM_Lower_hurdle_for_opposition_parties.html)> (accessed 3 Dec 2015).

32 ‘White Paper on the Report of the Electoral Boundaries Review Committee 2.’ *Elections Department of Singapore*, 24 Jul 2015, available at <<http://www.eld.gov.sg/pdf/White%20Paper%20on%20the%20Report%20of%20the%20Electoral%20Boundaries%20Review%20Committee%202015.pdf>> (accessed 15 Dec 2015).

are no public hearings, no minutes of meeting published. The revised boundaries are released weeks or even days before Nomination Day. The report makes no attempt to explain why certain single seats are retained while others are dissolved, nor why new GRCs re-shaped.<sup>33</sup>

While boundary delimitation practices vary greatly around the world, most countries would adhere to a few universal principles such as the need for representativeness; equality of voting strength; independent and impartial boundary authority; transparency, and non-discrimination.<sup>34</sup> Singapore's redistricting practices raises questions not only because the EBRC is perceived to lack independence but the whole delimitation process and the recommended revisions also lack transparency and violate the principle of voting equality.

In 2015, a study by a human rights group, Maruah,<sup>35</sup> clearly explained the areas in which Singapore has fallen short in its delimitation practices (2014). Some of the problems that Maruah highlighted include: (1) the EBRC's lack of independence; (2) the frequency in boundary changes; (3) the lack of clarifications behind the recommended changes; (4) lack of specificity in the Parliamentary Elections Act to the criteria and rules followed by the EBRC in recommending the changes; (5) the wide 30% variance in the size of electorates; (6) the lack of publicly available data on polling results at polling level; (7) the absence of public consultations on the EBRC's recommendations, and, (8) the absence of judicial review and channels to appeal the electoral boundary changes (2014). The following section will elaborate on some of these issues. To add a comparative view, the discussion will also consider the delimitation rules adopted in Canada, Malaysia and the United Kingdom, summarised in Annex A.

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33 Sylvia Lim, 'Constitutional Amendment Bill.' *Workers' Party* 27 Apr 2010, available at <<http://v2.wp.sg/2010/04/constitutional-amendment-bill>> (accessed 1 Dec 2015).

34 ACE Electoral Knowledge, 'Boundary Delimitation —' available at <<http://aceproject.org/ace-en/topics/bd/default>> (accessed 1 Dec 2015).

35 'Defending the Legitimacy of Singapore Elections: Maruah Position Paper on Electoral Boundary Delimitation Q3 2014', available at <<http://maruah.org/2014/10/10/defending-the-legitimacy-of-singapore-elections-part-3-electoral-boundaries-and-cdcs>> (accessed 15 Dec 2015).

### Who Draws the Lines?

Increasingly, most countries have turned to independent commissions as part of the global movement to depoliticize the redistricting process. In Singapore, the EBRC consists of five civil servants who report directly or indirectly to the PM—which is viewed to be too close to the incumbent. As Annex A shows, the Commission members in Canada, Malaysia and the UK are not appointed by the Executive, but by the Speaker of the House or the Head of Judiciary. Moreover, the background of boundary commission members in Canada, Malaysia and the UK are also typically diverse—consisting of academics, members of judiciary, electoral officers or senior judges. The inclusion of technical experts such as statisticians, academics and judges would help to assure the public that Singapore’s redistricting exercise conforms to the principle of vote equality and not subject to partisan pressure.

### Short Time between EBRC Report and Election

Most countries have constitutional provisions for delimitation. Yet, Singapore’s statutes do not prescribe a specified time period beyond which boundary revision has to be considered.<sup>36</sup> As Table 3 shows, the EBRC released a short 14-page report on 24 Jul 2015, only about a month before the election writ was issued on 25 Aug.

Table 3: Timeline of GE 2015 <sup>37</sup>

24 Jul	20 Aug	25 Aug	1 Sep	10 Sep	11 Sep
EPRC Report released	ELD announces electoral revisions	Parliament dissolved, election writ issued	Nomination Day and campaign period begins	Cooling-off day	Polling Day

36 Ibid, at 7.

37 Source: Lee Min Kok ‘Polling Day on Sept 11, Nomination Day on Sept 1 as General Election Is Called in Singapore’ *The Straits Times*, 25 Aug 2015, available at <<http://www.straitstimes.com/politics/parliament-dissolved-writ-of-election-expected-soon>> (accessed 1 Dec 2015); and Elections Department of Singapore. 2015. ‘Enhancements to Election Processes’, available at <<http://www.eld.gov.sg/pressrelease/ParE2015>>.

