

Parliamentary Elections (Amendment) Bill

Bill No. 4/2010.

Read the first time on 11th March 2010.

A BILL

intituled

An Act to amend the Parliamentary Elections Act (Chapter 218 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 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **Amendment of section 13**

2. Section 13(3) of the Parliamentary Elections Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the words “provisions of the Constitution,” the words “or on being informed by the Registrar-General of Births and Deaths that any person is dead,”.

10 **Amendment of section 14**

3. Section 14 of the principal Act is amended —

(a) by deleting “\$100” in subsection (4) and substituting the words “\$1,000 or to imprisonment for a term not exceeding 6 months or to both”; and

15 (b) by deleting “\$200” in subsection (6) and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

Amendment of section 21

4. Section 21 of the principal Act is amended —

20 (a) by deleting “\$100” in subsection (1) and substituting the words “\$1,000 or to imprisonment for a term not exceeding 6 months or to both”; and

(b) by deleting the words “3 years” in subsection (4) and substituting the words “12 months”.

25 **Amendment of section 21A**

5. Section 21A(4) of the principal Act is amended by deleting the words “\$1,000 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months”.

30 **Repeal and re-enactment of section 26**

6. Section 26 of the principal Act is repealed and the following section substituted therefor:

“Failure of election

26.—(1) Whenever an election in any electoral division wholly fails, a fresh writ may be issued by the President at any time for the holding of an election in that electoral division, except that where the election in an electoral division has failed because of the death of a candidate after the election has been reported as contested but before polling day, then section 34(8) and (9) or 34A(8) and (8A), as the case may be, shall apply.

(2) The original writ for an election in any electoral division that has wholly failed and everything done in connection with the election for the electoral division because of that writ shall be of no effect.

(3) Where a fresh writ is issued under subsection (1), sections 24 and 25 shall apply to that writ.

(4) For the purposes of this Act, an election shall have wholly failed if —

(a) in the case of an election in a group representation constituency, no group of candidates is nominated or returned as elected for that constituency; or

(b) in the case of any other electoral division, no candidate is nominated or returned as elected for that electoral division.”.

Amendment of section 28

7. Section 28(3) of the principal Act is amended by inserting, immediately after the words “a candidate for election”, the words “, if an election in an electoral division has wholly failed”.

Amendment of section 34

8. Section 34 of the principal Act is amended —

(a) by deleting paragraph (d) of subsection (6) and substituting the following paragraph:

“(d) the date on which the poll will be taken, the date being not earlier than the 10th day, and not later than the 56th day, after the date of publication of the notice in the *Gazette* (referred to in this Act as polling day);”; and

- (b) by deleting the words “for the election” in subsection (8)(b) and substituting the words “, time and place for the nomination of candidates for election, at least 4 clear days before the fresh date fixed for such nomination”.

5 **Amendment of section 34A**

9. Section 34A of the principal Act is amended —

- (a) by deleting paragraph (d) of subsection (6) and substituting the following paragraph:

10 “(d) the date on which the poll will be taken, the date being not earlier than the 10th day, and not later than the 56th day, after the date of publication of the notice in the *Gazette* (referred to in this Act as polling day);” and

- 15 (b) by deleting the words “for the election in that constituency” in subsection (8)(b) and substituting the words “, time and place for the nomination of candidates for election in that constituency, at least 4 clear days before the fresh date fixed for the nomination”.

Amendment of section 38

20 **10.** Section 38(5) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both, and shall, on conviction, become incapable for a period of 3 years from the date of his conviction of being registered as an elector or of voting at any election under this Act or of being elected as the President or a Member of Parliament, and if at that date he has been elected a Member of Parliament, his election shall be vacated from the date of the conviction”.

Amendment of section 39

30 **11.** Section 39(3) of the principal Act is amended by inserting, immediately after the words “by notification in the *Gazette*”, the words “under this section or section 56C”.

Amendment of section 43

12. Section 43 of the principal Act is amended by deleting “\$5” in subsections (8A) and (9) and substituting in each case “\$50”.

Amendment of section 44

13. Section 44(4) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

Amendment of section 48A

14. Section 48A of the principal Act is amended by inserting, immediately after subsection (3), the following subsections:

“(4) Where polling at all polling stations established for the purposes of a poll in an electoral division is postponed under section 56C, the conduct of the counting of votes cast for the electoral division shall stand postponed until such other time as the Returning Officer, by notice in writing to each candidate or his election agent, shall specify.

(5) Where polling at any polling station established for the purposes of a poll in an electoral division is temporarily suspended, adjourned and postponed or abandoned and re-started under section 56C, the conduct of the count in respect of votes cast at the other polling stations for that electoral division at which the poll has closed, shall stand postponed until such other time as the Returning Officer, by notice in writing to each candidate or his election agent, shall specify.”.

Amendment of section 52

15. Section 52 of the principal Act is amended —

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

“(1) At any general election, the number of non-constituency Members to be declared elected shall be the whole number (ignoring any less than 0) ascertained in accordance with the formula

$$9 - B,$$

where B is the total number of Opposition Members elected to Parliament in accordance with section 49(7) or (7A) or 49A(5), as the case may be.”;

- (b) by deleting the word “The” in subsection (2) and substituting the words “Subject to subsection (3A), the”; and
- (c) by deleting subsection (3A) and substituting the following subsection:

5 “(3A) A candidate shall not be declared as so elected under subsection (3) if —

- (a) he has polled less than 15% of the total number of votes (other than rejected votes) polled at the election in the electoral division contested by him;
- 10 (b) 2 other candidates at the election in the same group representation constituency have been declared to be elected under subsection (3); or
- (c) one other candidate at the election in the same electoral division that is not a group representation
- 15 constituency has been declared to be elected under subsection (3).”.

