

## Enhancing the elected presidency system

**Gillian Koh, Tan Min-Wei**

**The Straits Times**, 24 November 2015

The office of the Elected President (EP) of Singapore is a political though non-partisan one.

The EP swears an oath to uphold the interests of the nation in exercising, among others, two key veto powers on the use of national reserves and appointments to top public sector posts against the popularly elected governing executive, the predominant locus of Singaporean political authority.

Therefore, the office is designed to be filled through an equally powerful mandate, popularly elected by Singapore citizens in a first-past-the-post (FPTP) electoral system, even if only after candidates are judged, by a committee comprising heads of three public bodies, to be of good character and competent in the administering and management of financial affairs.

In 2011, Dr Tony Tan Keng Yam secured the post with a margin of 7,382 votes or 0.35 per cent over the runner-up, and 35.2 per cent of the total votes cast.

While a legitimate outcome in the FPTP system, in the past fortnight three key concerns have emerged about this young and uniquely Singaporean institution.

First, given the EP's limited yet important custodial powers, some citizens are concerned that the winner might have an even smaller margin of victory and certainly lack a majority vote if more people are likely to qualify and contest for the post. Raised by Mr Clinton Lim in a Straits Times Forum page letter published on Nov 13, he proposed that where there are three or more candidates, a second round of voting should be held between the top two candidates, giving the victor legitimacy from securing an electoral majority.

Dr Tony Tan Keng Yam being sworn in as Singapore's seventh President and third Elected President on Sept 1, 2011. The EP system is young and will benefit from thoughtful scholarship and debate about its limitations. ST FILE PHOTO

Second, given the competitive nature of an election, it is unlikely that neither the candidates nor the eventual victor can resist viewing the role as being a more general check on the Government, taking the liberty of making his political views on a wide range of matters known. This politicking beyond his purview could diminish the statesmanship and symbolic national unity that the president traditionally exercises as head of state, compromising that much-needed role in Singapore's diverse national community, argued Mr Calvin Cheng in another letter in the Straits Times Forum page published on Nov 16.

Third, that potential over-reach raises the possibility of igniting a con-stitutional crisis, stated Mr Cheng.

However, given that the EP's role is already defined and stated, it is more likely this would result in a political, rather than constitutional, crisis. This is because there is provision for Parliament to initiate a tribunal if half its members agree to it. This would involve at least five Supreme Court judges investi- gating such over-reach. Three- quarters of all parliamentarians must then vote to have the sitting EP removed if the tribunal finds there are grounds for it.

Constitutional scholar Kevin Tan has argued that it is difficult for a body of judges to make a ruling on what constitutes such abuse and misconduct because, speaking and mobilising beyond the office may seem to be "perfectly sensible and responsible" to some whereas to others, a "disastrous and irresponsible move". This sounds to us like an issue of politics, not process. These are important considerations, given that the EP has veto powers over a key line of the nation's long-term total defence - the use of our national reserves; and a fundamental pillar of our governance system - the integrity and competence of our state institutions' appointed leaders.

What can be done?

The first concern, the EP's legitimacy, can be dealt with by reforming the electoral process. The selection of the EP should not be replaced with an electoral college comprising representatives of state institutions or civil society organisations, or the office scrapped altogether for a "Council of Grandees", as suggested by Mr Cheng. This will, to various degrees, cause the office to recede further from power conferred by citizens and weaken it.

There is already some compromise to that effect, first, through the pre-qualification process, the legitimacy of which must be strengthened over time with fuller accounts of how candidates have scored on the declared criteria for eligibility; and second, by the fact that the EP exercises his power on the advice of a Council of Presidential Advisers nominated by the EP, the prime minister and the chairman of the Public Service Commission.

There are several electoral systems to ensure the eventual victor has a stronger margin of victory without the need for a second round of voting, like an Instant Run-Off System or the Supplementary Vote (SV), which is our preference. These enhance the legitimacy of the outcome without raising complexity and cost, or creating a new political dynamic through a second round.

SV, most prominently used to elect the mayor of London in Britain, has voters indicate their first and second preferences among the candidates. Should no candidate achieve an absolute majority of votes in the election, all but the top two candidates are eliminated. Voters who initially voted for eliminated candidates would now have their secondary preference brought to bear on the outcome, provided they listed a remaining candidate. The candidate with the most votes then wins. Ballot slips that had not indicated a preference for either of the top two candidates are "set aside" in working out the margins of victory. Such a second count should take effect if the leading candidate fails to achieve a 2 per cent margin of victory over the next. This is familiar to Singaporeans as it is the same margin at which a recount may be requested under our current FPTP system.

To address the second and third concerns, it is vital to have a voter education campaign on the precise powers of the EP, the rationale and how they are exercised, before the next presidential election, regardless of whether the election system is tweaked.

In a random phone-based survey that the Institute of Policy Studies conducted after the 2011 presidential election, no more than 42 per cent of 2,025 respondents, who were Singaporeans of voting age, were able to correctly identify at least six of 11 statements about the EP's roles. While 79 per cent knew the EP could block plans to spend the reserves and 62 per cent knew

the EP could block public service appointments, 75 per cent thought the EP was free to speak publicly on national issues he deems important and 66 per cent thought he could work to ensure the Government delivers on its electoral promises.

Note however that 91 per cent at least agreed that the EP must be chosen through an election, and the same percentage, that the process of certifying eligibility is necessary.

It will be up to Singapore voters to decide if a candidate or EP is trying to deceive them about the difference between a vote in the general election and in the presidential election, so voter education is vital.

All political and electoral systems have their limitations. The EP system is young and will benefit from thoughtful scholarship and debate about those. However, the answer cannot be to remove the right to vote altogether. Citizens must be given some part in guarding the Singaporean philosophy of governance and an important line of the country's total defence. It would be an irony to leave that to yet another council of grandees.

**Gillian Koh is deputy director (research) and Tan Min-Wei is research assistant from the Politics and Governance research cluster at the Institute of Policy Studies of the Lee Kuan Yew School of Public Policy.**