

SABAH STATE ELECTION 2020: DID THE ELECTORATE VOTE FOR CHANGE?

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ABSTRACT

After the defection of 13 elected state assemblypersons to former Chief Minister Musa Aman, Sabah's Warisan-led State Government was forced to dissolve the state legislature on 30 July 2020. As many as 20 parties and 447 candidates took part in the snap poll on 26 September 2020, which saw the Warisan Plus coalition replaced by the Gagasan Rakyat Sabah coalition aligned with Prime Minister Muhyiddin Yassin. Combing through electoral data, this paper finds three interesting facts. First, the Sabah election outcome was more a reinstatement of status quo in 2018 than a decisive shift of voters' preference. Second, voters supported incumbents who changed parties as long as they were backed by main parties. Third, two out of five constituencies failed to produce majority winners despite the First-Past-The-Post system. Drawing insights from Cox's (1997) framework on party reduction, this paper argues that concentration of executive power at both the federal and state levels made the election a contestation of incumbency advantage.

Keywords: Sabah, state election, party-hopping, incumbency advantage, wasted votes, clientelism

INTRODUCTION

Participated by unprecedentedly 20 parties and 447 candidates, Sabah's 16th State Election was held on 26 September 2020. As former Chief Minister (CM) Musa Aman successfully enticed 13 elected state assemblypersons to cross over and brought down CM Shafie Apdal's two-years-old state government, the latter opted for an electorate's verdict. After the collapse of the Hope of Alliance (*Pakatan Harapan*, PH) Federal Government in February 2020 and subsequently of the state governments of Johor, Malacca, Perak and Kedah due to crossover of lawmakers, the state election was welcomed by many Malaysians. They hoped that the election outcome would re-affirm the mandate of the outgoing government led by Shafie's Sabah Heritage Party (*Parti Warisan Sabah*, Warisan) and push back the trend of government change by lawmakers' defection. To their disappointment, Shafie's Warisan Plus coalition won only 32 seats in the 73 seats and was replaced by Gagasan Rakyat Sabah (GRS). The federally-aligned, haphazardly-formed coalition won 38 seats and was immediately joined by three independent lawmakers.

Soon after winning the election, the two largest parties in GRS, United Malays National Organisation (UMNO) and Malaysian United Indigenous Party (*Parti Bersatu Bumiputera Malaysia*, Bersatu) soon fought over the CM position, with Bersatu's Hajiji Mohd Noor emerged victorious.

While Sabah's political dramas continue to intrigue observers and analysts, it is important to understand the causality and take stock of the changes, informing this paper's twin aims. First, to document what happened in Sabah's 16th State Election and preceding political developments since the 15th State Election on 9 May 2018. Second, to understand and explain the resultant changes in Sabah's party politics drawing from Cox's (1997) theoretical framework of party reduction. In particular, this paper asks whether Sabah electorate had decisively voted for change, whether voters punished party-hoppers (derogatively called "frogs") and why the First-Past-The-Post (FPTP) electoral system failed to induce sufficient strategic voting to produce majority winners in as many as 31 (42%) of the constituencies.

*Latest and updated version, 6th January 2021.

Methodologically, the information used is drawn mostly from election data made available by the Election Commission and news reports in the media. Except for a casual reference to a particular finding on strategic voting, no opinion data is drawn and no inference is made from a sample to a population. Hence, no statistical analysis is necessary despite the paper's heavy reliance on quantitative analysis.

THEORY: PARTY REDUCTION AND WASTED VOTE

Building on works by Duverger (1964), Rae (1967) and others on how electoral system moulds party systems, Cox (1997) explains that the number of viable parties in a polity is decided by both the number of cleavages and strategic coordination by elites and voters in response to the electoral structure they faced.

Formalising Duverger's (1964: 224-6; 240) 'psychological' factor, (Cox, 1997: 29, 31-2) theorises that instrumentally rational elites and voters will concentrate their votes on a number of contestants, which is just one more than the number of seats in a constituency, Magnitude (M). In other words, the number of viable parties is $M+1$. In the FPTP electoral system as what we have in Malaysia, since every constituency can only choose one representative, $M=1$, the number of viable contestants or parties in a constituency should be two, $M+1=2$. Most voters would only choose between the top two candidates because the third, fourth and subsequent candidates would not have any chance to win, votes cast for them would be "wasted". "Wasted votes" are not "invalid/spoiled votes" but valid votes cast for defeated candidates and therefore do not yield representation. Before voters go to polling booths, similar strategic coordination would have happened amongst the elites who can make endorsement and channel financial resources. Most elites would also give their endorsement to only the two most viable potential candidates in a FPTP contest. On the other hand, in a Party-List Proportional Representation (List-PR) or Single Transferable Vote (STV) system, if there are, say, five seats to be filled in a constituency, voters can support up to the sixth popular contestant because the latter still has a fighting chance to replace the fifth popular contestant and win the last seat.

Cox (1997: 140-2) points out that the $M+1$ is only an upper limit, and a society may have fewer than $M+1$ parties if the society has fewer cleavages to necessitate so many parties. A case in point is the tiny island state of Malta which has a two-party system despite having a STV electoral system. This means that enlarging M – or switching from a system with single-member constituencies like FPTP to one with multi-member constituencies – does not necessarily increase the number of viable parties to $M+1$, if society has fewer cleavages.

Cox (1997: 76-79, 96-97) further lists four conditions for FPTP voters to go full force on strategic voting and produce "Duvergerian equilibria", in which votes for all third parties are depleted to near zero as the two main parties draw votes. These four conditions are,

1. The election outcome is not a foregone conclusion.
2. The identity of front-running candidates is common knowledge and costless.
3. Supporters of a trailing candidate do not see the top two candidates as equally bad.
4. Voters operate on short-term instrumental rationality, such that they do not vote to affect future elections or to derive satisfaction from expressing allegiance with a party/candidate.

