

## The Vote18 Polemic and Challenges of its Implementation in Malaysia

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### Abstract

Vote18 in Malaysia aims to extend voting rights to individuals aged 18 and older from the former voting age threshold of 21 years and older. This article discusses the challenges associated with implementing Vote18 in Malaysia, aiming to fill the gaps in the scholarly debates on Vote18 and the obstacles to implementing it in Malaysia. Even though the federal constitutional amendment to implement Vote18 was ratified in 2019, its implementation was delayed by two years, raising the essential question: What is the rationale for its delay? The primary data were collected from interviews with four respondents, comprising current and past ministers who had a pivotal role in revising the federal constitution and implementing Vote18, whereas secondary data were gathered from books, journals, and online newspapers. The findings revealed four obstacles to implementing Vote18 in Malaysia. First, the state constitution or state body laws, including the Election Offences Act 1954, the Elections (Conduct of Elections) Regulations 1981, and the Registration of Electors Regulations 2002, must be amended before allowing people aged 18 and over to vote or run for office. Second, merging data and information stored by numerous government departments and agencies, such as the National Registration Department (NRD), is labour-intensive and time-consuming. Third, the development of a new voting system and the necessary infrastructure are still ongoing. Finally, the most critical hindrance is the government's lack of political will to ensure the initiative's success. Therefore, it can be concluded that lowering the age restriction is among the key components in reforming the Malaysian electoral system.

### Keywords:

democratisation; election commission; electoral system; Malaysia; Vote18

### Introduction

Since the 1960s, the minimum voting age in most countries worldwide has been 18 years old. This is consistent with Article 1 of the United Nations (UN) Convention on the Rights of the Child, which defines "children" as people under the age of 18 (UNICEF, 2007). Thus, according to this definition, anyone over 18 is considered an adult. In Malaysia, according to the Age of Majority Act of 1971, adulthood is also when one turns 18 (Malaysia, 2006).

Malaysia's electoral system has set the voting age at 21 years old and above since the country's independence. While other ASEAN nations have lowered the voting age, Malaysia and Singapore have not changed the current age requirement, i.e., 21 years

and above (Nazaruddin & Yusoff, 2023a). This minimum voting age is consistent across nations that are in the process of establishing their democracies, such as Kuwait, Tonga, Oman, Samoa, Cameroon, Lebanon, and Samoa (Dundas, 2014). In almost all Asian countries, including Thailand, Vietnam, and South Korea, the minimum voting age has been reduced to 18 years old. Similarly, in numerous European countries such as Germany and Austria, the voting age has been reduced from 18 to 16 and above (Maheó & Bélanger, 2020).

The agenda to lower the minimum voting age to 18 years in Malaysia is not recent. Since the 10<sup>th</sup> General Election in 1999, the opposition party has consistently advocated for the government to lower the voting age to

18. At that time, the Malaysian Islamic Party (PAS), the National Justice Party (KEADILAN), the Democratic Action Party (DAP) and the Malaysian People's Party (PRM) formed a coalition known as Barisan Alternatif (BA) to issue a joint manifesto called "Towards a Just Malaysia." There were six main points demanded in this manifesto, one of which was to lower the voting age limit to 18 years and implement automatic registration (Barisan Alternatif, 1999).

However, after the BA coalition split, the opposition parties no longer pushed the agenda to reduce the voting age to 18 and institute automatic registration in the country's electoral system. Moreover, the joint manifesto of PAS and the People's Justice Party (PKR) for GE-11, titled "New Malaysia: Well-Being for All," no longer mentioned lowering the voter age limit to 18 years and automatic registration. The election manifesto focused on limiting the prime minister's terms to two, abolishing highway tolls, reducing vehicle prices by 10%, reducing electricity tariffs and water fees, and providing free primary and secondary education to all Malaysians (Moten & Mokhtar, 2006). The opposition parties did not issue a joint manifesto but instead issued manifestos for their respective parties, which did not offer to lower the voter age limit to 18 years or automatic registration.