While countries such as Canada and Malaysia have legislations in force to ensure that there is at least seven months to two years between boundary report and election, there is none stipulated for Singapore. While the mainstream media has tried to portray the short campaign period as being disadvantages to the PAP,<sup>38</sup> opposition leaders have argued that the short campaign leaves them with little time to plan for the rallies or build ties with the constituents.<sup>39</sup> The short time period between the EBRC report, electoral revisions, and nine days of campaign period are more likely to disadvantage the resource poor, smaller opposition parties who have to scramble to find candidates to stand in the newly created constituents and learn about the new rules and registration requirements.

### Frequency and Approving Authority

The frequency of boundary changes in Singapore is highly unusual for a small country with only 729 square kilometres and 2.5 million electors. In most countries, delimitations are typically conducted every 8 to 12 years after its decennial census or changes in the number of registered voters or administrative boundaries. Yet, Singapore undergoes delimitation before every election or every 4 to 5 years. And also unlike others, Singapore only requires executive approval to implement the delimitation proposal. While the legislature typically plays a role in approving or rejecting the proposal as in Canada, Malaysia and the UK, Singapore's delimitation process goes through without the need for parliamentary debate or adjudication by the courts. See Annex A. As Lehoucq reminds us, electoral governance breaks down when the same party controls the executive and the legislature, and when there is no alternative channel to appeal the delimitation decisions.<sup>40</sup>

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38 Eugene Tan, 'Short Campaign Period Unlikely to Work in PAP's Favour.' *TODAYonline*. August 17 Aug 2015, available at <<http://www.todayonline.com/commentary/short-campaign-period-unlikely-work-paps-favour>> (accessed 1 Dec 2015).

39 Valerie Koh, 'Opposition 'ready for Polls', but Criticise Timing, 'short' Campaign Period.' *TODAYonline* 25 Aug 2015, available at <<http://www.todayonline.com/singapore/opposition-ready-polls-criticise-timing-short-campaign-period>> (accessed 1 Dec 2015).

40 Fabrice Lehoucq, 'Can Parties Police Themselves? Electoral Governance and Democratization' (2002) 23(1) *International Political Science Review* 29–46, at 36.

The lack of checks or removal of final decision from the legislature thus leaves Singapore's delimitation open to 'charges of political influence'.<sup>41</sup>

## **Assessing the Effects of Pre-Electoral Changes**

### **Disproportionality**

The frequency in redistricting, and the arbitrary enlargement and downsizing of the constituency sizes before every election have invited charges of gerrymandering and mal-apportionment to the ruling party's advantage. But has the PAP benefitted from these rules and boundary changes? There are different ways to assess whether gerrymandering has occurred to benefit the incumbent. For example, measures of swing ratio, partisan bias or electoral disproportionality may be used to assess how votes translate to seat shares.<sup>42</sup> Electoral disproportionality arises when the parties receive shares of legislative seats that are not equal to their shares of votes. The following section will assess the partisan effects of electoral changes based on two standard indices of electoral disproportionality in the electoral system literature, namely the Loosemore-Hanby Index of Distortion ( $D = \frac{1}{2} \sum |v_i - s_i|$ ) and the Gallagher Index ( $Gh = [\frac{1}{2} \sum (v_i - s_i)^2]^{0.5}$ ). The calculations of Loosemore-Hanby and Gallagher Indexes, presented in Figure 1, are based on the vote ( $v_i$ ) and seat shares ( $s_i$ ) of the PAP and the combined total opposition vote and seat shares from 1968 to 2015 GE.

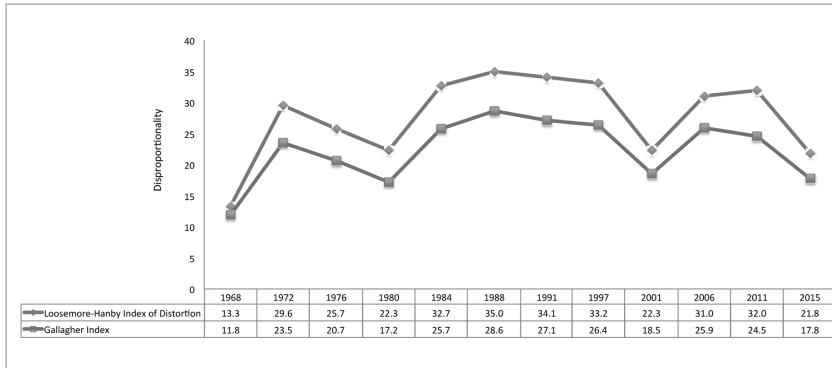
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41 Lisa Handley 'A Comparative Survey of Structures and Criteria for Boundary Delimitation' in Lisa Handley & Bernard Grofman (eds), *Redistricting in Comparative Perspective* (New York: Oxford University Press 2008) 265–288, at 270.

