

Parliamentary Elections (Amendment) Bill

Bill No. 8/2008.

Read the first time on 21st July 2008.

A BILL

intituled

An Act to amend the Parliamentary Elections Act (Chapter 218 of the 2007 Revised Edition) and to make related amendments to the Presidential Elections Act (Chapter 240A of the 2007 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Parliamentary Elections (Amendment) Act 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2(1) of the Parliamentary Elections Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “Commissioner of National Registration”, the following definition:

10 ““contact address”, in relation to any person, means the person’s contact address under section 8(2) of the National Registration Act;” and

(b) by deleting the definition of “overseas polling station” and substituting the following definition:

15 ““overseas polling station” means such of the following premises situated outside Singapore as the Returning Officer may approve under section 36A(2) to be an overseas polling station:

20 (a) an embassy, a High Commission, diplomatic mission, permanent mission or consulate of Singapore (or any part thereof) in a country or territory outside Singapore;

25 (b) the official residence (or any part thereof) of any person who is appointed to hold or act in any of the following offices in a country or territory outside Singapore:

(i) an ambassador, a High Commissioner, Consulate-General or head of a diplomatic mission or consulate;

30 (ii) the Permanent Representative; or

(iii) such other senior diplomatic or consular office as the Minister may, from time to time, prescribe;”.

Amendment of section 5

3. Section 5 of the principal Act is amended —

(a) by deleting subsection (1A) and substituting the following subsection:

5 “(1A) For the purposes of subsection (1)(b), a person shall be
deemed to be ordinarily resident in Singapore on the prescribed
date in a year if the person has resided in Singapore for an
aggregate of 30 days during the period of 3 years immediately
preceding the prescribed date, even though the person is not
10 resident in Singapore on that date.”; and

(b) by deleting the words “referred to in section 8(2) of the National
Registration Act (Cap. 201)” in subsection (6).

Amendment of section 6

4. Section 6 of the principal Act is amended —

15 (a) by deleting paragraph (a) of subsection (1) and substituting the
following paragraph:

“(a) has done any of the following:

- 20 (i) acquired or applied to acquire by registration,
naturalisation or other voluntary and formal act
(other than marriage) the citizenship of any
country outside Singapore;
- (ii) voluntarily claimed and exercised any rights
(other than any rights in connection with the use
25 of a passport) available to him under the law of
any country outside Singapore being rights
accorded exclusively to the citizens or nationals
of that country;
- (iii) taken any oath or made any declaration or
acknowledgment of allegiance, obedience or
30 adherence to any foreign power or state; or
- (iv) applied to the authorities of a place outside
Singapore for the issue or renewal of a passport
or used a passport issued by such authorities as a
travel document.”;

- (b) by deleting paragraph (f) of subsection (1); and
- (c) by inserting, immediately after subsection (2), the following subsection:

“*(3)* For the purposes of subsection (1)(a)(ii), the exercise of a vote in —

- (a) any national, state or provincial election; or
- (b) any election for the local government of any metropolitan or urban area,

in a country outside Singapore (but not an election under this Act or a presidential election) shall be deemed to be the voluntary claim and exercise of a right available under the law of that country.”.

Amendment of section 10

5. Section 10(4) of the principal Act is amended by deleting the words “or consulate of Singapore situated in” and substituting the words “, permanent mission or consulate of Singapore situated in any country or”.

Amendment of section 11

6. Section 11 of the principal Act is amended by deleting the words “in duplicate” in subsections (5) and (6).

Amendment of section 13

7. Section 13 of the principal Act is amended —

- (a) by deleting the words “a place of residence” in subsection (4) and substituting the words “his place of residence or his contact address”; and
- (b) by inserting, immediately after the words “his change of address” in subsection (4A), the words “or contact address”.