During the 13<sup>th</sup> General Election, the opposition parties of PAS, PKR and DAP formed a new coalition called Pakatan Rakyat (PR). In response to the GE, they issued a joint policy called the Orange Book in 2010 (Ufen, 2008). PR outlined four policies in the book: (i) transparent and genuine democracy, (ii) driving a high-performance, sustainable and equitable economy, (iii) social justice and human development, and (iv) federal relations - state and foreign policy. PR promised to lower the voting age to 18 and implement automatic registration as part of its transparent and pure democracy policy (Pakatan Rakyat, 2010).

However, the pledge to lower the voting age to 18 was not mentioned in the PR manifesto leading up to GE-13. It only mentioned implementing automatic voter registration when reaching the voting age since PR focused more on automatic voter registration rather than Vote18 at the time (Pakatan Rakyat, 2013).

Following the dissolution of PR due to the conflict between PAS and DAP, the opposition parties formed a new political coalition called PH, which then launched a joint manifesto called the *Buku Harapan* in this GE-14, with the theme "Rebuilding Our Nation Fulfilling Our Hopes." It outlined five main pledges: (i) easing people's burdens, (ii) reforming political institutions and administration, (iii) promoting fair and equitable economic growth, (iv) restoring Sabah and Sarawak's status based on the 1963 Malaysia Agreement and (v) constructing an inclusive, moderate and glorious Malaysia on the global stage (Pakatan Harapan, 2018). There were 60 pledges made to voters from those five core pledges. Under Promise 17, PH proposed to lower the minimum voting age to 18 and implement automatic registration if elected to the federal government.

This proposition eventually won over voters. For the first time in Malaysian electoral history, an opposition alliance has ousted the BN monopoly. PH and Sabah-based party, Warisan Party (WARISAN), won 121 seats in GE-14, while BN secured only 79. Other parties, such as the Islamic party, Pan-Malaysian Islamic Party (PAS), obtained 18 seats, while another Sabah-based party, the Homeland Solidarity Party (STAR) party, secured only one, and independent candidates won the remaining three (Moniruzzaman & Farzana, 2018). As a result, Vote18 became one of the most significant electoral reforms adopted by the PH government after winning GE-14 and assuming the role of the federal government.

In addition, the prime minister at the time, Dr Mahathir, expressed his commitment to implement Vote18 for the first time in an

interview with the Malay Mail newspaper on June 21, 2018 (Lee & AR, 2018). In the interview, he stated that the government was willing to lower the voting age limit to 18 due to the rising political awareness of Malaysian youth, which resulted in the BN's defeat in GE-14. As a result, on September 19, 2018, this proposal was presented to the cabinet and passed. Besides implementing automatic registration, the Federal Constitution was amended to lower the voting age from 21 to 18, (Salleh, 2018). The Minister of Youth and Sports, Syed Saddiq Syed Abdul Rahman, introduced the first reading of the federal constitutional amendment on July 11, 2019, while the second and third readings were held on July 16, 2019 (Mat Ali & Yusoff, 2022). The motion was later approved by a two-thirds majority of the 211 parliamentarians in attendance that day.

However, the PH government's efforts were thwarted when the Sheraton Move overthrew the government in February 2020 (Ismail & Yusoff, 2022). The Perikatan Nasional (PN) government, which took over the PH government on March 7 2020, initially committed to implementing Vote18 and automatic registration by July 2021 but later stated that Vote18 could not be implemented due to the implementation of the Movement Control Order (MCO) to minimise the COVID-19 transmission. The action has resulted in five young Sarawakians filing a judicial review at the Kuching High Court, urging the federal government to immediately implement Vote18 under Section 3 of the Constitution (Amendment) Act 2019 (Rashid, 2021). They believe that postponing the implementation of Vote18 is seen as an infringement of voting rights to more than 125,000 young individuals in Sarawak for state elections. The Kuching High Court approved the application on September 3, 2021, thereby instructing the federal government to enforce Vote18 by December 31, 2021 (Berita Harian Online, 2021).