Finally, Cox (1997: 193) distinguishes between party systems at the constituency level and the national level, which are respectively informed by the legislative and executive electoral structure. If a nation with 50 constituencies has a two-party system in each of the constituencies, it may mean 100 local parties instead of two national parties. For the 100 hypothetical parties to be reduced into two, then there must be a functional equivalent of $M=1$ at the national level. In a presidential system, indeed $M=1$ because there is only one office of president with enormous power, forcing political actors vying that power to amalgamate into two parties. Analogously, if the Prime Minister yields enormous power in a parliamentary system, which can only happen in a single party majority government, then political actors are forced into two camps. On the other hand, with a post-election coalition or minority government, the Prime Minister will have much lesser power, reducing the need for political actors to put down their differences to form two main camps.

This explanation can also be applied to the state party system.

This last point helps us understand why Malaysia does not have two parties despite having FPTP elections since independence. While most constituencies do produce only two strong parties, the ethno-religious diversity means that the pairs of parties are different for different regions. For the greatest part of the past, the pairs were UMNO and Pan-Malaysia Islamic Party (PAS) in Malay heartland and Chinese Association (MCA) and Democratic Action Party (DAP) for urban areas in West Malaysia. While UMNO and MCA had formed Alliance – the forerunner of National Front (*Barisan Nasional*, BN) – since 1952 to yield and keep power, PAS and DAP did not join the same coalition until 1990 because there was simply no realistic chance for opposition to come into power. Until UMNO's schisms which started in mid-1980s, it was not electorally rational for opposition parties to take the middle ground because they would lose their product differentiation with their BN rivals without the reward of winning executive power.

We shall employ Cox's insight to examine what happens in Sabah, on both the state-level and constituency-level party systems.

CONTEXT AND CONTESTATION OF THE SABAH STATE ELECTION

As a response to Musa's abortive lawmakers' coup, Shafie sought dissolution of the State Legislative Assembly (*Dewan Undangan Negeri*, DUN) and secured the consent of the federally-appointed Governor Johar Mahiruddin on July 31. In a dramatic photo-op to quash any doubt of his majority, Musa Aman has all 33 ADUNs in his camp – including two of five "nominated members" appointed by Shafie - lined up with a placard numbered from 1 to 33, as if it was a farm animal auction. (Hasnan, 2020) This left Shafie with the choice of either calling an early poll – two years and 11 months before his government's term would end – or allowing Musa Aman to form a new government.

While it is the right of an ousted head of parliamentary government – CM in this case – to seek dissolution to counter an ouster by way of confidence or budget defeat, and the prerogative of the head of state –

Governor in this case – to decide whether or not to withhold his consent, Musa hoped to, though legal actions, subvert the express provisions in Articles 7(1) and 10(2)(b) in the State Constitution and establish a new constitutional convention that a shift of legislative majority must result in a mid-term change of government and never a new election. Musa Aman's futile attempt was thrown out by the High Court on 21 August and the Court of Appeal on 8 September. (Chan, 2020; Chin, 2020) Four days before the High Court's verdict, the Election Commission (EC) set 12 September for nomination and 26 September for polling, consequently a two-week campaign period. (Borneo Post, 2020a) The application by one ADUN in Musa's camp to stay the election was rejected by the Federal Court on the eve of nomination. (Yatim, 2020a) The post-election surge in the Covid-19 positive cases in Sabah and beyond – due to violation of Standard Operating Procedures (SOPs) during campaign, before and after polling – has produced a popular view that the election should have been avoided and both Musa Aman and Shafie Apdal are blamed by their rivals for triggering the defection and dissolving the legislature.

While party-hopping is a common feature in Sabah politics where most parties are little more than personal alliances of politicians, Musa's legislators' coup is distinctive because he was at the recipient of such coup two years ago orchestrated by Shafie. In the state election simultaneously held with the federal one on 5 May 2018, Shafie's Warisan won 21 seats while its allies, DAP and People's Justice Party (*Parti Keadilan Rakyat*, PKR) – both members of the PH coalition won respectively six and two, totaling 29 in the 60-member house. In almost a mirror image to the Warisan-PH camp, Musa's UMNO won 17 seats while its three BN allies contributed another 12 seats, giving it also 29 seats. All representing the Christian Kadazan-Dusun-Murut (KDM) community, United Sabah Party (*Parti Bersatu Sabah*, PBS) won six while its splinters *United Pasokmomogun Kadazandusun Murut Organisation* (UPKO)¹ and United Sabah People's Party (*Parti Bersatu Rakyat Sabah*, PBRS) won respectively five and one. Another KDM party led by PBS founder Pairin Kitingan's brother Jeffrey Kitingan, Homeland Solidarity Party (*Parti Solidariti Tanah Airku Rakyat Sabah*, STAR) won the pivotal last two seats. The hung assembly in Sabah occurred as PH ousted BN

at the federal level, setting in a new political order (Bagang & Puyok, 2019).

Musa succeeded in courting STAR and was sworn in before Governor Johar Mahiruddin on 10 May 11pm (Vanar & Lee, 2018) but Shafie swiftly courted UPKO to switch allegiance, giving it 34 seats. On 12 May, Governor Johar dismissed Musa and sworn in Shafie as the new Chief Minister at 9pm. (Miwil & Jiffar, 2018) The speed of the 2018 government collapse within 48 hours was fast even by Sabah's standard. In 1994, CM Pairin Kitinggan's PBS won a wafer-thin majority of 25 seats against BN's 23, only to resign three weeks later after losing 20 lawmakers to new splinters, UPKO's forerunner Sabah Democratic Party (*Parti Demokratik Sabah*, PDS) and PBRs (Yusoff, 2001; Chin, 1994). Musa had challenged his dismissal by the Governor and the Federal Court had agreed to rule on his case – together with his latest challenge of the dissolution – but the hearing scheduled in October has now been postponed indefinitely (Yatim, 2020b).