Amendment of section 13A

8. Section 13A of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) Any person not resident in Singapore but whose name is entered in the register of electors for an electoral division and who is entitled to have his name so entered or retained in that register of electors may, at any time before a writ of election is issued for any election in that electoral division, apply to the Registration Officer to be registered as an overseas elector for that electoral division at —

(a) any overseas registration centre; or

(b) any place in or near the electoral division for which the person seeks to be registered as an overseas elector.”;

(b) by inserting, immediately after paragraph (c) of subsection (2), the following paragraph:

“(ca) a declaration that he —

(i) has not acquired or applied to acquire by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore;

(ii) has not voluntarily claimed and exercised any rights (other than any rights in connection with the use of a passport) available to him under the law of any country outside Singapore being rights accorded exclusively to the citizens or nationals of that country;

(iii) has not taken any oath or made any declaration or acknowledgment of allegiance, obedience or adherence to any foreign power or state; and

(iv) has not applied to the authorities of a place outside Singapore for the issue or renewal of a passport or used a passport issued by such authorities as a travel document;”;

(c) by deleting the words “, before or at any time after certifying any register of electors for any electoral division” in subsection (3) and substituting the words “to be registered as an overseas elector for an electoral division, at any time except between the issue of a writ of election under section 24 and the nomination

day appointed for an election in that electoral division or, if a poll is to be taken, the polling day appointed for that election”;

(d) by inserting, immediately after subsection (3), the following subsections:

5 “(3A) Any person who is registered under this section as an overseas elector in the register of electors for an electoral division may, at any time, apply to the Registration Officer in the manner prescribed —

(a) to cancel his registration as an overseas elector; or

10 (b) to change the overseas polling station allotted to him under subsection (3)(b) to another overseas polling station,

and the Registration Officer may, at any time before the issue of a writ of election under section 24 for an election in that electoral division, cancel the person’s registration as an overseas elector or allot the person another overseas polling station to vote at, as the case may be.

15 (3B) Only one overseas polling station may be allotted to a person who is registered as an overseas elector.”; and

20 (e) by inserting, immediately after subsection (4), the following subsection:

“(5) For the purposes of subsection (2)(ca)(ii), the exercise of a vote in —

(a) any national, state or provincial election; or

25 (b) any election for the local government of any metropolitan or urban area,

in a country outside Singapore (but not an election under this Act or a presidential election) shall be deemed to be the voluntary claim and exercise of a right available under the law of that country.”.

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Amendment of section 21

9. Section 21 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) Any person who, in making any application under section 13A(1) to be registered as an overseas elector for an electoral division, or any application under section 13A(3A)(b) to change the overseas polling station allotted to him to another overseas polling station —

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(a) makes, in or outside Singapore, in any declaration under section 13A(2) any statement which is false, and which he knows or has reason to believe is false or does not believe to be true;

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(b) furnishes, in or outside Singapore, any document which he knows or has reason to believe is false or does not believe to be true; or

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(c) by the intentional suppression of any material fact, furnishes, in or outside Singapore, information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 years or to both.”.

Amendment of section 36A

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10. Section 36A of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) The Returning Officer may, for the purposes of the poll at any election, approve the use of such of the following premises outside Singapore that are within —

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(a) an embassy, a High Commission, diplomatic mission, permanent mission or consulate of Singapore in a country or territory outside Singapore; or

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(b) the official residence of any person who is appointed to hold or act in any of the following offices in a country or territory outside Singapore:

(i) an ambassador, a High Commissioner, Consulate-General or head of a diplomatic mission or consulate;

(ii) the Permanent Representative; or

(iii) such other senior diplomatic or consular office as the Minister may, from time to time, prescribe for the purposes of the definition of an “overseas polling station” in section 2(1),

5 as the Returning Officer thinks practicable or suitable as an overseas polling station for overseas electors to cast their votes thereat.”.

Amendment of section 39

11. Section 39(2A) of the principal Act is amended by deleting the words “section 13A(3)” and substituting the words “section 13A”.

