

Reservations about the Value of Reserved Elections¹

I. Introduction

1. At a press conference on 9 August 1965, moments after Singapore gained independence, then Prime Minister Lee Kuan Yew proclaimed, “This is not a Malay nation; this is not a Chinese nation; this is not an Indian nation. Everybody will have his place.”² This statement set the stage for Singapore’s development as a multiracial country.
2. To achieve this, multiracialism was entrenched in Article 152 of the Constitution of the Republic of Singapore,³ which imposes on the Government a duty to protect the interests of racial minorities.⁴ Though this has been said to be a symbolic provision that lacks justiciability,⁵ there are other examples which illustrate the importance accorded to multiracialism, including the Group Representation Constituency – a scheme designed to ensure minority representation in the legislature.⁶
3. As the head of state, the office of the President of Singapore is also an important part of Singapore’s commitment to multiracialism. Besides his custodial role in protecting the past financial reserves and integrity of the public service of Singapore,⁷ the President also plays a symbolic role in promoting unity amongst the various communities in Singapore.⁸

¹ Dhiraj Chainani, 3rd-Year LL.B. Student, Singapore Management University's School of Law. Edited by David Lim, 4th-Year LL.B. Student.

² National Archives of Singapore, “Transcript of a press conference given by the Prime Minister of Singapore, Mr Lee Kuan Yew, at Broadcasting House, Singapore, at 1200 hours on Monday 9th August, 1965” (9 August 1965)

<<https://web.archive.org/web/20140809182331/http://www.nas.gov.sg/archivesonline/data/pdfdoc/lky19650809b.pdf>> (Accessed on 1 March 2017) at p 32.

³ Constitution of the Republic of Singapore (1985 Rev Ed, 1999 Rep) Art 152.

⁴ *Id.*, Art 152(1).

⁵ Kevin Y L Tan, “The Legal and Institutional Framework and Issues of Multiculturalism in Singapore” in *Beyond Rituals and Riots: Ethnic Pluralism and Social Cohesion in Singapore* (Institute of Policy Studies and Eastern Universities Press, 2004) at pp 102–104. See also Eugene K. B. Tan “Racial politics and imperatives and the constitutional special position of the indigenous Malays in a new society” in *Politics and Constitutions in Southeast Asia* (London and New York: Routledge, 2017) at p 230.

⁶ The Constitution, *supra* n 2, Art 39A.

⁷ Constitutional Amendments to Safeguard Financial Assets and the Integrity of the Public Services (Cmd 10 of 1988, 29 July 1988), at paras 23 and 24.

⁸ *Singapore Parliamentary Debates, Official Report* (27 January 2016) vol 94 (Lee Hsien Loong, Prime Minister).

4. With the introduction of the reserved election mechanism under Article 19B of the Constitution,⁹ the question that arises is whether this mechanism, a “hiatus-triggered model” that encourages diversity in the office of the President,¹⁰ truly furthers multiracialism in Singapore.
5. In this regard, one only has to look at the various issues that emerged in the first reserved elections in September 2017 to appreciate how the mechanism may, in fact, threaten multiracialism rather than further it. This paper seeks to argue that the inherent problems with this mechanism, the shaky basis for its introduction, and problems that arose during the 2017 election mean that steps must be taken to refine this mechanism if it is to remain a legitimate part of our system.
6. This paper begins by briefly explaining the technical aspects of the mechanism. Next, it will be argued that though the alteration of a system to create opportunities for minorities to occupy the highest seat in the land seems like a big step forward for multiracialism, such a mechanism may undermine the efforts of previous non-minority Presidents to promote multiracialism in Singapore. In fact, what the mechanism seems to suggest is that candidates from minority communities can better promote multiracialism than those from the majority community.¹¹
7. After looking at the conceptual issues with the reserved elections mechanism, the practical problems that might have arisen or did arise in the 2017 elections will be studied. Beyond the possible question being raised about the legitimacy of a president who wins in a reserved election, the fluidity of ethnicity today raises many questions about whether the fixed categories of communities in Article 19B, and the determination of a candidate’s ethnic community by a Community Committee, is realistic.

⁹ The Constitution, *supra* n 2, Art 19B, as amended by Constitution of the Republic of Singapore (Amendment) Act 2016 (Act 28 of 2016).