Amendment of section 55

20 **16.** Section 55(1) of the principal Act is amended by deleting the words “to imprisonment for a term not exceeding 2 years” and substituting the words “by a District Court to a fine and to imprisonment for a term not exceeding 5 years”.

Amendment of section 56

25 **17.** Section 56(7) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

New sections 56A to 56F

18. The principal Act is amended by inserting, immediately after section 56, the following heading and sections:

“POSTPONEMENT AND ADJOURNMENT
OF ELECTIONS

Postponement of nomination day, etc.

5 **56A.**—(1) Notwithstanding any other provision of this Act, at any time before the day of nomination appointed for any election in any electoral division, the President may postpone the date for the nomination of candidates to another day, or change the place of nomination, because of —

10 (a) riot or open violence;

 (b) the threat of riot or open violence;

 (c) storm, tempest, flood or an occurrence of a similar kind;

 (d) a health hazard;

 (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or

15 (f) any other reason related to the safety of assistants, clerks, candidates and other persons authorised under section 29 to be present at the place of nomination, or to difficulties in the physical conduct of nomination proceedings.

20 (2) Any postponement of the date for the nomination of candidates to another day, or any change in the place of nomination, under subsection (1) shall be —

 (a) by notice published in the *Gazette* describing the postponement of the day of nomination or the change in the place of nomination, as the case may be; or

25 (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity in the electoral division for which the election is to be held describing the postponement of the day of nomination or the change in the place of nomination, as the case may be,

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and any postponement or change so made shall be valid and sufficient and any date or place provided for in lieu of a date or place fixed by the writ shall be deemed to be the day of nomination or place of nomination so fixed, as the case may be.

Change in hours for nomination of candidates, etc.

5 **56B.**—(1) Notwithstanding any other provision of this Act but subject to subsection (3), at any time before the day of nomination appointed for any election in any electoral division, the Returning Officer may change the hours for nomination proceedings to another time, because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- 10 (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks, candidates and other persons authorised under section 29 to be present at the place of nomination, or to difficulties in the physical conduct of nomination proceedings.
- 15

(2) Any change in the hours for nomination proceedings to another time under subsection (1) shall be —

- 20 (a) by notice published in the *Gazette* describing the change in the hours for nomination proceedings; or
- (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity in the electoral division for which the election is to be held describing the change in the hours for nomination proceedings,
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and any change so made shall be valid and sufficient.

(3) In changing the hours for nomination proceedings under subsection (1), the Returning Officer may specify such other times in the day but —

- 30 (a) shall specify a period of one hour for the Returning Officer to receive nomination papers;
- (b) shall specify a period of 90 minutes for the making of objections to any nomination paper;

(c) shall specify the latest time by which a candidate must make his deposit for the purposes of section 28, may correct errors in the nomination papers and may withdraw his candidature; and

5 (d) shall specify the time by which the nomination of a candidate who is the subject of multiple nominations described in section 32A shall be void.

10 (4) Any changes in time under subsection (1) in lieu of the hours fixed by the notice of the issue of the writ under section 25 for an election in an electoral division shall be deemed to be the hours for nomination proceedings so fixed, and sections 27, 27A, 27B, 28, 29, 29A, 30, 32, 32A and 33 shall apply with such modifications as are necessary.

Adjournment, etc., of polling

15 **56C.**—(1) Notwithstanding any other provision of this Act, if at any time before the polling day appointed in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the polling at all polling stations established for the purposes of the poll in the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- 20 (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- 25 (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- 30 (f) any other reason related to the safety of presiding officers, clerks, interpreters, polling agents or voters within the polling station, or to difficulties in the physical conduct of voting,

which has arisen or is likely to arise before or during the polling at all of those polling stations, the Returning Officer may postpone the polling day for that election to another day, except that the postponed

poll for an election that is a general election must be within 3 months after the dissolution of Parliament.

(2) Notwithstanding any other provision of this Act, if at any time before or during the conduct of polling in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the polling at any polling station established for the purposes of the poll in the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of presiding officers, clerks, interpreters, polling agents or voters within the polling station, or to difficulties in the physical conduct of voting,

which has arisen or is likely to arise before or during the polling at that polling station, the Returning Officer may, subject to subsection (3), do one of the following:

- (i) temporarily suspend the polling at that polling station for a period not exceeding 2 hours, with or without changing the location of that polling station;
- (ii) adjourn and postpone the polling at that polling station to another day, with or without changing the location of that polling station;
- (iii) wholly abandon and re-start the polling at that polling station on another day, with or without changing the location of that polling station;
- (iv) terminate the polling at that polling station early; or
- (v) in the case of polling at an overseas polling station, abandon the poll at the polling station if he is satisfied that polling thereat cannot start or be resumed or completed.

(3) Any poll at an overseas polling station, if resumed or held in place of a postponed poll thereat, must close not later than the close of the poll on polling day in Singapore, and any poll held in place of a postponed poll at any polling station for an election that is part of a general election must be held within 3 months after the dissolution of Parliament.