As PH consolidated its power in Putrajaya while BN disintegrated, Shafie expanded his majority and secured a two-third by the end of 2019, leaving only eight members in the opposition: four in PBS, three in STAR and one in UMNO. By December 2018, Sabah UMNO had lost all but one of its 17 state assemblypersons, as well as six of its seven Members of Parliamentarians (MPs). (Vanar, Lee, and Joibi, 2018) The two last men standing were Musa (ADUN, N42 Sungai Sibuga) and Bung Mukhtar (MP, P187 Kinabatangan), who both faced corruption trials. Of UMNO's defectors, eight state lawmakers including Hajiji and five parliamentarians joined Bersatu then led by Prime Minister Mahathir Mohamad. Bersatu would go on to become UMNO's ally and rival in government when PH was replaced by PN in the so-called "Sheraton Move" on 1 March. (Wong, 2020) Before UMNO Sabah's meltdown to be absorbed by Bersatu, seven others had earlier left the party to join Warisan and another joined UPKO.

BN Sabah's second largest component party, PBS, left the coalition and became independent on the third day that BN became the new Opposition. (The Star, 2018b) PBS would lose in the following year its representatives for N05 Tandek and N40 Labuk to Warisan. (Lee, 2019; Vanar, 2019) PBRs left BN on 11 May 2018, two day

earlier than PBS, but later quietly rejoined the coalition before national BN announced its shadow cabinet in September. (The Star, 2018a; Aswad, 2018) Its sole assemblyperson for N37 Sook left the party before joining STAR in December. (Vanar, 2018) Within the Warisan-led camp, representatives for N47 Kuamut and N38 Nabawan left UPKO to respectively join Warisan in December 2018 (Bernama, 2018) and Bersatu in April 2019 (Chan, 2019).

Hence, before the Sheraton Move, Shafie's 87% legislative majority (52 seats) consisted of Warisan's 31 (including seven defectors from UMNO, two from PBS and one from UPKO), Bersatu's nine (eight defectors from UMNO and one from UPKO), DAP's six, UPKO's four (including one UMNO defector) and PKR's two. With the appointment of five nominated members permitted under Article 14 of the State Constitution, two from Warisan, one each from UPKO, DAP and PKR, Shafie enjoyed an amplified majority of 88%, with 57 out of 65 ADUNs.

The meltdown of Shafie's majority came in two stages. First, with the collapse of PH federal government in late February 2020, his government lost Bersatu's nine elected representatives and also the PKR nominated member, retaining only a majority of 47 (72%), but two-third nonetheless. (Rahman, 2020) The second stage started soon after 9 June, 2020 with the acquittal of Musa's 46 corruption and money-laundry charges, laid against him in November 2018 and March 2019 after BN's national defeat. (Karim, 2020) By 23 July, Musa's camp claimed that he had garnered almost enough ADUNs to bring down the Shafie government. (Loheswar, 2020). A week later, Musa lined up all the 33 ADUNs (including himself) behind him with the numbered placards, attempting to force a transfer of power from Shafie to him without an election. Excluding the two nominated ADUNs from PKR and DAP, Musa had 31 seats, exactly the simple majority amongst the elected representatives. Thirty out of the 31 in both rounds were the same people, namely nine from Bersatu (eight ex-UMNO and one ex-UPKO), four from PBS, three from STAR (one ex-PBRs), 10 defectors from Warisan (seven ex-UMNO, two ex-PBS and one ex-UPKO), three defectors from UPKO (one ex-UMNO) and Musa himself who was once rumoured to leave UMNO (Lee & Zainal, 2018) but stayed on as UMNO's sole representative.

Table 1 Musa Aman and 31 Sabah State Assemblypersons Who Had Changed Party or Coalitional Affiliation between May 2018 and July 2020

No	State Constituency	Assemblyperson	10 May 2018	31 December 2018	1 March 2020	30 July 2020	Changes in Affiliation
1	N42 Sungai Sibuga	Musa Aman	BN-UMNO	BN-UMNO	BN-UMNO	BN-UMNO	None
2	N08 Usukan	Japlin Akim	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
3	N10 Sulaman	Hajiji Mohd Noor	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
4	N21 Kawang	Ghulam Haidar Khan Bahadar	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
5	N24 Membakut	Mohd. Arifin Mohd. Arif	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
6	N25 Klias	Isnin Aliasnih	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
7	N27 Lumadan	Matbali Musah	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
8	N30 Karanaan	Masidi Manjun	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
9	N56 Apas	Nizam Abu Bakar Titingan	BN-UMNO	PH-BERSATU	BERSATU	BERSATU	Party, Coalition
10	N03 Pitas	Bolkiah Ismail	BN-UMNO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
11	N06 Tempasuk	Musbah Jamli	BN-UMNO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
12	N36 Kemabong	Jamawi Ja'afar	BN-UMNO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
13	N48 Sukau	Saddi Abdu Rahman	BN-UMNO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
14	N55 Balung	Osman Jamal	BN-UMNO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
15	N59 Tanjong Batu	Hamisa Samat	BN-UMNO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
16	N60 Sebatik	Abd. Muis Picho	BN-UMNO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
17	N39 Sugut	James Ratib	BN-UMNO	UPKO	UPKO	MUSA's IND	Party, Coalition
18	N40 Labuk	Abd. Rahman Kongkawang	BN-PBS	PBS	(PH) WARISAN	MUSA's IND	Party, Coalition
19	N05 Tandek	Anita Baranting	BN-PBS	PBS	(PH) WARISAN	MUSA's IND	Party, Coalition
20	N29 Kundasang	Joachim Gunsalam	BN-PBS	PBS	PBS	PBS	Coalition
21	N04 Matunggong	Julita Majunki	BN-PBS	PBS	PBS	PBS	Coalition
22	N09 Tamparuli	Jahid Jahim	BN-PBS	PBS	PBS	PBS	Coalition
23	N11 Kiulu	Joniston Lumai @ Bangkuai	BN-PBS	PBS	PBS	PBS	Coalition
24	N38 Nabawan	Bobbey Ah Fang Suan	BN-UPKO	IND	BERSATU	BERSATU	Party, Coalition
25	N26 Kuala Penyu	Limus Jury	BN-UPKO	UPKO	UPKO	MUSA's IND	Party, Coalition
26	N31 Paginatan	Abidin Madingkir	BN-UPKO	UPKO	UPKO	MUSA's IND	Party, Coalition
27	N47 Kuamut	Masiung Banah	BN-UPKO	(PH) WARISAN	(PH) WARISAN	MUSA's IND	Party, Coalition
28	N07 Kadamaian	Ewon Benedick	BN-UPKO	UPKO	UPKO	UPKO	Coalition
29	N37 Sook	Ellron Alfred Angin	BN-PBRS	STAR	STAR	STAR	Party, Coalition
30	N13 Inanam	Kenny Chua Teck Ho	PH-PKR	PH-PKR	PH-PKR	MUSA's IND	Party, Coalition
31	N32 Tambunan	Jeffrey Kitingan	STAR	STAR	STAR	STAR	Coalition
32	N33 Bingkor	Robert Nordin	STAR	STAR	STAR	STAR	Coalition