42 Bernard Grofman, William Koetzle & Thomas Brunell, 'An Integrated Perspective on the Three Potential Sources of Partisan Bias: Malapportionment, Turnout Differences, and the Geographic Distribution of Party Vote Shares' (1997) 16(4) *Electoral Studies* 457–470; and Edward R Tuftes, 'The Relationship between Seats and Votes in Two-Party Systems' (1973) 67(2) *The American Political Science Review* 540–554.



Figure 1: Electoral Disproportionality for Singapore’s GE (1968-2015)



Source: Data extracted from *Singapore Elections* website.

Figure 1 shows that Singapore is characterised by a high level of disproportionality in its translation of opposition votes to seats, especially during the 1988 and 2011 elections. For the last 13 elections, the average disproportionality based on Loosemore-Hanby Index is 27.7 and 22.3 based on Gallagher Index. However, in the recent 2015 GE, disproportionality dipped to 21.8 and 17.8 respectively. This decline suggests that the PAP has benefitted less from the mechanical effects of the electoral changes than in the past elections. Or, we can also say that the electoral system is fairer in allocating seats based on vote shares than past elections. However, Singapore still has a lot more to go in terms of reducing its disproportionality and ensuring a fairer system of vote-seat translation. Compared to its neighbouring countries with broadly similar plurality electoral systems, Singapore’s disproportionality is still much higher than Malaysia (15.8, 1959-2004), Thailand (11.1, 2001-5) and the Philippines (10.4, 1992-8).<sup>43</sup>

### Mal-Apportionment

Additionally, Singapore’s high 30% tolerance limit for the number of electorate per MP is another issue that is seen to violate the principles of representativeness and equality of voting strength. The high 30% tolerance

43 A Croissant, Gabriele Bruns & Marei John, *Electoral Politics in Southeast and East Asia: A Comparative Perspective* (Singapore: Friedrich Ebert Stiftung, 2002) at 329.

could lend itself easily to mal-apportionment where the geographical units of shares of legislative seats are not equal to their share of population.<sup>44</sup> In a perfectly apportioned system, no citizen's vote should weigh more than the other. Mal-apportionment occurs when there is a discrepancy between the shares of legislative seats and the shares of the electorate in the constituency. The discrepancy can have normative and practical implications such as violating the 'one man one vote' principle, which is a necessary condition for democratic government. Besides, malapportionment can also affect executive-legislative relations, intra-legislative negotiations and overall performance of the democratic system.<sup>45</sup>

A crude way to assess for mal-apportionment is to find the ratio of electors in the largest to the smallest constituency. Yet, this gauge does not tell us the degree to which the constituency is over-represented or underrepresented. Another way is to find the largest and smallest constituency (total number of electorate divided by the number of Members of Parliament (MP) in the constituency) and assess the ratio of the largest and smallest constituency to the electoral quota. In a fairly apportioned system, the ratio of the electors for each constituency should be around 1 to the electoral quota (derived from total electorate divided from the total number of elected seats). Based on this calculation, Table 4 shows that Singapore displays a large variation in electorate sizes for the GRCs and SMCs in the last seven elections. The most severe mal-apportionment was in 1988 GE when there was 4.7 times difference between the largest and smallest constituency relative to the electoral quota in 1988 when the GRC scheme was first introduced.

Table 4 also shows that the difference between the largest and smallest constituency relative to the electoral quota has declined over the years, from a high of 4.7 in 1988 to 1.8 in the 2015 election. This suggests fairer apportionment, especially given the reduction in the number of the five-

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44 Burt L Monroe, 'Disproportionality and Malapportionment: Measuring Electoral Inequity.' (1994) 13(2) *Electoral Studies* 132–149, at 138.