(4) In exercising any power under subsection (1) or (2), the Returning Officer shall —

(a) by notification published in the *Gazette* declare the temporary suspension, adjournment, postponement, abandonment, re-start, or early termination (as the case may be) of polling at the polling station concerned and, where applicable, specify the date and time on and at which polling at that polling station is to resume, re-start or be held in place of the suspended, adjourned, postponed or abandoned poll, as the case may be; or

(b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity in the electoral division for which the election is to be held for the temporary suspension, adjournment, postponement, abandonment, re-start or early termination (as the case may be) of the polling and, where applicable, the date and time on and at which polling at that polling station is to resume, re-start or be held in place of the suspended, adjourned, postponed or abandoned poll, as the case may be,

and any postponement, resumption, re-start or other change so made shall be valid and sufficient and any date or place provided for in lieu of a date or place fixed by the notice of contested election shall be deemed to be the polling day or polling place so fixed, as the case may be.

(5) If, in exercising any power under subsection (2), the Returning Officer changes the location of any polling station, the notice given under subsection (4) shall also contain the address of the re-located polling station.

(6) Any temporary suspension, adjournment, postponement, abandonment, re-start, or early termination, as the case may be, of

polling at a polling station pursuant to the exercise of any power under subsection (1) or (2) shall be carried out in the prescribed manner.

(7) Nothing in this section shall restrict the exercise of any power under section 50C(3).

Voting at adjourned polling

56D. Where for any reason the polling at any polling station established for the purposes of the poll in any electoral division is so suspended or postponed under section 50C(3) or 56C, only those electors —

- (a) who are registered electors for that electoral division for which the polling station is established;
- (b) who are entitled to vote as electors for that electoral division at that polling station; and
- (c) who have not already voted,

shall be entitled to vote on the date and time on and at which polling at that polling station is to resume or to be held in place of the postponed poll, as the case may be.

Adjournment, etc., of counting

56E.—(1) Notwithstanding any other provision of this Act, if at any time before or during the counting of votes in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the counting of votes at any counting place for the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks counting the votes and candidates or their counting agents

present in the counting place, or to difficulties in the physical conduct of counting,

which has arisen or is likely to arise before or during the counting of votes at that counting place, the Returning Officer may —

- 5 (i) temporarily suspend the counting at that counting place for a period not exceeding 2 hours, with or without changing the location of that counting place;
- (ii) adjourn and postpone the counting at that counting place to 10 another day, with or without changing the location of that counting place;
- (iii) wholly abandon the counting of votes at that counting place if he is satisfied that counting thereat cannot be resumed or completed and that the number of votes to be counted will not affect the result of the election, and in the case of an 15 abandoned recount of votes at that counting place, declare the election results using the results of the first count; or
- (iv) wholly abandon the counting of votes at that counting place and re-start (within 3 months after the dissolution of Parliament in the case of a general election) the polling at all 20 polling stations which are specified in the direction under section 48A to be counted at that counting place and the counting of the votes cast thereat, if he is satisfied that counting thereat cannot be resumed or completed and that the number of votes to be counted will affect the result of 25 the election.

(2) In exercising any power under subsection (1), the Returning Officer shall —

- 30 (a) announce to such of the candidates and their counting agents attending the counting of the votes at the counting place concerned, the temporary suspension, adjournment, postponement or abandonment (as the case may be) of counting of votes at the counting place and where applicable, the date and time on and at which counting of votes at that counting place is to resume or be held in place of the suspended, adjourned, postponed or abandoned count, 35 as the case may be; and

(b) by notice published in the *Gazette* declare the temporary suspension, adjournment, postponement or abandonment (as the case may be) of counting of votes at the counting place concerned and where applicable, specify the date and time on and at which counting of votes at that counting place is to resume or be held in place of the suspended, adjourned, postponed or abandoned count, as the case may be.

(3) If, in exercising any power under subsection (1), the Returning Officer changes the location of any counting place, the announcement and notice given under subsection (2) shall also contain the address of the re-located counting place.

(4) Before every temporary suspension or adjournment of the counting of votes at any counting place —

(a) all counted ballot papers, uncounted ballot papers and all other documents relating to the counting of votes at the counting place shall be sealed up in separate packets and placed in any ballot box or boxes; and

(b) those ballot box or boxes shall then be sealed with the seal of the Returning Officer and the seals of such of the candidates or their counting agents as attend and desire to affix their seals.

(5) Before resuming the counting of votes following any such temporary suspension or adjournment of counting, the Returning Officer or a person authorised by him shall, in the presence of such of the candidates and their counting agents as attend, show each ballot box with such seals unbroken before taking out the uncounted ballot papers therein.

(6) Any temporary suspension, postponement, adjournment or abandonment of the counting of votes at any counting place pursuant to the exercise of any power under subsection (1), and the resumption of counting of votes or polling in place of the suspended, adjourned, postponed or abandoned count, shall be carried out in the prescribed manner.

(7) In this section, any reference to counting of votes includes a reference to the recounting of votes.

Adjournment, etc., of adding of counted votes

56F.—(1) Notwithstanding any other provision of this Act, if at any time before or during the adding of all the counted votes in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the adding of those votes at the principal counting place for the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks adding the votes and candidates or their election agents present in the principal counting place, or to difficulties in the physical conduct of adding the counted votes,

which has arisen or is likely to arise before or during the addition of votes at the principal counting place for that electoral division, the Returning Officer may —

- (i) temporarily suspend the addition of votes at the principal counting place for a period not exceeding 2 hours, with or without changing the location of the principal counting place; or
- (ii) adjourn and postpone the addition of votes at the principal counting place to another day, with or without changing the location of the principal counting place.