Source: Compilation by the author based on news reports.

The thirteen defectors who quit Warisan and UPKO became independent ADUNs with personal allegiance to Musa but some were quickly absorbed by the GRS parties. The only difference in the 31 was the replacement of UPKO representative for N07 Kadamaian who chose to stay with his party and the Warisan-led government by a PKR defector representing N13 Inanam. Contrary to the popular perception that the Shafie Government was brought down by “frogs”, its collapse was caused by the homing of the 13 “frogs” to restore Musa’s old BN-STAR camp on May 10, 2018 as shown in Table 1.

The September 26 election could therefore be seen as a rematch between Shafie’s camp but including UPKO and the BN-STAR coalition but excluding Musa, who was denied candidacy by UMNO’s state chief Bung Mokhtar. Both camps were however significantly repackaged reflecting the realignments at the federal level.

The new federal ruling coalition led by Prime Minister Muhyiddin Yassin had to be repackaged in Sabah as *Gagasan Rakyat Sabah* (GRS) 10 days before polling because he could not get his coalition partners in particular BN and PBS to contest as PN. (Bernama, 2020) PN was formally registered with only Bersatu, STAR, another ex-BN party Sabah Progressive Party

(SAPP) and PAS which sat out in the state poll. While PBS contested on its own flag, BN remained the umbrella for UMNO, MCA and PBRs. GRS not only failed to get the three component blocs to use the same logo, but even failed to get them to put up a single candidate for every constituency, a significant break from Malaysia’s permanent coalition model. UMNO, PBS, STAR, PBRs and MCA crashed with each other in as many as 17 constituencies. In contrast, Shafie’s camp successfully ensured a common candidate for all 73 constituencies. Reflecting the decline of PH and the rivalry between Shafie and PH cum PKR leader Anwar Ibrahim after the Sheraton Move, Warisan-PH in 2018 was repackaged as Warisan Plus, with DAP and another PH party National Trust Party (*Parti Amanah Negara*, Amanah) even contesting under Warisan’s logo as shown in Figure 1.

The GRS-Warisan Plus contestation had two themes. The first was federal-state alignment, namely whether Sabah should be governed by parties aligned with the new federal government. Under Malaysia’s centralised federalism (Wong and Chin, 2010), opposition-run states are explicitly discriminated by the Federal Government and amidst the Covid-19 pandemic and consequent economic downturn, Sabah would need more federal support than before. For hardcore supporters of the ousted PH federal government, keeping Sabah in the pan-PH camp was key for a reconquest of the

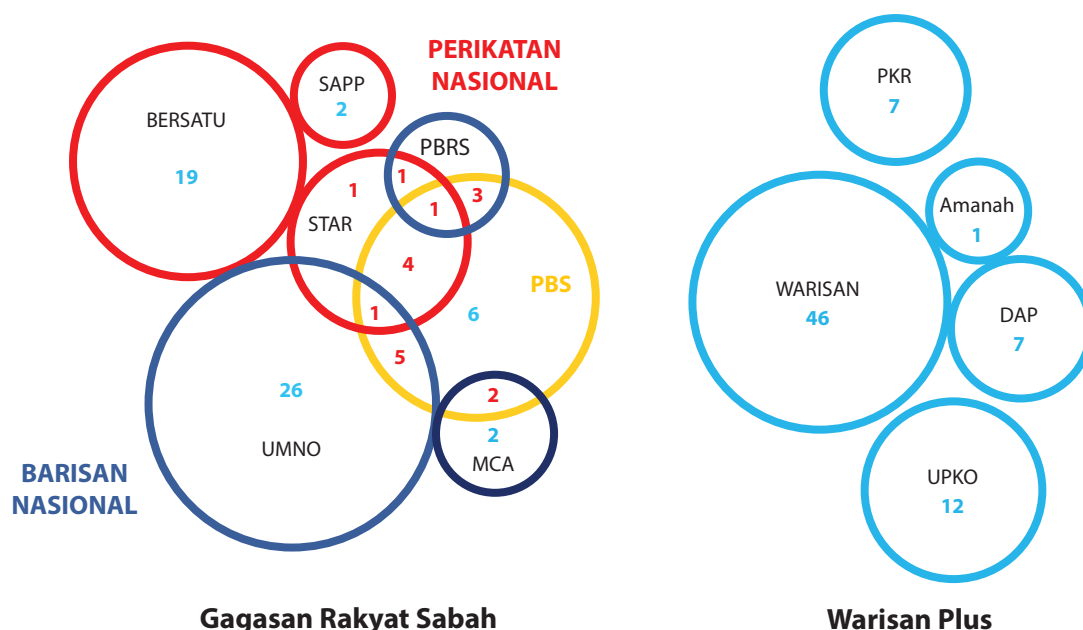


Figure 1 Allocation of Contested Constituencies in Gagasan Rakyat Sabah (GRS) and Warisan Plus

(Source: presentation by the author based on news reports)

federal administrative capital Putrajaya and short-term marginalisation was a tolerable price.