¹⁰ Prime Minister’s Office, *Review of Specific Aspects of the Elected Presidency* (White Paper, 15 September 2016) (“White Paper”), at para 71.

¹¹ As at end-June 2017, the majority of the residents in Singapore were Chinese (74.3%), followed by the Malays (13.4%), and the Indians (9.0%). See also Department of Statistics Singapore, “Population Trends 2017” (September 2017) <https://web.archive.org/web/20171120021620/https://www.singstat.gov.sg/docs/default-source/default-document-library/publications/publications_and_papers/population_and_population_structure/population2017.pdf> (accessed 25 November 2017) at p 5.

8. Once the conceptual and practical problems of the mechanism are addressed, this paper will attempt to question the basis of such a mechanism – the two surveys relied on to justify the need for reserved elections. In doing so, it will be argued that the problem of voting along ethnic lines may be more imagined than real.
9. Finally, given the practical reality that the next possible reserved elections under the current mechanism may only take place at least 24 years from now,¹² this paper suggests that more must be done in the interim to encourage minority communities to run for President, given that there has not been a contested election where candidates of minority communities have gone up against candidates from the majority community.

II. Technical aspects of the mechanism

10. Before considering the specific merits and problems of the reserved election mechanism, it is worth discussing how it works. Under Article 19B of the Constitution,¹³ a presidential election will be reserved for an ethnic community if no member of that community has held the office over the five most recent consecutive terms.¹⁴ To be considered a member of a particular community, the candidate must consider himself or herself to be a member, and must be accepted as such by that community.¹⁵

¹² The Constitution provides for a reserved election if no member of a particular ethnic community has held the office of President for the five most recent consecutive terms. For instance, given that former President S R Nathan's term ended in 2011, a presidential election may be reserved for the Indian community in 2041. This may be further extended if a member of the Indian community gains office through an open election before 2041.

¹³ The Constitution, *supra* n 2, Art 19B.

¹⁴ *Id.*, Art 19B(1).

¹⁵ *Id.*, Art 19B(6). See also Presidential Elections Act (Cap 240A, 2011 Rev Ed) s 8E, which provides for the establishment of a Community Committee to determine the ethnic community of candidates who wish to run for the post of President of Singapore.

11. Where there is no eligible candidate from the community or communities the election is reserved for, an open election will be held instead.¹⁶ The candidates from the minority communities must still satisfy the eligibility criteria set out in Article 19 of the Constitution.¹⁷

III. Conceptual issues with the reserved elections mechanism

A. *Opportunity for minorities to occupy the highest seat in the land*

12. On the surface, the reserved election mechanism illustrates the constitutional importance accorded to multiracialism by providing opportunities for minorities to “access the highest office in the land”.¹⁸ The mechanism, in effect, prioritises minority representation over voter choice – it limits the candidates that can run in an election, and subsequently be chosen by voters, to just the communities which have not had a member as President over five continuous terms.
13. The modification of the existing Elected Presidency (“EP”) system results in the President’s role as a symbol of unity taking centre stage; absolute voter choice is conversely relegated to the back seat.¹⁹ Former Prime Minister Lee Kuan Yew affirmed in 1999 that the EP system should not change the role of the President as a “symbolic expression of our national identity”.²⁰ In light of this, Parliament decided to introduce a model that would allow minorities access to this office, which free elections have failed to do thus far.

¹⁶ Presidential Elections Act (Cap 240A, 2011 Rev Ed) s 5B, allowed for by Constitution of the Republic of Singapore (1985 Rev Ed, 1999 Rep) Art 19B(4)(c).

¹⁷ The Constitution, *supra* n 2, Art 19B(2)(a). See also Article 19, which states the requirements that must be met before the Presidential Elections Committee determines if the candidate is eligible to run for the office of the President of Singapore; *Report of the Constitutional Commission* (17 August 2016) (Chairman: Sundaresh Menon) at paras 5.5 and 5.16.

¹⁸ White Paper, *supra* n 9, at para 71.

¹⁹ Mathew Mathews, “Why Reserved Elections for the EP Make Sense for Singapore”, *The Straits Times* (27 September 2016) <<https://web.archive.org/web/20160928155653/http://www.straitstimes.com/opinion/why-reserved-elections-for-the-ep-make-sense-for-spore>> (accessed 20 February 2017).