(2) In exercising any power under subsection (1), the Returning Officer shall —

- (a) announce to such of the candidates and their election agents attending the addition of the votes at the principal counting place concerned, the temporary suspension, adjournment or postponement (as the case may be) of addition of votes at the principal counting place and where applicable, the date and time on and at which addition of votes at the principal

counting place is to resume or to be held in place of the suspended, adjourned or postponed addition of votes, as the case may be; and

5 (b) by notice published in the *Gazette* declare the temporary suspension, adjournment or postponement (as the case may be) of the addition of the votes at the principal counting place concerned and where applicable, specify the date and time on and at which addition of votes at that principal counting place is to resume or to be held in place of the
10 suspended, adjourned or postponed addition of votes, as the case may be.

(3) If, in exercising any power under subsection (1), the Returning Officer changes the location of any principal counting place, the announcement and notice given under subsection (2) shall also
15 contain the address of the re-located principal counting place.

(4) Any temporary suspension, adjournment or postponement (as the case may be) of the addition of votes at any principal counting place pursuant to the exercise of any power under subsection (1), and the resumption of the addition of votes or the addition of votes in
20 place of the suspended, adjourned or postponed addition, shall be carried out in the prescribed manner.”.

Amendment of section 61

19. Section 61 of the principal Act is amended —

25 (a) by deleting the words “ending on the eve of polling day at the election” in subsection (1)(c) and substituting the words “ending with the start of polling day at that election”;

(b) by deleting the words “a fine of not less than \$250 and not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both; and” in subsection (1)(i) and substituting
30 the words “a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both;”;

(c) by deleting paragraph (ii) of subsection (1) and substituting the following paragraphs:

35 “(ii) in the case referred to in paragraph (b), to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both;

(iii) in the case referred to in paragraph (c), to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both;

5 (iv) in the case referred to in paragraph (d) or (e), to a fine or to imprisonment for a term not exceeding 12 months or to both; or

(v) in the case referred to in paragraph (f), to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.”;

10 (d) by deleting subsection (4) and substituting the following subsection:

“(4) Without prejudice to section 57, every offence of undue influence or bribery under section 59 or 60, as the case may be, and every other corrupt practice under subsection (1)(c), (d) or
15 (e) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”; and

(e) by deleting paragraphs (c) and (d) of subsection (6) and substituting the following paragraphs:

“*(c)* the publication of any news relating to an election —
20 (i) in a newspaper in any medium by a person permitted to do so under the Newspaper and Printing Presses Act (Cap. 206); or
(ii) in a radio or television broadcast by a person licensed to do so under the Broadcasting Act
25 (Cap. 28);
(*d*) the telephonic or electronic transmission by an individual to another individual of the first-mentioned individual’s own political views, on a non-commercial basis; or”.

30 **Amendment of section 62**

20. Section 62 of the principal Act is amended by inserting, immediately after subsection (5), the following subsections:

“(6) The election agent of a candidate (referred to as candidate A) belonging to a group of candidates may act by the election agent of

any other candidate belonging to the same group (referred to as a sub-agent) whom the first-mentioned election agent authorises in writing in respect of such expenses incurred on account of or in respect of the conduct or management of the election for the candidates as is named in the authority, and —

(a) anything done by or to the sub-agent shall be deemed to be done by the election agent and sub-agent jointly; and

(b) the candidate A shall suffer the like incapacity as if any act or default of the sub-agent had been his election agent's act or default.

(7) For the avoidance of doubt, nothing in subsection (6) prevents an election agent of a candidate belonging to a group from authorising in writing more than one sub-agent from among the respective election agents of the other candidates belonging to the same group.

(8) The authorisation of a sub-agent under subsection (6) —

(a) shall not be vacated by the election agent who authorised him ceasing to be an election agent; and

(b) may be revoked by whoever is for the time being the election agent.

(9) The references in sections 64, 65(1) and (1A), 66, 68 and 69 to an election agent of a candidate (referred to as candidate A) shall, in relation to an election in a group representation constituency, be taken as references to the election agent —

(a) acting by himself; or

(b) acting by the election agent of any other candidate belonging to the same group as candidate A whom the first-mentioned election agent has authorised in writing under subsection (6) to act as his sub-agent in respect of such expenses incurred on account of or in respect of the conduct or management of the election for the candidates as are named in that authority.”.

Amendment of section 65

21. Section 65 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) Subsections (1) and (1A) shall not be deemed to apply to —

- (a) any payments made by the Returning Officer;
- (b) any payments which are, in accordance with section 66(8), (9) or (10) or 68(1), made by the candidate;
- 5 (c) any expenses which are paid in accordance with section 68(4) by a person or political party authorised as mentioned in that section; and
- (d) any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if the sum is
10 not repaid to him.”.

Amendment of section 68

22. Section 68 of the principal Act is amended —

- (a) by deleting subsections (4) and (5) and substituting the following subsections:

15 “(4) If so authorised in writing by the election agent of a candidate (referred to in this subsection as candidate A) —

- (a) any person may pay any necessary expense for stationery, postage, telephonic communication (or any other similar means of communication) and other
20 petty expenses; or

- (b) the political party for whom candidate A is standing for election (or an officer thereof authorised by the party to act on its behalf) may pay any expenses incurred on account of or in respect of the conduct or
25 management of the election of candidate A,

to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent of candidate A.

