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### Make the implicit explicit: Affirming right to vote in the Constitution would pre-empt the possibility of abuse by future govts

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VOTING: RIGHT OR PRIVILEGE?

# Make the implicit explicit

Affirming right to vote in the Constitution would pre-empt the possibility of abuse by future govts

Letter from Jack Tsen-Ta Lee  
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I WAS heartened to hear the Minister for Law K Shanmugam's statement in Parliament ("Voting in Singapore: A right or a privilege?", Feb 14-15) that the right of citizens to vote is implied in the Singapore Constitution, as this is a reaffirmation that the Government regards the concept of representative democracy as vital.

However, I agree with NMP Dr Thio Li-ann that there are sound reasons to state explicitly in Part IV of the Constitution, which sets out guarantees of fundamental liberties, that all citizens should have the right to "be governed by a government of their own choice, expressed in periodic and general elections by universal and equal suffrage and held by secret vote", as the Constitutional

A future government might alter the manner in which the vote is exercised to an unrecognisable extent, rendering it inequitable or lacking in secrecy.

Commission of 1966 put it.

I appreciate Mr Shanmugam's point that Singaporeans today cherish the right to vote as an inalienable right. Nonetheless, if there is no unambiguous statement in the Constitution of the nature of the right to vote, a future government might well alter the manner in which the vote is exercised to an unrecognisable extent. Singaporeans' "right to vote" as such might not be taken away, but the vote might be inequitable or lacking in secrecy.

I would go further and suggest that it is also desirable for key elements of the way in which elections are held to be entrenched in the Constitution.

The Law Minister noted that Articles 65 and 66 are given heightened protection by Article 5(2A) of the Constitution. When the latter provision eventually comes into force, any proposed changes to those articles must be put before the electorate in a national referendum unless the President, acting in his personal discretion, states that this is unnecessary.

Article 65 sets out the situations in which the President may prorogue or dissolve

Parliament, and contains the important provision that no Parliament may remain in power for more than five years from the date of its first sitting. Article 66 requires a general election to be held within three months of the dissolution of Parliament.

However, the term general election is not defined. Again, there does not appear to be anything in the Constitution to prevent a future government from, say, requiring all candidates to have their "suitability" for political office determined by a government-appointed committee meeting in private, the decision of which would be final. There could still be a "general election" of sorts, but clearly a greatly-impoverished version.

In expressing the Government's view that it is unnecessary to expressly set out the right to vote in the Constitution, Mr Shanmugam said that what is fundamental is "a government committed to the Rule of Law, an educated population aware of its rights and responsibilities and stable institutions which provide for a democratic polity".

In other words, the Constitution is not worth the paper it is printed on if the government and people alike do not respect the rule of law. This is certainly true, but if the right to vote and important features of the conduct of elections in Singapore are written into the constitutional text today, any attempt by a future government to amend or ignore them would be all the more obvious.