²⁰ Constitutional Commission Report, *supra* n 16, at para 5.5, citing Zuraidah Ibrahim and Irene Ng, “Good to rotate EP among races”, *The Straits Times* (12 August 1999) <<https://web.archive.org/web/20170516001509/http://www.singapore-window.org/sw99/90812lky.htm>> (accessed 28 February 2017).

14. At face value, to alter the system so that the office of President becomes more diverse surely illustrates the constitutional importance accorded to multiracialism. Yet, on a deeper analysis, if a key role of the President under the EP system is to promote unity anyway, the question that arises is whether altering the system in such a way may be perceived by the public as gesture politics.

B. Value of the reserved election mechanism in the EP system

(1) *The office of the President under the prior EP system already promoted multiracialism*

15. It is doubtful whether the present mechanism truly adds value to the EP system. Since independence, the President has already played a symbolic role in uniting a multiracial society.²¹ Further, prior to 1991, the President was elected by Parliament;²² Parliament therefore intentionally rotated the position amongst the various ethnic communities in Singapore.²³
16. In 1991, a number of new custodial functions was added to the office of the President, and the system was changed to the EP in order to clothe the President with the necessary popular mandate to exercise these custodial functions, and “hold the second key to the (financial) reserves”.²⁴ Though Koh and Tan are right in suggesting that the desire for a popular mandate has “trumped” the desire for ethnic representation since the introduction of the EP,²⁵ this does not detract from the symbolic function the President has fulfilled since independence.
17. In this light, the key change that the reserved election mechanism introduces is that this symbolic role will be fulfilled, occasionally, by members of minority communities, should the elections not already allow them to rise to the position of President.

²¹ *Report of the Federation of Malaya Constitutional Commission* (1957) (Chairman: Lord Reid) at para 58, reproduced in Appendix A, Kevin YL Tan and Thio Li-ann, *Constitutional Law in Malaysia and Singapore* (Asia: Butterworths, 1997). The functions of the Yang-di-Pertuan Besar was subsumed into the office of the President of Singapore upon the gaining of independence.

²² Thio Li-ann, *A Treatise on Singapore Constitutional Law* (Academy Publishing, 2012) at para 09.021.

²³ Gillian Koh and Tan-Min Wei, “A speed bump towards our multiracial ideals”, *Today* (9 June 2016) <<https://web.archive.org/web/20160815085333/http://www.todayonline.com:80/commentary/speed-bump-towards-our-multiracial-ideals>> (accessed 11 February 2017) (“Koh and Tan”) at para 1.

²⁴ See Kevin Y L Tan, “State and Institution-Building through the Singapore Constitution 1965-2005” in *Evolution of a Revolution: 40 Years of the Singapore Constitution* (Routledge-Cavendish, 2009) at pp 50-78.

²⁵ Koh and Tan, *supra* n 22, at para 3.

18. If promoting multiracialism is already a core role of the President, the question that arises is whether having a minority member in office makes a substantial difference. It is argued that while having a minority member in office can serve as a symbol of this multiracialism, creating a mechanism in order to ensure that this happens may have implications that undermine the efforts of previous Presidents.
- (2) *Can a President from the majority community be as effective in promoting multiracialism?*
19. The implication of the reserved election mechanism is that candidates from minority communities may be better able to promote multiracialism than candidates from the majority community. By building an artificial environment where eligible candidates from one community contest against each other for the seat of President of Singapore, there appears to be a suggestion that multiracialism can only be upheld when the various communities in Singapore have a chance to access the office of President.
20. This can be controversial, because the concept of multiracialism is meant to be one that members of any ethnic community can advocate; it also ought to be inclusive, rather than exclude members of the majority community. As was suggested in a written representation to the Constitutional Commission, the effect of such a mechanism is that it undermines the efforts of previous Chinese Presidents who have stood for multiracialism in the country.²⁶
21. Instead, the focus should be on candidates' continued promotion of multiracialism throughout their lives – this will define their ability to be President.²⁷ The reserved election mechanism, as it currently stands, does little in this regard to demonstrate multiracialism, as it simply assumes that candidates from the various communities will be good symbols of multiracialism just because of their ethnicity. This is at best hopeful.