30 (5) A statement of the particulars of payments made by any person or political party so authorised under subsection (4) shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person or political party, as the case may be.”; and

- (b) by deleting the section heading and substituting the following section heading:

“Expenses which may be paid otherwise than by election agents”.

5 **Amendment of section 71**

23. Section 71 of the principal Act is amended —

- (a) by deleting “\$100” in subsection (5) and substituting “\$500”;
and

- 10 (b) by deleting subsections (6), (7) and (8) and substituting the following subsection:

“(6) The illegal practice and the offence under subsections (1A) and (4), respectively, shall each be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

15 **Amendment of section 72**

24. Section 72(1) of the principal Act is amended by deleting the words “No person” and substituting the words “Subject to section 62(6) and (7), no person”.

Amendment of section 74

20 **25.** Section 74 of the principal Act is amended —

- (a) by deleting the words “, which bills and receipts” in subsection (1)(a) and substituting the words “and any written authority under section 68(4), which bills, receipts and written authority”;

- 25 (b) by inserting, immediately after subsection (1), the following subsection:

30 “(1A) In every case where section 62(6) applies, within 31 days after the date of publication of the result of an election in a group representation constituency in the *Gazette*, the principal election agent for the group of candidates that stood for the election shall transmit to the Returning Officer a true return (referred to in this Act as the consolidated return respecting election expenses), in Form 19A in the First

Schedule, containing detailed statements as respects that group of candidates of —

- 5 (a) all payments made by the sub-agent authorised under section 62(6) for the purpose of expenses incurred or to be incurred on account of or in respect of the management of the election for the group, together with all the bills and receipts referred to in section 66(1), and the dates of payment of all sums for which no receipt is attached;
- 10 (b) the amount of those payments apportioned (by agreement between the election agents of the respective candidates) to each candidate;
- (c) the disputed claims so far as every sub-agent authorised under section 62(6) is aware; and
- 15 (d) all unpaid claims, if any, of which every election agent authorised under section 62(6) is aware in respect of which application has been made or is about to be made to an Election Judge or a Judge of the High Court.”;
- 20 (c) by inserting, immediately after subsection (2), the following subsection:
- “(2A) The consolidated return respecting election expenses shall be signed by the principal election agent and shall be accompanied by a statement made by the principal election agent and every sub-agent authorised under section 62(6), which shall be in Forms 19A and 20A, respectively, in the First Schedule.”;
- (d) by deleting the words “subsection (1) or (2)” in subsection (4) and substituting the words “subsection (1), (2) or (2A)”;
- 30 (e) by inserting, immediately after subsection (4), the following subsection:
- “4A) If any principal election agent, or any election agent authorised as a sub-agent under section 62(6), fails to comply with the requirements of subsection (1A) or (2A), the principal election agent or election agent, as the case may be, shall be
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guilty of an illegal practice and the provisions of this section shall be in addition to and not in derogation of section 61.”.

Amendment of section 76

26. Section 76(3) of the principal Act is amended by deleting the words
5 “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,000 or to imprisonment for a term not exceeding 6 months or to both”.

Amendment of section 77

27. Section 77 of the principal Act is amended —

10 (a) by inserting, immediately after the words “on polling day” in subsection (1), the words “or on the eve of polling day at an election”;

(b) by deleting subsection (3) and substituting the following subsection:

15 “(3) The offence under subsection (4) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”; and

(c) by deleting the section heading and substituting the following section heading:

20 “**Badges, symbols, etc., prohibited on polling day and eve of polling day**”.

Amendment of section 78

28. Section 78 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

25 “(5) Every offence under such regulations shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 78A

29. Section 78A of the principal Act is amended —

30 (a) by deleting the words “candidates or their election agents and relevant persons” in subsection (1)(b) and substituting the words “and candidates or their election agents”;

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

“(2A) Every offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”;

(c) by deleting the words “ending with the close of all polling stations on polling day at the election;” in the definition of “election period” in subsection (3) and substituting the words “ending with the start of polling day at the election.”; and

(d) by deleting the definitions of “Media Development Authority of Singapore” and “relevant person” in subsection (3).

Repeal and re-enactment of section 78B

30. Section 78B of the principal Act is repealed and the following section substituted therefor:

“Election advertising ban

78B.—(1) Except as otherwise provided by or under subsection (2), no person shall, at any time on polling day or the eve of polling day at an election in an electoral division —

(a) knowingly publish, or knowingly cause or permit to be published, any election advertising in or among any electors in the electoral division; or

(b) knowingly display, or knowingly cause or permit to be displayed, any election advertising on any vehicle, thing or structure within the electoral division or adjoining the electoral division.

(2) Subsection (1) shall not apply to —

(a) the distribution of a book, or the promotion of the sale of a book, for not less than its commercial value, if the book was planned to be published regardless of whether there was to be an election;

(b) the publication of any news relating to an election —

(i) in a newspaper in any medium by a person permitted to do so under the Newspaper and Printing Presses Act (Cap. 206); or

- (ii) in a radio or television broadcast by a person licensed to do so under the Broadcasting Act (Cap. 28);
 - (c) the telephonic or electronic transmission by an individual to another individual of the first-mentioned individual's own political views, on a non-commercial basis;
 - (d) any election advertising that was lawfully published or displayed before the start of the eve of polling day at any election on what is commonly known as the Internet and that was not changed after its publication or display;
 - (e) the continued lawful display or posting of posters or banners that have been displayed or posted before the start of the eve of polling day at any election; and
 - (f) such activities or circumstances as may be prescribed by the Minister.
- (3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction by a District Court to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.
- (4) Every offence under this section shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68)."