10 **Amendment of section 39A**

12. Section 39A of the principal Act is amended —

(a) by deleting the words “section 13A(3)” in subsection (1)(a) and substituting the words “section 13A”;

(b) by deleting the words “but not more than 12 hours” in
15 subsection (2); and

(c) by inserting, immediately after subsection (4), the following subsection:

“*(5)* Unless the contrary intention appears therefrom, the regulations made under subsection (4) shall extend to acts done
20 or omitted to be done outside Singapore by —

(a) any Assistant Returning Officer or presiding officer;

(b) any polling agent or election agent; or

(c) any citizen of Singapore (whether or not a voter or an
25 elector),

in relation to a poll conducted or to be conducted at an overseas polling station.”.

Related amendments to Presidential Elections Act

13. The Presidential Elections Act (Cap. 240A) is amended —

(a) by deleting the definition of “overseas polling station” in
30 section 2 and substituting the following definition:

““overseas polling station” has the same meaning as in the Parliamentary Elections Act (Cap. 218);”;

- (b) by deleting the words “section 13A(3)” in section 22A(1)(a) and substituting the words “section 13A”;
- (c) by deleting the words “but not more than 12 hours” in section 22A(2); and
- 5 (d) by inserting, immediately after subsection (4) of section 22A, the following subsection:
- “(5) Unless the contrary intention appears therefrom, the regulations made under subsection (4) shall extend to acts done or omitted to be done outside Singapore by —
- 10 (a) any Assistant Returning Officer or presiding officer;
- (b) any polling agent or election agent; or
- (c) any citizen of Singapore (whether or not a voter or an elector),
- in relation to a poll conducted or to be conducted at an
- 15 overseas polling station.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Parliamentary Elections Act (Cap. 218) to expand the facility to vote overseas to more citizens of Singapore who are working or resident abroad during a parliamentary election —

- (a) by relaxing and simplifying the qualifying criteria for a citizen who is resident outside Singapore to be registered as an overseas elector;
- (b) by abolishing certain disqualifications for electors;
- (c) by extending the time allowed for such citizens to register as overseas electors;
- (d) by expanding the type of premises which can be securely used as overseas polling stations, so as to cater to larger numbers of overseas electors;
- (e) by extending the hours of overseas voting at overseas polling stations; and
- (f) by strengthening the enforcement and compliance provisions in relation to overseas electors and voting through extra-territorial application.

The Bill also makes related amendments to the Presidential Elections Act (Cap. 240A).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) by inserting a new definition of “contact address” as the term will be used more frequently in the Act after the amendments, and by amending the definition of “overseas polling station” to expand the class of premises which can be designated for use as overseas polling stations. The contact address is defined as that which a non-resident citizen holding an identity card submits to the Commissioner of National Registration as his contact address in Singapore. As for the definition of “overseas polling station”, in addition to an embassy, a High Commission, diplomatic mission, permanent mission or consulate of Singapore (or any part thereof) in a country or territory outside Singapore, the official residence of our senior diplomatic officers, such as an ambassador, a High Commissioner, Permanent Representative, Consulate-General or head of a diplomatic mission or consulate, may also be used as overseas polling stations.

Clause 3 amends section 5, in particular subsection (1A) thereof, which deems certain non-resident citizens to be still ordinarily resident in Singapore and entitled to have their names entered or retained in a register of electors. As amended, a citizen will be regarded as ordinarily resident in Singapore on the cut-off date for registration of electors if the person has resided in Singapore for an aggregate of 30 days during the period of 3 years immediately preceding the cut-off date, even though the person is not resident in Singapore on that date. This is a relaxation of the current requirement that the person must have resided in Singapore for an aggregate of 2 years during the period of 5 years immediately preceding the cut-off date. The deeming provision for public officers and scholars employed or studying abroad is also abolished.