²⁶ Eugene K B Tan, "Submission of Memorandum on Specific Aspects of the Elected Presidency to the Constitutional Commission" (21 March 2016) <<https://www.gov.sg/microsites/elected-presidency/constitutional-commission/submissions-received>> (Accessed 29 January 2017) ("Tan's submissions") at paras 32 and 33.

²⁷ Gillian Koh and Tan Min-Wei, "Submission to the Constitutional Commission for the Review of Specific Aspects of the System of the Elected Presidency (Revised)" (21 March 2016) <<https://www.gov.sg/microsites/elected-presidency/constitutional-commission/submissions-received>> (Accessed 29 January 2017) at p 8.

22. Next, it is important to consider the unintended consequences that the introduction of this mechanism may have, and the potential threats it could pose to multiracialism.

C. *Practical consequences of the reserved election mechanism*

(1) *Legitimacy of the winning candidate may be questioned*

23. One issue that may plague the presidency of the winning candidate of the reserved election may be his or her perceived lack of legitimacy. Since the reserved election limits the pool of candidates that can contest that election, the winning candidate may be viewed as someone who obtained his or her seat only because of ethnicity.²⁸ This can potentially threaten the very concept of multiracialism that the President is supposed to symbolise. Being viewed as a token President may mean that he or she cannot garner the support of the population, and his or her efforts to promote unity may be disregarded.
24. This clearly manifested in the 2017 presidential election, the first reserved election after the introduction of the mechanism. Academics have noted that the election of Mdm Halimah Yacob as President has been tainted by doubts over her legitimacy.²⁹ The restriction of the 2017 elections to Malay candidates was coupled with the fact that the two other potential candidates were deemed ineligible by the Presidential Elections Committee to contest the election because of their failure to meet the private sector service requirement in Art 19(4) of the Constitution.³⁰ This could inevitably mean that some will doubt Mdm Halimah's rise to the presidency, though they may be confident that her credentials make her fit for the role.

²⁸ Eugene K B Tan, "Submission of Memorandum on Specific Aspects of the Elected Presidency to the Constitutional Commission" (21 March 2016) <<https://www.gov.sg/microsites/elected-presidency/constitutional-commission/submissions-received>> (Accessed 29 January 2017) ("Tan's submissions") at para 29.

²⁹ Cherian George, "The Singapore presidential (s)election: A monumental miscalculation" (15 September 2017) < <https://web.archive.org/web/20170916054530/https://mothership.sg/2017/09/a-monumental-miscalculation>> (Accessed 22 September 2017). See also, Cherian George, "The power of symbols" in *Singapore, Incomplete: Reflections on a First World nation's arrested political development* (Woodsville News, 2017) at pp 15-21.

³⁰ The companies of both Mr Farid Khan and Mr Salleh Marican, two potential candidates, fell short of the \$500 million shareholder equity threshold spelt out in Article 19(4)(a)(ii) read with Article 19(7) the Constitution. See also Charissa Yong, "Observers happy for Halimah Yacob, but disappointed at no-contest for first reserved presidential election", *The Straits Times* (12 September 2017) <<https://web.archive.org/web/20171009040724/http://www.straitstimes.com/singapore/happy-for-halimah-but-disappointed-at-no-contest>> (accessed 22 September 2017).

25. What is noteworthy here is that the Constitutional Commission had accepted in principle this concern.³¹ However, it concluded that the President's legitimacy may be questioned even if the electoral system is structured in a different manner.³² The solution presented by the Commission was that the President must garner the respect of the population upon entering office.³³
26. With respect, such a response by the Commission bypasses the issue at hand. By generalising tokenism as a problem that may exist regardless of the mechanism, the issue of tokenism in relation to reserved elections is left unanswered. This is a serious problem – if the aim of the mechanism is to put a minority face to the office of the President of Singapore, what use is this if his or her legitimacy is then doubted? A lack of legitimacy could hamper any efforts by the President to unite the various ethnic communities in Singapore. Since the election of Mdm Halimah as President, she has had to begin her presidential term by assuring the public that she is “not a reserved president”.³⁴ It is only hoped that the public will be able to see past the process in time to come, and trust that the President will perform her duties to the best of her ability.

³¹ Constitutional Commission Report, *supra* n 16, at para 5.42.