After the decision was made, the government directed the EC to implement Vote 18 by December 31, 2021, in accordance with the Kuching High Court verdict. However, the implementation of Vote18 began earlier, on December 15, 2021, after the Attorney General's Department issued the federal government gazette on December 1, 2021 (Ali, 2021). Nevertheless, the question remains regarding the factors that contributed to the delayed implementation of Vote18. This article addresses the question by examining the challenges of implementing Vote18 in Malaysia's electoral system.

### **The Politics of Voting Age**

Many studies have been conducted on the minimum voting age of 18 years, as well as the lowering of the minimum voting age to 16 years. Wagner et al. (2012) discussed the lowering of the minimum voting age in Austria from 18 to 16 years in their article *Voting at 16: Turnout and the quality of vote choice*. Beginning in 2007, Austria was the first country in Europe to lower the minimum voting age to 16 and over. This came after the Social Democratic Party (SPÖ) coalition won the election in 2006, announcing that voters aged 16 and above would be allowed to vote at all levels throughout the country. Austria had previously lowered the minimum voting age to 18 years old in 1992. The further lowering of the minimum voting age to 16 raised concerns about the quality of voting, as voters were considered too young. However, the investigation found no evidence that young people were uninterested in voting and actively involved in politics. It was also discovered that decreasing the voting age did not negatively impact the quality of voting results in Austria, as demonstrated in a study conducted during the European Parliament Elections in 2009. The informants aged 16 to 17 in Austria had nearly the same level of interest and participation as other voters aged 26 to 30. This finding means

that the choices made by adult voters are not different from those made by adolescent voters, refuting the claim that lower voting ages result in poor voting decisions.

Briggs (2017) examined the minimum voting age in the United Kingdom, being reduced from 21 to 18 years old in 1970 following the enactment of the Representation of the People Act 1969. Interestingly, 33 years after the United Kingdom implemented Vote18, a proposal to lower the voting age to 16 was made after Lord Lucas, a Member of Parliament, introduced a private bill proposing to lower the voting age to 16. The bill was dismissed by a majority of MPs. Those in favour argued that lowering the minimum voting age would increase political participation. The opponents argued that 16 was too young to vote. However, in 2001, 31.6% of the voters who voted (out of the 59.38% of the total turnouts) were between 18 and 24, demonstrating that young voters constituted the majority of voters in the United Kingdom.

In developing countries, Power (2019) studied the implementation of a minimum voting age of 18 in Brazil in 1988 through a constitutional amendment following the fall of the country's military government. This constitutional amendment was enacted as part of the democratisation process in 1985 under Jose Sarney's administration. The country also required every citizen aged 18 and over to vote, while citizens aged 16 and 17 years old, as well as those aged 70 and over, can choose to vote or not. Vote18 was implemented in the country during the 1989 presidential election, which saw Fernando Collor elected president. The turnouts in that election increased to 88%.

In another study, Tiwari (2019) examined the Indian electoral system in his book *Political parties, party manifestos and elections in India, 1909-2014*. According to him, the pivotal moment in Indian electoral reform occurred in 1988, during the Ramaswamy

Venkataraman administration. The proposal to lower the minimum voting age was made to increase voter participation in the country and follow the lead of other democracies that had previously lowered the minimum voting age to 18 years. His arguments were accepted by parliamentarians, and the amendment to the law lowering the voting age from 21 to 18 years was passed by the Lok Sabha and Rajya Sabha houses, with a two-thirds majority of members voting in favour. Lowering the minimum voting age increased the number of voters in elections. For instance, the turnout increased to 66% in the 2014 election, up from 56% in 1991.

Moten (2011), Saravanamuttu (2016), Mohd Hed (2017), and Waikar (2020) conducted studies in Malaysia on young voters aged 21 and above and their participation in Malaysian politics. There was never a proposal to implement Vote18 during the BN administration, as the government did not believe there was a need to do so. However, the discussion and debate surrounding Vote18 began in 2019 when the PH government amended the constitution to lower the minimum voting age to 18 years. Due to the fairly recent development, studies on implementing Vote18 in Malaysia have not been conducted extensively.