Amendment of section 78C

31. Section 78C of the principal Act is amended —

- (a) by deleting "\$1,000" in subsection (2) and substituting "\$1,500"; and
- (b) by inserting, immediately after subsection (2), the following subsection:
 - “(2A) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 78D

32. Section 78D of the principal Act is amended —

- (a) by deleting "\$1,000" in subsection (2) and substituting "\$1,500"; and

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

“(2A) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

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Amendment of section 79

33. Section 79(1) of the principal Act is amended by deleting “\$300” and substituting “\$2,000”.

Amendment of section 80

10 **34.** Section 80 of the principal Act is amended —

(a) by inserting, immediately after the words “on polling day” in subsection (1), the words “and the eve of polling day at an election in an electoral division”;

15 (b) by deleting the words “an election” in subsection (1)(a) and (b) and substituting in each case the words “the election”;

(c) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (2) and substituting the words “\$1,500 or to imprisonment for a term not exceeding 12 months or to both”;

20 (d) by deleting subsection (4) and substituting the following subsection:

“(4) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”;

25 (e) by inserting, immediately after the words “on polling day” in subsection (5), the words “or on the eve of polling day”; and

(f) by deleting the section heading and substituting the following section heading:

“Prohibition of canvassing on polling day and eve of polling day”.

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New section 80A

35. The principal Act is amended by inserting, immediately after section 80, the following section:

“Restrictions on election meetings

5 **80A.**—(1) Without prejudice to sections 12 and 13 of the Public Order Act 2009 (Act 15 of 2009), and notwithstanding section 14 of that Act, all election meetings, wherever held, are prohibited —

 (a) in the case of a general election, on polling day and the eve of polling day at the general election; or

10 (b) in the case of a by-election in any electoral division, on polling day and the eve of polling day at the by-election,

and notwithstanding section 7 of that Act, no permit shall be granted under Part II of that Act for such an election meeting even if a notice under section 6 of that Act is given in respect of that election meeting.

15 (2) Notwithstanding section 14 of the Public Order Act 2009, an election meeting shall not take place within any public place that is designated as an unrestricted area under that section during any of the following periods:

20 (a) in the case of a general election, between the day of nomination appointed for the general election and the day before the eve of polling day at that general election (both days inclusive); or

25 (b) in the case of a by-election in any electoral division, between the day of nomination appointed for the by-election and the day before the eve of polling day at that by-election (both days inclusive),

30 unless the Commissioner of Police is notified under section 6 of that Act of the intention to hold the election meeting, and a permit is granted under section 7 of that Act in respect of that election meeting; and Part II of that Act shall apply to such an election meeting as if it does not take place within an unrestricted area.

35 (3) Any reference in the Public Order Act 2009 to an assembly or a procession that is unlawful under Part II of that Act shall include a reference to an election meeting —

- (a) that is held in contravention of subsection (1) or (2); or
- (b) in the case of an election meeting that takes place in an unrestricted area within the meaning of section 14 of the Public Order Act 2009 —

- 5 (i) that is held on a date or at a time which differs from the date or time specified in relation to the election meeting in the notice given under section 6 of that Act; or
- (ii) that is not in compliance with any requirement imposed by section 8(1) of that Act or any condition imposed
- 10 under section 8(2) of that Act on organisers or persons taking part in that election meeting.

(4) In this section, “election meeting” means a public assembly (within the meaning of the Public Order Act 2009) organised by or on behalf of a candidate nominated for election —

- 15 (a) to promote or procure the electoral success at the election for one or more identifiable political parties, candidates or groups of candidates; or
- (b) to otherwise enhance the standing of any such political parties, candidates or groups of candidates with the
- 20 electorate in connection with the election.”.

Amendment of section 81

36. Section 81 of the principal Act is amended —

- 25 (a) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (2) and substituting the words “\$2,000 or to imprisonment for a term not exceeding 12 months or to both”; and
- (b) by deleting subsection (4) and substituting the following subsection:
 - 30 “(4) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 82

37. Section 82 of the principal Act is amended —

(a) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (2) and substituting the words “\$2,000 or to imprisonment for a term not exceeding 12 months or to both”; and

5 (b) by deleting subsection (3) and substituting the following subsection:

“(3) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

10 **Amendment of section 83**

38. Section 83 of the principal Act is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

15 “(1A) An individual who is not a citizen of Singapore shall not knowingly publish or display, or knowingly cause or permit to be published or displayed, any election advertising in or among any electors in an electoral division during the period beginning with the day the writ of election is issued for an election and ending with the start of the eve of polling day at the election.”;

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(b) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (5) and substituting the words “\$2,000 or to imprisonment for a term not exceeding 12 months or to both”;

25 (c) by deleting subsection (7) and substituting the following subsection:

“(7) Every offence under this section for contravening subsection (1), (1A) or (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”; and

30 (d) by inserting, immediately after subsection (8), the following subsection:

“(9) Nothing in this section shall prohibit the carrying out by any prescribed person, or person in a prescribed class of persons, of such type of work as is prescribed, being work that is performed solely pursuant to a contract for service entered

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into with a person authorised to conduct election activity under this section.”.