The second theme was identity politics, particularly aiming at the predominantly Christian Kadazan-Dusun-Murut (KDM) electorate, who were bitter with their gradual replacement by the Muslim *Bumiputeras* (indigenous people) as the dominant group, a socio-political reengineering that started soon after the formation of Malaysia in 1963 and accelerated in the 1980s and 1990s when the BN-UMNO federal government tried to usurp the KDM-dominated PBS state government by enfranchising Muslim foreigners from the Philippines and Indonesia, in the so-called Project M, named after the then Prime Minister Mahathir Mohamad. (Malaysiakini, 2006). As early as January 2020 when a parliamentary by-election was held for Kimanis in the KDM-dominated west coast, the Shafie Government had already come under harsh attack by PBS over the Sabah Temporary Pass (*Pas Sementara Sabah*, PSS) scheme for long-staying foreigners. (Channel News Asia, 2020) Shafie dropped the scheme after losing the by-election but that was not enough to appease distrustful KDM voters. For his detractors, Shafie's ethnic identity – Bajau, a Muslim group with strong ties with Southern Philippines – was enough reason to fear their replacement by the “unpermitted immigrants” (*Pendatang Asing Tanpa Izin*, PATI). In the state election campaign, Shafie highlighted his religious inclusiveness in a clear contrast to the predominantly-Muslim PN federal government which brought down PH in the name of defending Malay-Muslim interests. Large billboards with Shafie and a tagline “We are here to build a nation, not a particular race or religion” were put up prominently to drive home the message (Borneo Post, 2020b).

In comparison to the 2018 election, 13 new constituencies were carved out from the original 60, raising the totals to 73. The delimitation plan was completed in 2017 but was adopted by the Parliament under PH's rule in July 2019, making it in time for this state poll. These new constituencies were mostly inland and thinly populated, such as N47 Telupid (7,862 voters), N58 Lamag (8,159) and N44 Tulid (8,910). In other instances, the carving out of a new constituency left the original constituency with much fewer voters. With the creation of N02 Bengkoka (11,543) carved out from neighbouring N01 Banggi and

N03 Pitas, N01 Bangi's electorate dropped from 11,054 in 2018 to 5,961 in 2020, or 40% of the state average of 14,913. The severe malapportionment of constituencies demands extra caution in interpreting the electorate's verdict.

DID SABAHANS VOTE DECISIVELY FOR CHANGE?

Despite the participation of 20 parties and 447 candidates (average six candidates per constituency, and 11 candidates in the highest), the election returned only winners from eight parties (Warisan-Plus: Warisan 23 seats, DAP 6, PKR 2, UPKO 1; GRS: UMNO 14, Bersatu 11, PBS 7 and STAR 6) and three independents. Not only third-parties like Parti Cinta Sabah (PCS) which contested all 73 seats were wiped out, so were even smaller parties in the two big coalitions – MCA, SAPP, PBRs and Amanah. In terms of communal representation, Muslim Bumiputeras are now represented by three parties (Warisan, UMNO and Bersatu), the KDM community by seven parties (mainly by PBS, STAR and Warisan; marginally by UPKO, UMNO, Bersatu and DAP) and the Chinese by three (predominantly DAP, marginally Warisan and PKR). Despite being in the main blocs, MCA, SAPP and PBRs were thoroughly rejected and unlikely to make a comeback. The party reduction was clearly at work, as the old permanent coalition model was loosened following the two turnovers of federal powers within 22 months.

While the election has replaced Warisan Plus with GRS, it would be misleading to claim that the Sabah electorate had decisively voted for change, as if a significant segment of the electorate had made such choice. Taking GRS and Warisan-Plus as successors of BN-STAR and Warisan-PH in 2018, both camps had lost votes, GRS lost 78,845 votes or 3.51% points while Warisan-Plus lost 80,722 votes or 3.70% points. Their loss was due to both the drop in turnout from 75.57% to 67.71% (affecting the vote totals) – which may be explained by healthcare concern of the Covid-19 pandemic and also voters' discontent with an early election – and the diversion of votes to the third parties and independent candidates (affecting their vote shares) (Table 2).

The 2020 Sabah election should be properly read as a reinstatement of status quo in 2018 where the change

Table 2 Changes in Sabah's Electoral Landscape, 2018-2020

2018	BN	STAR	WARISAN-PH		Defeated Third Parties and Independents	Total Valid Votes
	355,091	39,803	398,263		51,199	844,356
	42.05%	4.71%	47.17%		6.06%	100.00%
2020	GRS		WARISAN-PLUS	Victorious Independents	Defeated Third Parties and Independents	Total Valid Votes
	316,049		317,541	9,934	87,081	730,605
	43.26%		43.46%	1.36%	11.92%	100.00%
Change	-78,845		-80,722	9,934	35,882	-113,751
	-3.51%		-3.70%	1.36%	5.86%	0.00%

Source: calculation by the author based on figures released by the Election Commission

of government was decided by a small number of constituencies, and the change in seat distribution reflected mainly how the electoral system worked. These three facts – that both GRS and Warisan-Plus lost votes as compared to 2018, GRS lost just 1,877 votes than Warisan-Plus, and Warisan-Plus again won the plurality vote – cannot support any serious claim that the Sabahan electorate has decisively voted for change. While GRS now has a stronger lead of six seats as compared to BN-STAR's combined lead of two in 2018, this is mainly because GRS won nine out of the 13 new constituencies while Warisan took only four. If the five UPKO-won constituencies in 2018 were counted as BN territories, then only seven (highlighted in yellow in Table 3) out of the 60 original constituencies had changed hand. On one side, Warisan lost two to UMNO and one to Star and snatched one from UMNO, while UPKO retained one after its realignment to PH, yielding a net loss of one for Warisan Plus. On the other side, GRS lost three seats to independents (who have now joined the coalition), offsetting its gain from Warisan. This means, the change of government was effectively delivered by the battles in only 20 of 73 constituencies: the 13 new ones and the seven old ones that changed hand between Warisan-Plus, GRS and the independents.