The highlights above demonstrate that most developed and developing countries have long implemented Vote18 in their electoral systems, with some countries like Austria lowering the minimum voting age to 16 years old. However, in Malaysia, the voting age was reduced to 18 years old late in 2019, in contrast to developed countries such as the United Kingdom, Austria and the United States, as well as other developing countries including India and Brazil, which did so earlier. The primary argument made in this article is that the delay in implementing Vote18 in Malaysia was caused by three successions of governments from 2019 to 2021. As a result, the implementation of Vote18 was deferred for two years.

## Methods

This study uses qualitative research design as it is the most common method of analysis in social science and is useful in examining the phenomenon of Vote18 in greater depth and detail. This article makes use of primary and secondary data. The primary data were collected through interviews with key informants, including Wan Junaidi Tuanku Jaafar, Minister in the Prime Minister's Department (Parliament and Law), Opposition Leader Anwar Ibrahim, DAP Secretary-General Anthony Loke Siew Fook, and the President of the Malaysian Democratic Alliance Party (MUDA) Syed Saddiq Syed Abdul Rahman. All of these informants were chosen as they were either cabinet members or members of parliamentary committees during the process of amending the federal constitution and implementing Vote18. The secondary data were collected from books, journals, theses, official government documents, and media portals. The concept of the electoral system was used as a tool of analysis in this study, while the challenge of implementing Vote18 was employed as the unit of analysis.

## Results

### The Vote18 Polemic in Malaysia

Malaysia has employed the First Past the Post (FPTP) electoral system at the state and parliamentary levels since its independence in 1957. Each candidate competes under this system based on the state legislative assembly or parliamentary constituency determined by the Electoral Commission. As of today, the total number of state legislative assembly seats in the country is 505, with 222 parliamentary seats (Nazaruddin & Yusoff, 2023b). The candidate who receives the most votes will be elected to each state's state assembly, while those who win a parliamentary seat will be elected to the Dewan Rakyat. The Dewan Rakyat is the lower chamber that plays a role in passing and debating bills, as well as discussing federal government policies and people's issues.

Currently, there are three main coalition parties in Malaysia; Barisan Nasional (BN), Pakatan Harapan (PH), and Perikatan Nasional (PN). BN is a political entity that is centred on race and involves the participation of three main parties: the United Malays National Organisation (UMNO), representing the Malays; the Malaysian Chinese Association (MCA), representing the Chinese; and the Malaysian Indian Congress (MIC), representing the Indians. PH is a multi-racial alliance consisting of PKR, DAP, the National Trust Party (AMANAH), and the United Progressive Kinabalu Organisation (UPKO). PN, also known as the Perikatan Nasional, is a coalition in Malaysia that comprises three official political parties: PAS, BERSATU, and GERAKAN (Tajudin & Yusoff, 2020). BN is a political coalition that held power in Malaysia for the longest duration since independence until 2018, whereas PH governed from 2018 to 2020 and PN from 2020 to 2021.

Prior to 2019, Malaysia was one of the countries that enforced a voting age restriction, allowing only persons aged 21 years or above to vote. As per Article 119 of the Federal Constitution:

“Every citizen who—

- (a) has attained the age of twenty-one years on the qualifying date;
- (b) is resident in a constituency on such qualifying date or, if not so resident, is an absent voter; and
- (c) is, under the provisions of any law relating to elections, registered in the electoral roll as an elector in the constituency in which he resides on the qualifying date,

is entitled to vote in that constituency in any election to the House of Representatives or the Legislative Assembly unless he is disqualified under Clause (3) or under any law relating to offences committed in connection with elections; but no person shall in the same election vote in more than one constituency.

On July 16, 2019, an amendment was made to the Federal Constitution, granting the right to vote to individuals aged 18. However, the administration faced criticism for the delay in the implementation of Vote 18. This is because Vote18 transpired after the approval of the federal constitution amendment.

The primary reason for the delay in implementing Vote18 in Malaysia was the changes in the ruling government. Following the amendment of the federal constitution to allow Vote18 implementation in 2019, the country saw three government successions in less than three years, namely PH, PN and BN. Hence, Vote18 implementation in Malaysia was delayed as each ruling government had a different political will to implement it. The PH government proposed the Vote18 reform agenda, and the next ruling coalition, namely the PN and BN, was seen as lacking the political will to expedite its implementation. As a result, Vote18 was implemented too late, which added to the challenges that must be overcome.