Amendment of section 85

39. Section 85 of the principal Act is amended —

- 5 (a) by deleting “\$1,000” in subsection (2) and substituting “\$1,500”;
and
- (b) by deleting subsection (3) and substituting the following subsection:
- 10 “(3) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 88

40. Section 88 of the principal Act is amended —

- 15 (a) by inserting, immediately after the words “his election agent” in subsection (1)(a), the words “, of the principal election agent appointed for the group of candidates of whom the candidate is one or the sub-agent that his election agent authorised under section 62(6),”;
- 20 (b) by inserting, immediately after the words “the election agent of the candidate” in subsection (1)(b), the words “, or the principal election agent appointed for the group of candidates of whom the candidate is one, or the election agent authorised as a sub-agent under section 62(6),”;
- 25 (c) by inserting, immediately after the words “an election agent” in subsection (2), the words “or a principal election agent”;
- 30 (d) by inserting, immediately after the words “his election agent” in subsection (2), the words “or the candidate and the principal election agent appointed for the group of candidates of whom the candidate is one, or the election agent authorised as a sub-agent under section 62(6),”;
- (e) by inserting, immediately after the words “the election agent” in subsection (5), the words “or principal election agent”; and

- (f) by inserting, immediately after the words “his election agent” in subsection (5), the words “or principal election agent, as the case may be”.

Amendment of section 104

- 5 **41.** Section 104 of the principal Act is amended —
- (a) by deleting “\$50” in subsection (2) and substituting “\$1,000”;
 and
- (b) by inserting, immediately after subsection (2), the following
 subsection:
- 10 “(3) The offence under subsection (2) shall be a seizable
 offence within the meaning of the Criminal Procedure Code
 (Cap. 68).”.

Transitional provision

- 15 **42.** Section 12 of this Act shall apply only to and in relation to every
written application by any person for the restoration of his name to a
register of electors made on or after the commencement of that section
under section 43 of the principal Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Parliamentary Elections Act (Cap. 218) for the following main purposes:

- (a) to raise the maximum number of non-constituency Members of Parliament (NCMPs) to 9, in line with the amendments in the Constitution of the Republic of Singapore (Amendment) Bill 2010;
- (b) to enable all or part of election proceedings to be postponed or suspended and adjourned to another day in the event nomination proceedings, polling or counting, as the case may be, are obstructed, disrupted, undermined or seriously affected by natural or man-made catastrophes;
- (c) to enable an election agent to authorise a political party to pay any expenses incurred in respect of the conduct or management of the election of the election agent’s candidate, being a candidate whom the political party fields at an election in a constituency, consistent with the common practice of political parties of assisting their candidates in organising their election campaigns;

- (d) to allow an election agent of any candidate standing as part of a group in a group representation constituency to authorise, in writing, any of the election agents of the other candidates in the same group to act on his behalf as sub-agent and to report these collective arrangements accordingly;
- (e) to remove the prohibition on election advertising on the Internet during the election period by persons required under the conditions of the class licence to register with the Media Development Authority of Singapore on account of that person or group of persons engaging in or providing any programme for the propagation, promotion or discussion of political issues relating to Singapore;
- (f) to impose a ban on election advertising, election meetings and canvassing on the eve of any polling day and polling day itself;
- (g) to prohibit individuals who are non-citizens from knowingly publishing or displaying, or knowingly causing or permitting to be published or displayed, any election advertising in or among any electors in an electoral division during the period beginning with the day the writ of election is issued for an election and ending on the start of the eve of polling day at the election; and
- (h) to raise the penalties for various offences under the Act, most of which have remained unchanged for the past 30 years or more.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 13(3) to allow the Registration Officer to omit from certified registers of electors the name of deceased voters on his being informed by the Registrar-General of Births and Deaths.

Clause 3 amends section 14(4) and (6) by raising the penalties for the respective offences prescribed therein. The maximum fines of \$100 and \$200 for the offences under section 14(4) and (6), respectively are raised to \$1,000 and \$1,500, respectively and a term of imprisonment not exceeding 6 months and 9 months is introduced, respectively, for those offences. The offences remain non-seizable offences.

Clause 4 amends section 21(1) by raising the penalty for wilfully making a false statement or declaration in any claim, objection or inquiry in connection with any register of electors from a fine not exceeding \$100 to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 6 months or both. The clause also reduces the maximum imprisonment term for the offence under section 21(4) (making or supplying false information in connection with registration as an overseas elector) from 3 years to 12 months; the maximum fine of \$1,000 remains unchanged. Both offences remain non-seizable.

Clause 5 amends section 21A(4) by raising the penalty for improper use of information recorded in the registers of electors from a fine not exceeding \$1,000 or imprisonment for a term not exceeding 6 months or both, to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 9 months or both.

Clause 6 repeals and re-enacts section 26 to make it clear that the President (on the advice of the Cabinet or Minister acting under the general authority of the Cabinet) may

issue a fresh writ of election when there is a total failure of the election. These are instances where no group or no candidate is nominated, or returned as elected, for that constituency e.g. the polls have to be aborted mid-way due to some catastrophe.

Clause 7 amends section 28(3) to provide for the refund of election deposits in the event there is a total failure of an election.

Clauses 8 and 9 amend sections 34 and 34A, respectively, to adjust the earliest date polling day may be fixed, and to clarify the process should one of several candidates nominated die before polling day.