The status quo suggests significant incumbency advantage at the party level. This is especially true for DAP, PKR and STAR that retained all the seats they won in 2018 and also largely fitting for Warisan (retaining 18 out of 21 seats won in 2018), PBS (five out of six), and UMNO and its splinter Bersatu (13 out of 17 UMNO-won seats). While most parties retained their

incumbent representatives, they did not encounter sabotage when incumbents were dropped. Notably, Warisan dropped four incumbents – none contested under another party or independent – and lost only one (N29 Pantai Manis). UMNO's incumbency party advantage seemed slightly weaker as it fielded 10 new candidates in 11 constituencies won in 2018 but only six of them won. Nevertheless, it retained N52 Sungai Sibuga amongst the six despite dropping Musa, the incumbent and also former party boss. UMNO's only incumbent candidate, who retained N48 Sugut, James Ratib, left UMNO for UPKO before joining Musa and eventually returning to UMNO. His victory might be due to a combination of party and personal incumbency advantage. In comparison, UPKO retained only one of the five constituencies with the incumbent and failed to recapture the remaining four with new candidates. This suggests that UPKO's electoral strength might have been significantly drawn from the incumbents or the BN coalition.

WERE PARTY HOPPERS PUNISHED?

Incumbency advantage turned out to be strong even for party-hoppers but only when they were backed by another main party. Of the 24 lawmakers who had changed both party and coalition affiliations between 2018 and 2020 (Table 1), 17 sought to defend their constituencies and 11 (65%) succeeded. If we narrow down to 13 Musa's independents to see if voters might be more unforgiving if defection happened just recently, nine sought retaining their constituencies and four (44%) succeeded. Of the six who lost, five stood as independents, suggesting

Table 3 Change of Sabah Electoral Landscape between the 2018 and 2020 State Elections

Bloc/Party		2018 seat distribution	2020 seat distribution								
		Warisan Plus				GRS				Ind.	
		Warisan	DAP	PKR	UPKO	UMNO	Bersatu	PBS	Star		
Warisan+PH	Warisan	21	18				2			1	
	DAP	6		6							
	PKR	2			2						
BN	UMNO	17	1				7	6	1		2
	PBS	6						1	5		
	UPKO	5				1		2		1	1
	PBRs	1								1	
STAR		2								2	
2018 Won Seats		60	19	6	2	1	9	9	6	5	3
2020 new seats		13	4				5	2	1	1	
2020 Total		73	23	6	2	1	14	11	7	6	3

Source: analysis by the author based on Election Commission's data and news reports

a major party's label and/or machinery was instrumental for victory. To be precise, the major parties available for these defectors were all from GRS. Six defectors left UMNO for Bersatu in 2018 and one left PBRs for STAR in 2018 while two Musa's Independents were adopted by Bersatu and another by STAR. Only one Musa's hopper who jumped from UMNO to Warisan before ending in Bersatu, Abd. Muis Picho, failed to retain N73 Sebatik, an island constituency bordering Indonesia. In N38 Pagingatan, UPKO defector Abidin Madingkir who stood under STAR nearly doubled his vote share from 48.84% to 73.79%. His former UPKO colleague who represented Bersatu too retained N33 Kuala Penyu but with a reduced vote share, from 54.64% to 49.69%. As mentioned earlier, James Ratib who returned to UMNO after his UMNO-UPKO-Musa voyage retained N48 Sugut handsomely with 58% of votes, slightly higher than 56% he won under UMNO two years ago. In strong contrast, amongst the partyless defectors, only ex-UPKO Masiung Banah got to retain N57 Kuamut with 52.95%, slightly lower than 59.00% in 2018, beating his old party. Five other independents were defeated by their old party – PBS (N07 Tandek), UMNO (N09 Tempasuk and N59 Sukau) and PKR (N18 Inanam) – or their old party's ally – Bersatu (N49, Labuk). Except for the UMNO duo, the winners won a majority (Table 4).

Table 4 Electoral Fortune of Party-Switching State Assemblypersons in Sabah, 2020 (Musa's Independents in Parenthesis)

	Won	Defeated by old party	Defeated by Others	Total
Contesting under new party	9(2)		1(1)	10(3)
Contesting under old party	1(1)			1(1)
Contesting as Independent	1(1)	4(4)	1(1)	6(6)
Contesting in the same constituency				17(9)
Contesting in a different constituency and lost				1(1)
Non-contesting				6(3)

Source: analysis by the author based on the Election Commission's data and news reports

Electoral resilience of party hoppers may be explained by incumbency advantages in a wider context. While incumbency advantages in American politics normally refers to those enjoyed by representatives (Gordon and Landa, 2009), it is important to distinguish between incumbent government (nationwide or statewide), incumbent party (constituency) and incumbent lawmaker (constituency). A voter may vote for an incumbent because of his/her personality, identification

to his/her party or because the incumbent's party is in the incumbent government. Where political competition is largely on particularistic benefits, being on the next government's side may be the most rational thing to do. This fits well with Cox's analytical framework on state-level party system, except that the concentration of executive power in Sabah is operating at both the state and federal levels. In Malaysia, the expectation on elected representatives to provide constituency service and constituency development was initially placed on government legislators only but has since been expanded to the opposition ones after the Opposition won a few states in 2008 (Dettman & Weiss 2018).