## **Discussion**

### **The Challenges of Implementation of Vote18 in Malaysia**

#### **Legislative Amendment**

Implementing Vote18 in the country's electoral system cannot be done without the amendment of other electoral laws, particularly those involving electoral acts and regulations, to ensure that the upcoming implementation of Vote18 is consistent with and does not contradict other election laws and regulations. Amendments to acts, regulations and state constitutions are required to ensure that Vote18 can be implemented. Amendments to these acts and regulations require parliamentary approval, whereas amendments to the state constitution require state legislative assembly approval. However, the effort to amend this law was tough due to the changes in the federal government and several state governments in March 2020.

As a result, the implementation of Vote18 in the country's electoral system was hampered. The Election Offences Act 1954 (Act 5) was the first law that needed to be amended. This Act defines all types of election offences that candidates, agents, and officials must follow. The amendment that needs to be made in this act is Section 13 (1)(b) on the eligibility for appointment as an election agent. Previously, only citizens aged 21 and above were eligible to become election, polling or counting agents. To implement Vote18, this section must first be amended to allow citizens aged 18 and above to become election, polling station and counting agents.

In addition to amending the Election Offences Act 1954, the implementation of Vote18 necessitates an amendment to the Elections (Conduct of Elections) Regulations 1981. This law governs the conduct of general, state, and by-elections. These rules cover 32 sections, including candidate nomination, uncontested elections, contested elections, early voting and general matters. In addition, amendments to Rule 19 (10) are required to implement Vote18. This rule states that voters who cannot vote may appoint a citizen aged 21 and above to be a representative to mark the ballot paper and place it in the ballot box. Therefore, amendments must be made to allow citizens aged 18 and above to serve as representatives to mark ballot papers for voters unable to cast the votes themselves.

The Registration of Electors Regulations 2002 are the third law that needs to be amended. These regulations cover 31 sections, including the form or type of voter registration, main voter registration and supplementary voter registration, among others. When Vote18 is implemented, the amendments to this rule, which deals with the interpretation of absentee voters, must be made. Previously, the interpretation of absentee voters was that the voter had to be 21 years old or older and absent due to a variety of constraints,

such as (a) on-duty military personnel, (b) spouses of such military personnel, (c) civil servants who are currently serving outside of Peninsular Malaysia, Sabah, and Sarawak, (d) spouses of such civil servants, full-time students at overseas educational institutions and (e) spouses of such students. To implement Vote18, amendments must be made to lower the minimum age from 21 to 18.

Hence, Parliament must amend all of the aforementioned acts and regulations. According to Syed Saddiq Syed Abdul Rahman (2021), the president of MUDA, the government failed to amend these acts and regulations because the law minister and parliament did not commit to implementing the amendments to these acts and regulations as soon as possible. He stated:

“I am confident that this can be implemented if the government is strongly committed. All relevant acts and regulations can be amended if the government directs the attorney general and the EC to put the matter into effect immediately before it is brought to the parliamentary level. However, progress is still slow due to the government's lack of political will.”

At the state level, the state body law must also be amended so that the age of eligibility to run for the state legislative assembly is 18 years and above. Sabah was the first state to change its constitution in 2019, followed by Sarawak, Terengganu, Perlis and Perak in 2020. Melaka and Johor amended their state constitutions in 2022, while Kelantan, Pulau Pinang, Kedah, Selangor, Negeri Sembilan and Pahang amended theirs in 2021 (Berita Harian Online, 2022; Malaysiakini, 2021c). According to DAP Secretary-General Anthony Loke Siew Fook (2022), the delay of some states like Kelantan, Pulau Pinang, Kedah, Selangor, Negeri Sembilan and Pahang in amending their state constitutions was due to

the federal government's lack of coordination and guidance to the state government in the implementation of Vote18. He mentioned:

After the federal constitution is amended, the federal and state governments should hold a comprehensive discussion on this issue. However, when the PH government collapsed, the PN government did not provide guidelines and perspectives to the states on the implementation of Vote18. As a result, the federal and state governments act in silos. Although the federal and state governments are led by opposing political parties, both levels of government must collaborate to ensure that Vote18 is fully implemented.