³² *Ibid.*

³³ *Ibid.*

³⁴ Nicholas Yong, “Even though this is a reserved election, I am not a reserved president’: Halimah Yacob”, *Yahoo News Singapore* (13 September 2017) <<https://web.archive.org/web/20171106015548/https://sg.news.yahoo.com/even-though-reserved-election-not-reserved-president-halimah-yacob-064853328.html>> (accessed 26 November 2017).

(2) *Ethnicity of candidates may be questioned*

27. Apart from the concern over the legitimacy of the winning candidate under the reserved election mechanism, another concern may be over whether candidates' ethnicity will be called into question. Here, three sub-issues arise:

- a. the fluidity of ethnicity, especially with the rise of inter-ethnic marriages in Singapore,³⁵ which makes ethnic communities harder to define;
- b. the tension between creating a mechanism to promote multiracialism, and then creating strict categories of communities; and
- c. the determination of a candidate's ethnic community by a Community Committee.

(a) The fluidity of ethnicity

28. In the 2017 presidential election, the three potential candidates – Salleh Marican (“Salleh”), Farid Khan Kaim Khan (“Khan”), and Mdm Halimah – had diverse ethnic backgrounds. Salleh was of Indian heritage, Khan's ethnic community was identified as Pakistani on official documents, and Mdm Halimah's father was an Indian-Muslim. As a result, debates emerged online over whether these candidates were “Malay enough” to contest in the reserved elections.³⁶

29. Clearly, ethnicity is a fluid concept, and with recent statistics showing that inter-ethnic marriages are on the rise,³⁷ future generations of Singaporeans will have an even more difficult time identifying their ethnic community.

(b) The tension between the mechanism and the strict categories of communities

³⁵ Department of Statistics Singapore, “Statistics on Marriages and Divorces, 2016” (July 2017) <<https://web.archive.org/web/20171121230225/https://www.singstat.gov.sg/publications/publications-and-papers/marriages-and-divorces/marriages-and-divorces>> (accessed 24 September 2017) at p 8.

³⁶ Faris Mokhtar, “Reserved presidential election casts spotlight on ‘Malayness’”, *TODAY* (15 July 2017) <<https://web.archive.org/web/20170902011638/http://www.todayonline.com/singapore/reserved-presidential-election-casts-spotlight-malayness>> (accessed 24 September 2017).

³⁷ Department of Statistics Singapore, “Statistics on Marriages and Divorces, 2016” (July 2017) <<https://web.archive.org/web/20171121230225/https://www.singstat.gov.sg/publications/publications-and-papers/marriages-and-divorces/marriages-and-divorces>> (accessed 24 September 2017) at p 8.

30. This leads to a related issue of the tension between the reserved election mechanism, and the strict categories of communities provided for in Article 19B of the Constitution.
31. Classifying potential candidates into fixed categories of communities may be fundamentally at odds with the aim of the reserved election mechanism to promote multiracialism, since these fixed categories of communities limit the diversity of ethnic communities to only those which are recognised by the state. It is uncertain whether the fixed four categories of ethnic communities, or what is known as the CMIO model,³⁸ is still workable. While this may have been an efficient way to categorise individuals when Singapore was still a British colony,³⁹ or when the Government introduced the public housing scheme which sought to integrate the different ethnic communities in Singapore,⁴⁰ the increasing diversity of ethnicity begs a change in this model. If ethnicity is a social construct, as has been argued by sociologists for some time now,⁴¹ then fixed categories of communities must evolve to include *new* ethnic communities that come to be accepted by members of society over time.⁴²
32. A further side issue that arises is the fact that the Eurasian community, a significant community of Singaporeans, has been denied equal recognition and may only belong to the category of “Indian or other minority communities” under Article 19B of the Constitution. Consequently, the fact that there has been no Eurasian President since 1981, when former President Benjamin Sheares left office, is insufficient to trigger a reserved election, since there was an Indian President in office until 2011.

³⁸ The CMIO model refers to the categorization of individuals based on their ethnicity, commonly seen, for example, in official forms that residents may have to fill when applying for public housing or government grants. In such forms, the options usually available to individuals are Chinese, Malay, Indian and Others. See also Walter Sim, “Race categorisation too rigid for increasingly diverse S'pore?”, *The Straits Times* (8 November 2015) <<https://web.archive.org/web/20160420024647/http://www.straitstimes.com/politics/race-categorisation-too-rigid-for-increasingly-diverse-spore>> (accessed 28 November 2017).