Clause 4 amends section 6 firstly, by abolishing the present disqualification to be an elector if the citizen’s name is entered in a register of electors in any other country or territory. Secondly, the disqualification for citizens who acquire foreign citizenship is amended to align it with the circumstances under which deprivation of citizenship proceedings may start. For example, where the citizen has acquired or applied to acquire by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore, or has voluntarily claimed and exercised any rights (other than any rights in connection with the use of a passport) available to him under the law of any country outside Singapore being rights accorded exclusively to the citizens or nationals of that country. The exercise of a vote in any foreign national, state or provincial election, or any election for the local government of a metropolitan or urban area in a foreign country, is deemed to be the voluntary claim and exercise of such a right. The present disqualification for citizens who have taken any oath of allegiance to any foreign power or state, or have applied for the issue or renewal of a foreign passport or used a foreign passport are retained.

Clause 5 amends section 10(4) to make it clear that permanent missions of Singapore outside Singapore can be used for the purpose of registering persons as overseas electors.

Clause 6 amends section 11 (relating to claims and objections to names in any register of electors) to facilitate on-line claims and objections. The requirement that every objection must be in duplicate is abolished.

Clause 7 amends section 13 (relating to certification of registers of electors) to enable the Registration Officer to remove the name of any elector from a register of

electors for an electoral division if the elector, being a non-resident overseas elector, no longer uses the address in that electoral division as his address or his contact address. The Registration Officer is also empowered to transfer the name of such an overseas elector if his contact address has moved to another electoral division. The Registration Officer will be able to make these changes even after the register of electors for an electoral division is certified, except between the issue of a writ of election and polling day appointed for election in that electoral division.

Clause 8 makes 3 types of amendments to section 13A, which deals with registration of overseas electors. First, an application to be registered as an overseas elector can be made at any time, up till just before the issue of a writ of election. Registration of an overseas elector can also be effected for an electoral division at any time except between the issue of a writ of election for the electoral division and the nomination day appointed for an election in that electoral division or, if a poll is to be taken, the polling day appointed for that election.

The second amendment concerns the declaration that accompanies the application to register as an overseas elector. The applicant has to declare that he has not acquired or applied to acquire by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore, and has not voluntarily claimed and exercised any rights (other than any rights in connection with the use of a passport) available to him under the law of any country outside Singapore being rights accorded exclusively to the citizens or nationals of that country. The exercise of a vote in any foreign national, state or provincial election, or any election for the local government of a metropolitan or urban area in a foreign country, is deemed to be the voluntary claim and exercise of such a right.

The third amendment is to allow an overseas elector to apply to the Registration Officer at any time to cancel his registration as an overseas elector or to change the overseas polling station that has been allotted to him to vote at. However, an overseas elector can only be allotted to vote at one overseas polling station only.

Clause 9 amends section 21 by creating a new offence connected with applications to be registered as an overseas elector for an electoral division, or applications to change the overseas polling station allotted. Such an applicant will be guilty of an offence if he makes, in or outside Singapore, in any declaration accompanying the application any statement which is false, and which he knows or has reason to believe is false or does not believe to be true, or furnishes, in or outside Singapore, any document which he knows or has reason to believe is false or does not believe to be true, or by the intentional suppression of any material fact, furnishes, in or outside Singapore, information which is misleading. The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 years or both.

Clause 10 amends section 36A(2) (which deals with overseas polling stations) to expand the class of premises which can be used as overseas polling stations. This is connected with the amendment to the definition of "overseas polling station" in clause 2.

Clause 11 amends section 39(2A) (which provides that an overseas elector will be entitled to vote at the overseas polling station allotted to him) to deal with changes in

the allotted overseas polling stations allowed by the amendments to section 13A in clause 8.

Clause 12 amends section 39A (which deals with overseas voting) to extend the hours of overseas voting. The amendments remove the restriction to not more than 12 hours. However, an overseas poll must still close not later than the close of the poll on polling day in Singapore. Section 39A is also amended to provide extra-territorial application of the regulations governing overseas voting.

Clause 13 makes related amendments to sections 2 and 22A of the Presidential Elections Act (Cap. 240A) in the same manner as the amendments in clauses 2, 11 and 12 of the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