### **The Integration of Government Data and Information**

The second obstacle to the delay of Vote18 implementation is the delay in integrating data and information from other government agencies. The implementation of Vote18 in Malaysia's electoral system entails not only lowering the voting eligibility age to 18 but also implementing automatic voter registration. The country's electoral system could not implement automatic registration before the amendment's implementation as it was bound by Article 119 Clause (1) Paragraph (b) of the Federal Constitution, stating that "*Every citizen who — is resident in a constituency on such qualifying date or, if not so resident, is an absent voter.*" This article is followed by Article 119 Clause (4) Paragraph (b), which states, "*In this Article — "qualifying date" means the date on which a person applies for registration as an elector in a constituency or the date on which he applies for the change of his registration as an elector in a different constituency in accordance with the provisions of any law relating to elections,*" meaning that anyone wishing to vote must first apply to the EC to be eligible.

The EC can carry out automatic voter registration following the passing of the amendment of Article 119 in July 2019. However, the EC must collaborate with other

government agencies to carry out automatic voter registration, such as the National Registration Department (NRD), since it has data on every Malaysian citizen. The challenge that the EC must overcome when working with the NRD is to implement data and information integration before Vote18 can be implemented. Wan Junaidi Tuanku Jaafar (2022), Minister in the Prime Minister's Department (Law and Parliament), stated:

“The problem with automatic registration is that the EC and NRD are under different ministries and take a long process to accomplish. This is because NRD is an agency under the Ministry of Home Affairs, whereas the EC is under PMD. It would be easier if the data and information integration did not involve different agencies since the process would be more straightforward. Since we collaborate with NRD, whether or not this information is integrated depends on NRD.”

Previously, the EC did not have to implement data and information integration as the electoral system requires voter registration to be done directly with the EC via Form A—a voter registration form that must be filled out to register as a voter. The EC then prepares the supplementary electoral rolls, which are displayed publicly for review and objection. Following the completion of the review and objection, the registrar in each state submits the supplementary electoral rolls certification to the Chief Registrar at the EC Headquarters, who then submits it to the EC for verification and gazettation (Pauzan et al., 2021).

As a result, when Vote18 with automatic registration is implemented in the national electoral system, the NRD must provide data and information for every citizen aged 18 and over to be registered. However, although the data and information integration committee was established in 2019, there has been no significant progress in the implementation of

Vote18. Takiyuddin Hassan, Minister in the Prime Minister's Department (Parliament and Law), responded to a question raised by Lim Lip Eng, Member of Parliament for Kepong, in the Dewan Rakyat on November 2, 2020, regarding the development of Vote18. He mentioned:

“The EC is also working with the NRD on automatic voter registration and other related issues through the EC and NRD task force committees. The EC anticipates that all preparations will be completed within 18 to 24 months of the National Assembly's approval of the amendment on July 25, 2019. As a result, the anticipated implementation date is July 2021 at the latest (Bernama, 2020a).”

The statement indicates a problem with data integration between EC and NRD. Even if the government intends to implement Vote18 in July 2021, as stated in the response, it will fall short of its goal since the necessary integration of information and data has not been in place.

### **System and Infrastructure Development**

Other challenges to Vote18's implementation include the development of the voter system and infrastructure. The increase in the number of voters following the implementation of Vote18 and automatic registration is the main challenge for the EC; thus, the electoral system and infrastructure must also be ready to implement Vote18. There will be 5.6 million citizens aged 18 and above as of March 2021, with 1.2 million between 18 and 20. Moreover, there are individuals aged 21 and above who are eligible to vote but have not yet registered as voters, accounting for 4.4 million (Malaysiakini, 2021a).