³⁹ Daniel P S Goh, “From Colonial Pluralism to Postcolonial Multiculturalism: Race, State Formation and the Question of Cultural Diversity in Malaysia and Singapore” *Sociology Compass* 2008; 2(1): 232–252, at 235. See also, Charles Hirschman, “The Making of Race in Colonial Malaya: Political Economy and Racial Ideology” *Sociological Forum* 1986; 1: 330–361, at 353.

⁴⁰ *Singapore Parliamentary Debates, Official Report* (16 February 1989) vol 52 at cols 650–651 (Better racial mix in HDB housing estates).

⁴¹ Howard F Taylor, “Defining Race” in Higginbotham E and Andersen M L, “Race and Ethnicity in Society: The Changing Landscape” (Thomson Higher Education, 2006) at pp 49-50.

⁴² *Ibid.*

(c) The determination of a candidate's ethnic community by a Community Committee

33. Article 19B(6) of the Constitution states that any person who considers himself or herself to be a member of the Malay community and who is generally accepted as a member of the Malay community is "Malay enough". However, in the current iteration of the reserved election mechanism, this is ultimately determined by a Community Committee.
34. Even though political officeholders have clarified that the Community Committee will be able to deal with the fluid concept of ethnicity,⁴³ there are valid criticisms that the Community Committee is made up of elite members who may have different perceptions from the rest of the community of what it means to be Malay.⁴⁴ It has been suggested that, at the present moment, whether someone is a follower of Islam is a key determinant of whether the Community Committee will decide whether a candidate belongs to the Malay community.⁴⁵ Yet, fundamentally, ethnicity and religion are two separate components of an individual's identity, and if ethnicity is what the reserved elections is seeking to focus on, then religion should play no role in determining which community a candidate belongs to.
35. Ultimately, though there was no potential candidate subscribing to any other religion in the 2017 election, the Community Committee should include a more representative group of members in future elections, in order to ensure that the Committee's decision is one which the Malay community similarly believes in. This is crucial, especially because the decision of the Community Committee is not one that can be judicially reviewed.⁴⁶
36. Given the various issues that have arisen with the country's first reserved elections, this paper suggests how best to further multiracialism in the presidency in future elections.

⁴³ Siau Ming En, Kelly Ng, "Community Committee 'able to deal with evolving concept of race'", *TODAY* (9 September 2017) <<https://web.archive.org/web/20170911115450/http://www.todayonline.com/singapore/community-committee-able-deal-evolving-concept-race>> (accessed 24 September 2017).

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Presidential Elections Act (Cap 240A, 2011 Rev Ed) s 8K.

IV. Reconsidering how multiracialism should be addressed

A. *Problem of voting along ethnic lines may be more imagined than real*

37. Before going into the recommendations, it is worth examining the rationale behind the introduction of the reserved elections mechanism. The basis of Mathew Mathews' submission to the Constitutional Commission,⁴⁷ who first mooted the idea of the mechanism, was that the electorate still held preferences along ethnic lines.⁴⁸ It is argued that the problem of voting along ethnic lines is more imagined than real.
38. The basis of Mathews' argument was a national survey in 2013. This survey gathered the views of 4,131 Singaporean residents, which highlighted that a sizeable percentage of 18% of Chinese respondents were uncomfortable with having employers from minority communities. Further, Mathews relied on psychological studies to conclude that ethnic affiliations would influence voting tendencies.⁴⁹ In addition, a 2016 national survey also showed that three to four out of every ten Chinese respondents would not accept a minority president.⁵⁰

⁴⁷ Mathew Mathews, "Constitutional Commission on the Elected Presidency" <<https://www.gov.sg/microsites/elected-presidency/constitutional-commission/submissions-received>> (Accessed 29 January 2017).

⁴⁸ *Id.*, at p 3.

⁴⁹ *Id.*, at p 3, citing Sigelman L and Sigelman C K, "Sexism, racism, and ageism in voting behaviour: An experimental analysis", *Social Psychology Quarterly* (1982) at pp 263-269.

