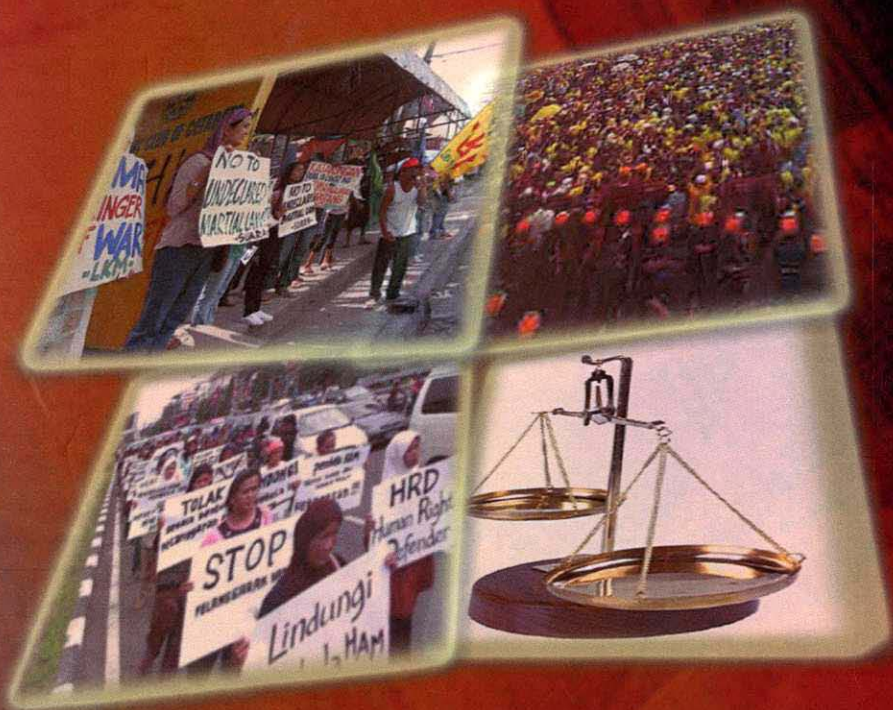


# CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA

Selected Issues



KHAIRIL AZMIN MOKHTAR

IUM PRESS  
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# **CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA SELECTED ISSUES**

**EDITOR  
KHAIRILAZMIN MOKHTAR**

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**HUM Press**

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## CHAPTER 8

### The Election Commission: History and Functions

*Tunku Mohar Mokhtar*

The Election Commission (EC) was established in 1957 through provisions laid down in the Merdeka Constitution. EC is not only entrusted with the responsibility of organising elections, but also tasked with managing election related matters, such as maintaining the electoral rolls and delimitation of electoral constituencies. It is generally respected as a body with authority in elections, even though it suffered some crises of confidence when critics blame it for being bias toward the government. Despite mounting critics, especially from the opposition, elections are held at regular intervals and the competing parties normally accept the electoral outcomes.

This chapter describes the historical background of Malaysia's electoral system with special reference to EC. It also explains the functions of EC, which are the maintenance of electoral rolls, the management of elections proper and delimitation exercise. This chapter also analyses Malaysia's electoral system by focusing on the evolution of EC and its administrative functions.

#### **Historical Background**

Elections in Malaya were first introduced by the British colonial administration.<sup>1</sup> The question of elections was one of several important matters discussed by the colonial administration and the Malayan leaders in their independence negotiation since the *establishment of* the Federation of Malaya in 1948.<sup>2</sup> Although the colonial administration and the Malayan leaders had different ideas on the mechanics of elections in a pre-independence Malaya, they all agreed