The implementation of Vote18 in the country's electoral system necessitates a high-capability technology and information infrastructure (ICT). The EC has an ICT system divided into three main functions: (i)



demarcation, (ii) voter registration and (iii) election administration (Suruhanjaya Pilihan Raya Malaysia, 2019). Out of the three main functions, EC has 25 core applications, four support applications and one big data initiative. The Voter Channel Determination System, the Voter Register Review System, the Year-round Voter Registration System and the Voter Information Update System deal with voter registration. Therefore, to ensure the seamless operation of Vote18 and automatic voter registration, the system involving voter registration must be updated and developed.

According to Wan Junaidi Tuanku Jaafar (2022), Minister in the Prime Minister's Department (Parliament and Law), the EC does not have the necessary expertise in ICT, and the government's information and communications technology system was developed with the assistance of another agency, the Malaysian Administrative Modernisation and Management Planning Unit (MAMPU). This organisation is a consulting expert in organisational management and public service ICT, including the EC. As a result, cooperation with MAMPU is required to develop a complete and secure ICT infrastructure to ensure that the EC's ICT infrastructure does not face problems following the implementation of Vote18.

Jaafar (2022) also added that developing an ICT system takes a long time as the ICT system is complex and requires careful planning. Furthermore, the ICT system must be developed in collaboration with other agencies in addition to MAMPU. Takiyuddin Hassan, the previous minister of the Prime Minister's Department (Parliament and Law), acknowledged this matter in his answer to the Dewan Rakyat in 2020, explaining that the agencies involved in ICT development include MAMPU, the Prime Minister's Department, the Ministry of Home Affairs, the Department The National Registry (NRD), the Malaysian Prison Department, the Office of the Chief Court

Registrar, the Malaysian Ministry of Health, Malaysian Armed Forces and Royal Malaysia Police (Karim, 2020).

In other countries like the United States of America, the automatic registration system was implemented in less than a year. In January 2016, the state of Oregon became the first to implement an automatic voter registration system through the Automatic Voter Registration (AVR) system (McElwee et al., 2017). The system was created just ten months after Oregon Governor Kate Brown announced the implementation of an automatic voter registration system in March 2015. This system was created by combining data and information obtained from the Department of Motor Vehicles (DMV) with existing voter registration. As of 2017, 35 states in the United States were using this system for automatic registration (Schneider, 2020).

However, in Malaysia, cooperation with numerous agencies and the lengthy processes in each agency has resulted in the delay of Vote18 implementation. Consistent with the statement made by the Minister of Law on April 29, 2021, the system and infrastructure development for the implementation of Vote18 have yet to be completed (Azaman, 2021). The government reasoned that ICT infrastructure involves technical issues, such as updating a software system that is still in development.

### **Absence of Political Will on the Part of the Government**

The greatest challenge in ensuring the successful implementation of Vote18 is the government's political will. During the PH administration, the goal was to have Vote18 implemented by July 2021 based on the response of Liew Vui Keong, former Minister in the Prime Minister's Department (Parliament and Law), on October 10, 2019, who stated that the implementation of the 18-year-old voting eligibility age and automatic voter registration was expected no later than July 2021, after the



completion of several acts, regulations and SOPs (Dewan Rakyat Malaysia, 2019).

Following the overthrow of the PH government in February 2020 via the Sheraton Move, which resulted in the establishment of the PN government, Takiyuddin Hassan, Minister in the Prime Minister's Department (Parliament and Law), insisted on the continuation of the plan on November 3, 2020. He stated that the implementation of Vote18 was scheduled for July 2021 at the latest. This target was based on the expectation that it could be implemented within 18 to 24 months, owing to the cooperation of the EC and NRD committees. It was indicated that the government would commit to implementing the matter in July 2021, even if the government changes (Bernama, 2020b).

However, five months later, on March 25, 2021, EC Chairman Abdul Ghani Salleh revealed that automatic voter registration and Vote18 could only be implemented after September 1, 2022, which contradicts the government's previous commitment to implement Vote18 by July 2021, as stated by the Minister in the Prime Minister's Department (Parliament and Law) (Rahim, 2021). The main reason for the EC to postpone Vote18 implementation was the implementation of the Movement Control Order (MCO), which had hampered the EC's planning and preparation. However, the EC assured that the preparations for the implementation of Vote18 continue along with the development of the systems, review and coordination of data, as well as programmes involving follow-up with government agencies, political parties and non-governmental organisations (NGOs) (Karim, 2021).