⁵⁰ Mathew Mathews, "Channel NewsAsia-Institute of Policy Studies (CNA-IPS) Survey on Race Relations", *Lee Kuan Yew School of Public Policy* <http://lkyspp2.nus.edu.sg/ips/wp-content/uploads/sites/2/2013/04/CNA-IPS-survey-on-race-relations_Summary_190816.pdf> (Accessed 1 March 2017) at p 44.

39. Yet, one must remain doubtful of whether such evidence accurately describes the voting tendencies of Singaporeans. As has been argued by academics, there is little concrete evidence to suggest that Singaporeans vote along ethnic lines.⁵¹ Because voting is secret, and to the author's knowledge no studies specifically on voting tendencies have been done in Singapore, it is unclear how exactly the Government has been able to assert that the electorate votes along ethnic lines.⁵²
40. Further, it is also argued that Matthews' national survey may not accurately capture voting tendencies. Beyond the fact that the national survey ignores the fact that voting habits may change over time, it also presents just one aspect of the candidate – his or her ethnicity. However, there is much more to a candidate than the ethnic community he or she belongs to, and presenting a faceless but coloured candidate may not best capture voter tendencies. As has been argued by George, the popularity of Tharman Shanmugaratnam, an Indian political-office holder, contradicts the survey results.⁵³
41. Ultimately, there is doubt over whether Singaporeans truly vote along ethnic lines. Further, the reality under the hiatus-triggered model remains that the next reserved elections, if at all, may well be held at least 24 years from now. Given the long period, if there are no minority candidates running for President in future open elections, the Government's aim to further multiracialism may come to a halt until 24 years from now. To avoid this, this paper will now suggest ways to encourage the participation of minority community candidates in upcoming open elections.

⁵¹ Jaclyn L. Neo, "Singapore's Constitutional Commission: Altering the Elected Presidency to Ensure Multiracialism", *ConstitutionNet* (30 September 2016) <<https://web.archive.org/web/20161116151830/http://www.constitutionnet.org:80/news/singapores-constitutional-commission-altering-elected-presidency-ensure-multiracialism>> (Accessed 1 March 2017) at para 14.

⁵² Eugene K B Tan, "Multiracialism engineered: The limits of electoral and spatial integration in Singapore" in *Ethnopolitics* (Routledge, 2005); 4(4): 413-428, at 416.

⁵³ Cherian George, *supra* n 28.

B. *Encouraging minority community candidates in open elections*

42. In order to further multiracialism in Singapore and encourage minority candidates to run for President, informal methods should be pursued. Given that there has been no presidential election in Singapore's history with candidates from different communities, the starting point should be the encouragement of such an election. While Prime Minister Lee Hsien Loong argued that the lack of Malay candidates in the hotly contested 2011 elections illustrates that individuals from minority communities knew they stood little chance in an open election,⁵⁴ this is arguably presumptuous. There must be deliberate, informal efforts to encourage an open election with candidates from a variety of communities, so that Singaporeans can confront their prejudices, if they exist, and allow meaningful discussions about the value of candidates beyond their ethnicity.
43. Following this suggestion, efforts can be made to reach out to various agencies and community groups to encourage candidates to step up for the presidency in open elections. This will create a more legitimate experience for candidates and the electorate; as such, successful candidates will be less likely to have their legitimacy questioned.
44. Some may ask whether community groups and agencies would have influence in encouraging candidates. In response to this concern, the Nominated Member of Parliament ("NMP") scheme is a useful illustration of the wide range of candidates which "nomination" by community groups and agencies can produce.

⁵⁴ Lee Hsien Loong, "Race, Multiracialism and Singapore's Place in the World", *Prime Minister's Office Singapore* (23 September 2017) <<https://web.archive.org/web/20171002124630/http://www.pmo.gov.sg/newsroom/pm-lee-hsien-loong-pa-kopitalk-ci-yuan-cc>> (Accessed 30 October 2017).

45. It is worth noting that while such a recommendation was in fact raised to the Constitutional Commission,⁵⁵ the Commission recommended the reserved election mechanism instead. This paper suggests that the *nomination* recommendation should have been preferred instead. However, given that the reserved election mechanism has already been introduced and proposing a reversal of policy shortly after its introduction would be unrealistic, one should instead focus on the fact that the reserved elections mechanism is a hiatus-triggered model. With this fact in mind, the above recommendation to informally encourage agencies and community groups to *nominate* candidates to run for open elections is one that can co-exist with the reserved elections mechanism.