45 David Samuels & Richard Snyder, 'The Value of a Vote: Malapportionment in Comparative Perspective' (2001) 31(4) *British Journal of Political Science* 651–671, at 652.

member GRCs. This is reflected in the ratio of the largest GRC to the quota, which has declined from 1.64 in 1988 to 1.13 in 2015. However, the ratio of the smallest constituency to the electoral quota remains high, from 0.35 in 1988 to 0.65 in 2015. This implies that more malapportionment may be occurring in the SMCs than in the GRCs, and the vote of the electorate in the SMCs is weighted more than those in the GRCs. For example, Potong Pasir SMC (17,407 per MP) has been the smallest constituency, for the last five elections and yet, its boundaries and number of electors have remained largely unaltered.

### Perceptions of Singapore's Electoral Integrity

Do the pre-electoral malpractice undermine Singaporeans' trust in their electoral institution and process? Based on the two waves of public opinion data from Asian Barometer (AB) conducted in 2006 and 2010, it would appear that the masses' trust in Singapore's electoral institutions has declined overtime. Most significantly, Singaporeans are found to have less

Table 4: Variation in the Population Sizes of GRCs and SMCs, 1988-2015

Year	Total Seats	Total Electorate	Electoral Quota	Largest GRC (Ave Elector/MP)	Ratio of Largest Constituency to Electoral Quota	Smallest SMC (Ave Elector/MP)	Ratio of Smallest Constituency to Quota	Difference between largest and smallest constituency relative to quota
1988	81	1,669,013	20,605	33,824	1.64	7,248	0.35	4.7
1991	81	1,692,384	20,894	31,246	1.50	11,998	0.57	2.6
1997	83	1,881,011	22,663	31,358	1.38	17,981	0.79	1.7
2001	84	2,036,923	24,249	33,329	1.37	16,616	0.69	2.0
2006	84	2,159,721	25,711	32,586	1.27	15,888	0.62	2.1
2011	87	2,350,873	27,022	35,814	1.33	17,327	0.64	2.1
2015	89	2,460,977	27,651	31,295	1.13	17,407	0.63	1.8

Source: calculated based on data from *Singapore Elections* website.

confidence in the ELD. The two waves of AB survey results show that the percentage of accumulative positive responses of those who have ‘a great deal of trust and quite a lot of trust’ in Singapore’s Election Commission have fallen from 76.5% in 2006 to 43.6% by 2010. Additionally, the total number of respondents who considered the elections as ‘free and fair’ or ‘free and fair with minor problems’ have also reduced from 85.3% in 2006 to 77.8% by 2010. Similarly those who think that elections always offer or offer a real choice between different candidates most of the time have also gone down from 48.6% to 35.3%. See Table 5.

Table 5: Trust in Elections and Electoral Institutions, Asian Barometer (2006 and 2010)<sup>46</sup>

Questions	Cumulative Responses	2006 (%)	2010 (%)
1. Trust in the Election Commission	A great deal of trust and Quite a lot of trust	76.5	43.6
	Not very much trust and None at all	21.8	30
2. Freeness and fairness of the last national election	Completely free and fair and free and fair with minor problems	85.3	77.8
	Free and fair with major problems and not free and fair	6.9	5.8
3. Elections offer a real choice between different parties/candidates	Always and Most of the Time	48.6	35.3
	Sometimes and Rarely	43.8	58.9

The AB survey findings reflect a general disenchantment with the integrity of the electoral institution and processes in Singapore. However, the reduced trust has not turned into protest votes against the PAP. Based on the PAP’s near 10-point increase in popular vote shares in the 2015 GE, it would appear that electoral fairness has not become an issue. In two local surveys conducted by the National University of Singapore and the Institute of Policy Studies pre and post 2015 elections, Singaporeans were found to be more concerned with the government’s performance, governance and policy responsiveness. The survey conducted by Sociologist Tan Ern Ser found that issues that affected the voters most were: the cost of living; housing affordability, health care affordability; retirement needs and government

46 Source: *Asia Barometer*, available at <<http://www.asianbarometer.org/newenglish/surveys>> (accessed 1 Dec 2015).

transparency.<sup>47</sup> This suggests that electoral fairness is a concern, but not critical enough to swing votes away from the PAP.