Politicians and civil society have objected to the statement, claiming that the EC and the government purposefully delayed the implementation of Vote18. The opposition parties condemned the delay and rejected the EC's explanations. The protest came not only from opposition party leaders but also

from ruling party leaders, such as Khairy Jamaluddin, who felt that using the MCO lockdown as justification was unreasonable given that the MCO had already been in place for over a year (Malaysiakini, 2021b). However, in his statement on April 29, the Minister in the Prime Minister's Department (Parliament and Law) insisted that the implementation of Vote18 would be prioritised so it could be implemented in the GE-15 (Mutalib, 2021).

The Minister in the Prime Minister's Department (Parliament and Law) statement did not preclude civil society from taking legal action against the government. A total of 18 individuals have filed a judicial review to challenge the government's decision to postpone the implementation of Vote18 until April 2, 2021 (Abas, 2021). The Attorney General's Office opposed the judicial review on the grounds that the application was premature and frivolous. However, on June 17, 2021, the Kuala Lumpur High Court granted the application to proceed with a judicial review against the government regarding the postponement of Vote18 implementation since the application was not frivolous (Patah, 2021). The judge even stated that changes to related election laws and by-laws should not prevent the implementation of Vote18.

According to Syed Saddiq Syed Abdul Rahman (2021), the PN government lacks political will since Vote18 is part of the PH manifesto. He depicted:

“When the PN government took over the country's government, they did not make Vote18 a priority to implement as it was not part of their pledges. They are also not required to follow the PH manifesto. However, because the constitutional amendment was made previously, they were required to be in charge of implementing this matter. In this case, we can see that the government does not have a strong will to implement this matter.”

Other developed countries, such as Germany, are markedly different. The electoral system in Germany was reformed in 1972 when the voting age was reduced from 21 to 18 due to the strong political will of Chancellor Willy Brandt (Wagner et al., 2012). With his slogan "Dare more democracy," Brandt, an individual with a strong political desire for democratisation, brought the proposal to the Bundestag for approval to lower the minimum voting age to 18. Helmut Schmidt, the next chancellor, continued to reform the country's electoral system in 1976, when the adult voting age was reduced to 18, allowing them to run for office (Leininger & Faas, 2020).

The discussion demonstrates that the government's lack of political will has stalled the implementation of Vote18. Although the government has repeatedly stated that they would implement Vote18 as soon as possible, the process is extremely slow. As a result, various parties have criticised the situation, urging the government to expedite the implementation of Vote18 in Malaysia's electoral system.

## Conclusion

The adoption of Vote18 in Malaysia broadened the debate on various aspects of the country's electoral system reform because the electoral system reform includes not only structural changes but also the minimum voting age. Regarding Vote18 implementation, the reform was arduous and fraught with difficulties, causing the implementation to be delayed. The main reason for the delay in putting Vote18 into effect was a change in the ruling government. From 2019 to 2021, the country saw three government successions, delaying the implementation of Vote18. There are four main challenges to putting Vote18 into action: legislative changes, data and information integration, infrastructure and system development, and the government's lack of political will to implement Vote18. The

first three challenges involve difficulties at the structural level, but the major point is the government's political will to implement the matter at hand, as can be seen from the slow amendments of some acts and regulations for developing the Vote18 system. Due to the lack of political will, the implementation of Vote18 was delayed until the end of 2021. As a result, the government and the EC were protested for being slow to implement Vote18 despite the federal constitution being amended in 2019. The adjournment to implement Vote18 has caused the country's democratisation process to stall.

In order to overcome this challenge in the future, the government can consider two proposals. First, after a constitutional amendment is enacted, the federal constitution must specify a time frame for implementing the system, as currently, there is no implementation period required following the adoption of a constitutional amendment. Second, all public-sector systems and infrastructure must be fully integrated to avoid future problems with information and data coordination to ensure that the government's system and infrastructure are ready to implement the change as soon as possible should the minimum voting age change.

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