V. Conclusion

46. Multiracialism is an ideal that Singapore would do well to attain. However, in doing so, the Government must be cautious in its approach. Although the ideal for Singapore is a race-blind society, as cited by the Constitutional Commission,⁵⁶ the reserved election mechanism may achieve the contrary by reinforcing voting tendencies along ethnic lines.⁵⁷ Denying voters the free choice to decide who should be their President may bring about a situation where voters hold the opinion that a reserved election already caters for minority members to take office, and an open election should therefore see a member of the majority community rise to the post of President. Rather than pushing Singapore forward towards a race-blind society then, voters may become even more conscious of candidates' ethnicity when voting.

⁵⁵ Jack Tsen-Ta Lee, "Submission on Specific Aspects of the Elected Presidency", (21 March 2016) <<https://www.gov.sg/microsites/elected-presidency/constitutional-commission/submissions-received>> (Accessed 29 January 2017) at p 4.

⁵⁶ Constitutional Commission Report, *supra* n 16, at para 5.15.

⁵⁷ Jaclyn L. Neo, "Singapore's Constitutional Commission: Altering the Elected Presidency to Ensure Multiracialism", *ConstitutionNet* (30 September 2016) <<https://web.archive.org/web/20161116151830/http://www.constitutionnet.org:80/news/singapores-constitutional-commission-altering-elected-presidency-ensure-multiracialism>> (Accessed 1 March 2017) at para 14. See also, Eugene Tan, "Boost for multiracialism", *TODAY* (9 September 2016) <<https://web.archive.org/web/20170809174827/http://www.todayonline.com/singapore/reserved-election-boost-multiracialism>> (Accessed 17 February 2017) at para 15.

47. Yet, this paper is not suggesting a reversal of the policy. Such a recommendation would be unwise, given that our current President has already been elected under this mechanism. A reversal of the policy would only give rise to more questions about the President's legitimacy, which will be counter-productive to Mdm Halimah's efforts to be a unifying figure.
48. Instead, modifications should be made to the reserved elections mechanism. First, the Eurasian community should not be grouped together with "Indian or other minority communities". While it would be a daunting task to identify and list all ethnic communities in the Constitution, the Eurasian community should be given equal recognition, given their prominence in Singapore since its independence.
49. Next, the make-up of the Community Committee should be formally set out in statute, or at the very least, open to public debate. Criticisms that the Community Committee is made up of elite members with conservative views will not help Singapore as it seeks to embrace diversity.
50. Finally, there should be informal efforts to encourage candidates for President from minority ethnic communities to participate in open elections. Singapore has never had an open presidential election with eligible candidates from both minority and majority communities running against each other.⁵⁸ This should be encouraged, so that citizens can confront their own prejudices, if they exist.
51. Beyond efforts in the legal realm to promote a multiracial society, if the survey results which served as a basis for the introduction of this mechanism are indeed reliable, then the core issue of prejudiced mindsets of voters should be addressed.⁵⁹ Forcing a mechanism on voters that limits their choice could only serve to worsen prior prejudice against minority communities.

⁵⁸ In the 1993 presidential elections, only two Chinese candidates, Chua Kim Yeow and Ong Teng Cheong were deemed to be eligible. In the 1999 and 2005 elections, S R Nathan, a member of the Indian community, was the only candidate deemed eligible. In the 2011 elections, 4 members of the Chinese community, Tan Cheng Bock, Tan Jee Say, Tan Kin Lian, and Tony Tan Keng Yam, were the only candidates deemed eligible. See Elections Department Singapore Website https://www.webcitation.org/5sS1diGmg?url=http://www.elections.gov.sg/elections_past_results.html (accessed 28 November 2017).

⁵⁹ "Boost for multiracialism", *supra* n 56, at para 16.

52. Ultimately, the reality is that the next reserved elections, if held at all, may occur only 24 years from now. In the interim, more must be done. If we allow the reserved elections to be the only measure to build a more multiracial society, without encouraging conversations about what it means to Singaporeans to be a multiracial society, we may risk the population losing interest in such an important issue.