As the Sabah DUN has little legislative power under Malaysia's centralised federalism (Hutchinson, 2014; Wong & Chin, 2011) and meets only for a short period of time in a year – 13 days for 2019, ADUNs' job is not enacting laws or scrutinising government, but rather providing constituency services and dishing out constituency development fund (CDF). Sabah state government provides RM 1.1 million annually for all state constituencies, with an additional RM 1 million for constituencies of state ministers and RM 40,000 for those of state assistant ministers. These sums are administered by a Pemimpin Pembangunan Masyarakat, PPM (community development leader), who would be nominated by the ADUN for government-held constituencies but appointed by the CM office for opposition-held constituencies.² This means, while the Government ADUNs get to dish out goodies to voters and claim credit, the Opposition ADUNs would see their voters owing favours to the Government-appointed PPMs. When the federal and state governments are aligned, ADUNs who are in opposition at both levels would be most disadvantaged. This explains why BN ADUNs left their parties to join the Warisan-led government in 2018 and 2019. When the federal and state power are held by different coalitions, as post-Sheraton move, then state-opposition ADUNs – like those in PN parties since March 2020 – can count on financial support from the Federal Government to fight the clientelist battle. In this sense, the status quo sustained in the 2020 election perhaps only testifies the effectiveness of both the federal and state patronage machine in less developed constituencies where voters have the strongest need and demand for patronage.

HOW EXTENSIVE WERE WASTED VOTES?

While the state-level landscape fits Cox's explanation, the Duvergerian equilibrium – the emergence of a majority winner even in a multi-cornered contest – did not appear in as many as 31 (42%) constituencies from N02 Bengkoka (68.02% wasted votes, a new constituency that attracted 11 candidates), N08 Pintasan (66.69%, six candidates), N44 Tulid (66.54%, seven candidates) to N04 Tanjong Kapor (50.16%, four candidates).

The peril of high wasted votes can be easily overlooked if we assume voters denied representation in their own constituency can find substitute in other constituencies through the parties they support. Going by this logic, wasted votes in this election were insignificant, because only 87,081 voters (11.92%) who voted for third parties and lost independent candidates do not get any representation. The flaw is obvious if we look at, for example, N08 Pintasan with the second highest percentage of wasted votes, 66.69%. In this rural constituency near the northern tip of Sabah, what representation can 32.29% voters who chose United Sabah National Organisation (USNO) – only 84 less than voters for the victorious Bersatu voters – hope for? What about another one-third voters who spread their votes between Warisan, PCS and two other minor contestants (all opposition)? In a society where citizens need politicians' support even in securing access to public services, denial of representation may mean either enduring marginalisation in enjoying public services or being forced to change party affiliation.

The size of wasted votes must therefore be aggregated by constituency and not by party. In 2020, 44.30% of votes were wasted (Figure 2). What is particularly alarming is that 22.25% of them were found in 42.47% of constituencies without a majority winner (the first two rows in Table 5). Going by Cox's framework, voters may not vote strategically if they do not know the top leading candidates for them to abandon the also-runs. The emergence of new constituencies such as N02 Bengkoka, N08 Pintasan and N44 Tulid, and of new contestants may indeed make it difficult for voters to ascertain the leading candidates. If these are the main reasons for under-reduction of parties, then this should disappear over time. However, the 2018 data suggest