## Conclusion

This chapter has focused on the less discussed topic of pre-electoral malpractices and its effects on Singapore's party system. It has argued for the creation of an independent election management body and boundary commission that are filled with non-partisan technical experts, statisticians or judges. Having an independent ELD will be a critical first step to ameliorate any doubt or allegations of gerrymandering to the PAP's advantage. Besides, the EBRC also needs to offer more information and explanation to the rules and criteria behind the redrawing of boundaries and changes in constituency sizes. While the changes in the electoral rules and redistricting in the 2015 GE has produced less disproportionality and mal-apportionment, more needs to be done to ensure a level playing field.

Current studies do not pay enough attention to the formal and informal electoral rules and procedures and their effects on electoral quality. While Singaporeans are less concerned with electoral fairness than effective governance, repeated unfair elections can undermine democratic principles of contestation, accountability, inclusivity, rule of law and transparency. Establishing an independent ELD and the EBRC would help to depoliticize electoral governance. When a neutral body of officials is entrusted with the task of adjudicating conflicting claims about election outcomes, and the process is transparent and fair, we can then be more confident of the winning party's legitimacy and mandate to rule.

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47 Kelly Ng, 'Campaigns Had Little Impact on Votes in GE2015: Survey' *TODAYonline*, 5 Nov 2015, available at <<http://www.todayonline.com/singapore/campaigns-had-little-impact-votes-ge2015-survey>>; and 'Voters in 20s, Above 65 Turned Back to PAP in GE 2015: Survey' *TODAYonline* 5 Nov 2015, available at <<http://www.todayonline.com/singapore/voters-20s-above-65-turned-back-pap-ge2015-survey>> (accessed 1 Dec 2015).

## Annex A: Boundary Delimitation Rules and Criteria: Canada, Malaysia, Singapore and the U.K.

Questions	Canada	Malaysia	Singapore	United Kingdom
<b>Authority responsible for delimitation</b>	Boundaries Commission (BC for each province)	Election Commission (EMB)	Electoral Boundaries Review Commission (EBRC)	Boundaries Commission
<b>Number of members in each Commission</b>	3	7	5	4
<b>Background of Commission Members</b>	Academics, members of judiciary (exclude political appointees), appointed by Speaker of the House	Chair, Deputy Chair and 3 others, appointed by Head of State	Civil servants appointed by the Prime Minister	Senior judge and two others (Chair elected, others appointed by head of judiciary of state)
<b>Delimitation criteria</b>	<ul style="list-style-type: none"> <li>- Population equality</li> <li>- Respect for natural barriers</li> <li>- Respect for local administrative boundaries</li> <li>- Communities of interest/cultural concerns</li> </ul>	<ul style="list-style-type: none"> <li>- Population equality</li> <li>- Respect for natural barriers</li> <li>- Population density (measure of weightage given to rural constituencies)</li> <li>- Respect for local administrative boundaries</li> <li>- Continuity with previous electoral district boundaries</li> </ul>	<ul style="list-style-type: none"> <li>- Population deviation</li> <li>- Communities of interest/cultural concerns</li> </ul>	<ul style="list-style-type: none"> <li>- Population equality</li> <li>- Respect for local administrative boundaries</li> <li>- Geographic size/remoteness</li> <li>- Communities of interest/cultural concerns</li> </ul>
<b>If population is a criterion, which population figure is used?</b>	Total population	Registered voters	Registered voters	Registered voters
<b>If equal population is a criteria, what is the tolerance limit?</b>	+/-25%	None	+/-30%	None
<b>Final authority for adoption over plan</b>	Legislature passes Act; but final authority rests with BC	Legislature	Executive	Legislature passes Delimitation Act
<b>Does the Legislature play any role?</b>	Legislature can consider plan but final authority rests with BC	Yes, approve, reject but not vary Delimitation Act	No	Yes, approve, reject but not vary Delimitation Act
<b>What role does the court play?</b>	Court can play a role but rarely been called upon to make a ruling	NA	None	Court can play a limited role; decisions of the commission subject to judicial review, but not the delimitation act
<b>Time between boundary report and election</b>	About two years or at least seven months after the boundary report has been published	No more than two years upon commencement of elections	No legislation in force	Submitted every 5 years
<b>Delimitation Prompts</b>	Redrawn every 10 years following decennial census	Redrawn every 8 years	No specific requirement, delimitation precedes every election to date	Redrawn every 8-12 years, changes in number of registered voters; administrative boundaries

Source: (Handley 2008; ACE 2013; Maruah 2014)