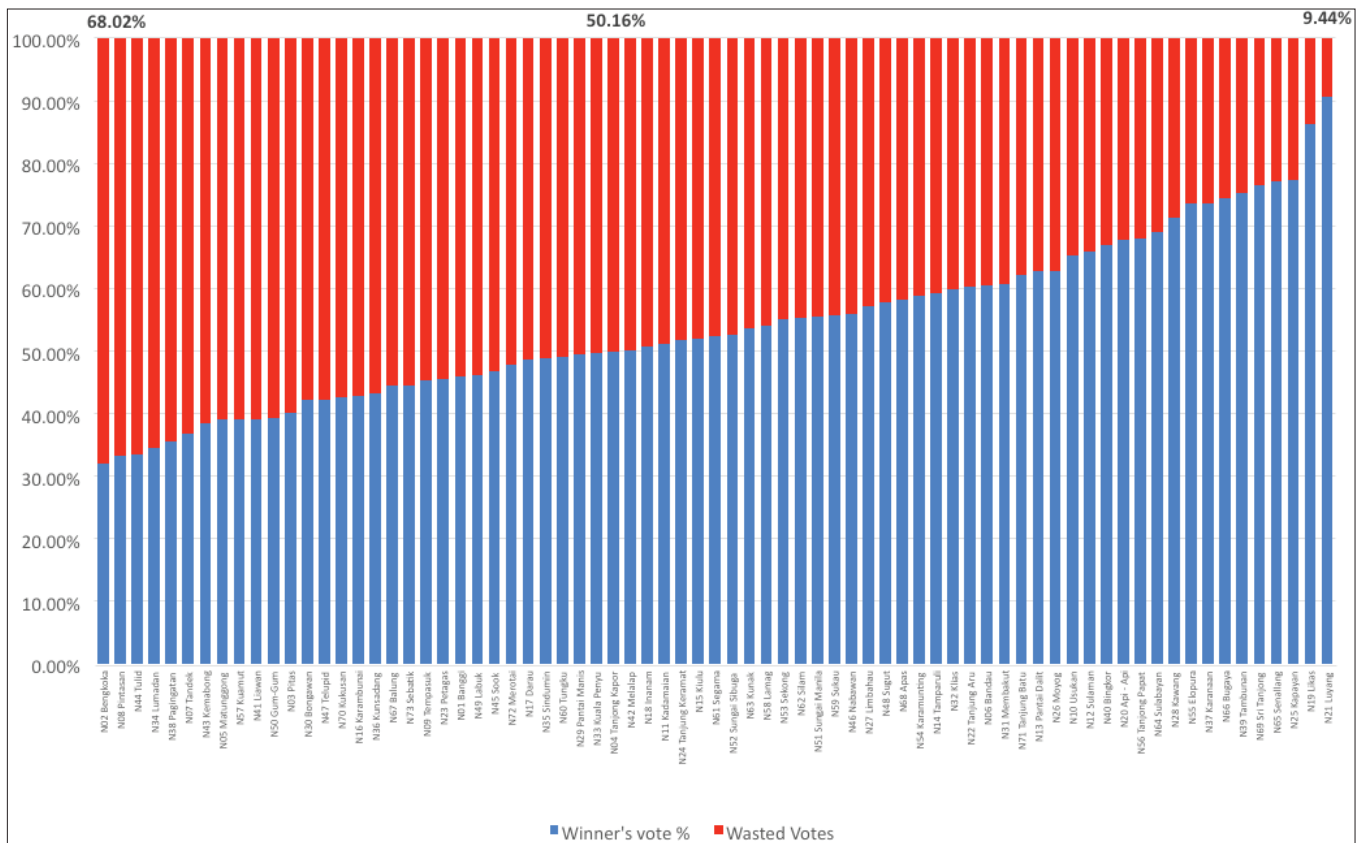


Figure 2 Wasted Votes in Sabah State Election 2020

(Source: analysis by the author based on the Election Commission's data)

Table 5 Size of Wasted Votes in 2020 and 2018

Wasted Votes Range	2020				2018			
	Constituencies		Wasted Votes		Constituencies		Wasted Votes	
	N	%	N	% of total valid votes	N	%	N	% of total valid votes
>60%	11	15.07%	65,623	8.98%	2	3.33%	15,881	1.88%
>50%-60%	20	27.40%	96,949	13.27%	16	26.67%	102,345	12.12%
>40%-50%	20	27.40%	89,236	12.21%	29	48.33%	194,418	23.03%
>30%-40%	12	16.44%	44,069	6.03%	6	10.00%	33,588	3.98%
<=30%	10	13.70%	27,815	3.81%	7	11.67%	25,443	3.01%
Total	73	100.00%	323,692	44.30%	60	100.00%	371,675	44.02%

Source: analysis by the author based on the Election Commission's data

that even without new constituencies and with fewer contestants, still one in ten constituencies failed to return majority winners.

This raises a few pertinent questions. First, can all voters be expected to adopt strategic voting? Second, should they be punished if they are culturally inclined towards sincere voting? In fact, is it healthy even

if wasted votes are kept just below 50%? In 2018, half of the wasted votes came from closely-fought constituencies which produced majority winners (third row of Table 4). Third, while this is normal under FPTP, is it healthy for democracy? For the first two questions, the Nadi Melayu Muslim 2019 survey commissioned by the author offered some clues. In the sample of 418 Malay-Muslims in Sabah aged 21

and above randomly surveyed (5% margin of error at 95% confidence level), when asked how they would vote in a multicornered context, only 16% answered that they would only choose between the winnable candidates, while 68% would support their favoured candidate regardless of winnability and 16% would support the government party candidate regardless of winnability.³ On the third question, two civil society groups Sabah Women's Action Resource Group (SAWO) and Rakyat Is Bos have proposed the appointment of female best losers as nominated ADUNs, which can also be used to close the gender imbalance. (Daily Express, 2020). One can also think beyond FPTP – if one of the key advantages of having FPTP is to have a less fragmented party system, does it still pay to keep FPTP when the ethnic cleavages in Sabah now sustains at least eight parties in the DUN? Can a switch to a party list system or a mixed member system with a party list component induce stronger, more programmatic parties and reduce clientelism and party-hopping?

CONCLUSION

This paper argues that there is no empirical evidence to support any claim that Sabahans had substantially voted for change on September 26, 2020. When compared with the BN-Star's lead of 31:29 (2 seats) over Warisan-PH on 10 May 2018, the GRS's lead of 38:32 (6 seats) over Warisan Plus on 27 September 2020 was mainly contributed by GRS's lead of 9:4 (5 seats) over Warisan in winning the 13 new constituencies. In the 60 old constituencies (some of which had significant changes in electorate profile due to carving-out of the new constituencies), only seven seats changed hand, which caused a net loss of one seat for Warisan Plus while GRS's gain from Warisan Plus was off-set by its loss to the three independent candidates. In a sense, the change of government was determined by only 20 constituencies – 13 new, seven old ones that changed hand - including some with the smallest electorates.

The election outcome is better characterised as status quo, as most parties and incumbent ADUNs held on to their seats, though some suffered vote loss. Incumbency advantage is so strong that even 11 out of 17 ADUNs who changed their party between the two elections in 2018 and 2020 got reelected. As long as they stand

under another major party, "frogs" can expect to keep their seats. Even an independent succeeded in beating his old party to keep his. Looking at constituency-intensive works of ADUNs, the existence of two strong coalitions at the state level can be understood as the mere manifestation of two patronage machines controlled respectively by the last state government (Warisan Plus) and the current federal government (GRS), fitting Cox's explanatory framework.

At the constituency level, voters however did not vote strategically in as many as 42% of the constituencies, producing both minority winners and wasted votes higher than 50%. The high percentage of wasted votes should not be taken as granted as some voters may be culturally inclined to continue with sincere voting. Those who cast wasted votes and enjoyed no representation may be marginalised in their access to public services or be forced to change their political affiliation to avoid such marginalisation. As FPTP has not delivered a stable, centrist and programmatic two-party system, it is time to reflect if it still pays to keep FPTP which produces such high numbers of wasted votes.

ENDNOTES

- ¹ To shed its communal image, UPKO has renamed itself as United Progressive Kinabalu Organisation, after Sabah's majestic Mountain Kinabalu, but retained its acronym.
- ² Personal communication with Chan Foong Hin, Member of Parliament, Kota Kinabalu on 24 August 2020.
- ³ The survey is not published but some of its findings are reported here, <https://ideselangor.com/v2/2020/09/07/forum-demokrasi-pembentangan-kajian-nadi-melayu/>.

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