With the first set of amendments, the earliest the date on which a poll can be taken will be a date that is not earlier than the 10th day after the date of publication of the notice of contested election in the *Gazette*, which is normally done on nomination day. This change will ensure that, despite the introduction of a ban on campaigning on the eve of polling day and polling day itself, the minimum number of days of campaigning as permitted by law before the amendments will not be reduced. However, the last date by which the poll must be taken will still be not later than the 56th day after the date of publication of the notice of contested election in the *Gazette*, which is normally done on nomination day.

As for the other amendments in clauses 8 and 9, as sections 34(8) and 34A(8) now stands, the Returning Officer will countermand his notice for the poll and set a fresh date for the election, and the candidates or, in the case of a group representation constituency (GRC), the group, that stood validly nominated at the time of countermand of the poll will be deemed nominated at the fresh election proceedings. The other amendments in clauses 8 and 9 make it clear that the notice issued by the Returning Officer is to set out a fresh date, time and place for the nomination of candidates like the notice in section 25, and the notice of the fresh nomination day must be given at least 4 clear days before the fresh date so fixed.

Clause 10 amends section 38(5) by raising the penalty for the offence of voting while not being entitled to do so from a fine of \$500 or imprisonment of up to 6 months to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 9 months or to both. The person convicted will also become incapable for a period of 3 years from the date of his conviction of being registered as an elector or of voting at any election under the Act or of being elected as the President or a Member of Parliament. If on that date of conviction the person has been elected a Member of Parliament, his election will also be vacated from the date of the conviction.

Clause 11 amends section 39(3) as a consequence of the insertion of new section 56C.

Clause 12 amends section 43(8A) and (9) by raising the sum that an elector is required to pay in order to restore his name to the relevant register of electors, if he does not have a good and sufficient reason for not recording his vote at an election. The new charge is \$50.

Clause 13 amends section 44(4) by raising the penalty for making a false declaration as to his identity from a fine not exceeding \$500 or to imprisonment for a term not

exceeding 6 months to a fine of up to \$1,500 or to imprisonment for a term not exceeding 9 months or to both.

Clause 14 amends section 48A to deal with the situation where polling in a particular polling station for a constituency is adjourned or postponed. The Returning Officer will have to specify a new date for the counting of votes cast at the election in that constituency. The counting of votes for all other polling stations in the constituency also cannot start, so as to prevent the results of these other polling stations influencing the voters at the postponed poll.

Clause 15 amends section 52 by raising the present cap on NCMPs therein to 9. This is in line with the proposed amendments in the Constitution of the Republic of Singapore (Amendment) Bill 2010. The amendment to section 52 also abolishes the need to fixing the maximum number of NCMPs by presidential order each time we have a general election. The amendment also places a limit on the number of NCMPs who can be declared elected from any one constituency. The new section 52(3A)(b) imposes a cap of not more than 2 NCMPs from one GRC. The new section 52(3A)(c) imposes a cap of one NCMP from an electoral division that is not a GRC.

Clause 16 raises the penalty for various election offences in section 55 from imprisonment for a term not exceeding 2 years to imprisonment for a term not exceeding 5 years plus a fine.

Clause 17 amends section 56(7) (which sets out the offence of breaching the obligation to maintain secrecy of the vote) by raising the penalty from a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 9 months or to both.

Clause 18 inserts new sections 56A to 56F to enable nomination proceedings, polling or counting of votes to be postponed or to be suspended and adjourned in the event those proceedings are or are likely to be obstructed, disrupted, undermined or seriously affected. The circumstances in which such powers may be exercised range from riot or open violence, the threat of riot or open violence, storm, tempest, flood or an occurrence of a similar kind, a health hazard, a fire or the activation of fire safety equipment (such as sprinklers or alarms), any other reason related to the safety of voters or difficulties in the physical conduct of voting, or related to the safety of candidates and/or officials or difficulties in the physical conduct of nomination proceedings or counting, as the case may be.

The new section 56A empowers the President to postpone nomination day at any time before that day. The President must give notice of such postponement by notice published in the *Gazette* describing the postponement of nomination day or the change in the place of nomination, as the case may be. If publication in the *Gazette* is not practicable, the President has to give notice in such manner as will secure adequate publicity in the electoral division for which the election is to be held describing the postponement of nomination day or the change in the place of nomination, as the case may be.

The new section 56B empowers the Returning Officer to change the hours for nomination of candidates at any time before nomination day. The Returning Officer must give notice of such postponement by notice published in the *Gazette* describing

the change in the hours for the nomination of candidates. If publication in the *Gazette* is not practicable, he has to give notice in such manner as will secure adequate publicity in the electoral division for which the election is to be held describing the new hours for the nomination of candidates. The notice must also specify a period of one hour for the Returning Officer to receive nomination papers, a period of 90 minutes for the making of objections to any nomination paper, the latest time by which a candidate must make his election deposit, may correct errors in the nomination papers and may withdraw his candidature, respectively, and the time by which the nomination of a candidate who is the subject of multiple nominations will be void.

The new section 56C empowers the Returning Officer to postpone polling to another polling day if it appears to the Returning Officer that, in relation to the electoral division, the polling at all polling stations established for the purposes of the poll in the electoral division is likely to be obstructed, disrupted, undermined or seriously affected, before or during the polling at all those polling stations. If not all polling stations are likely to be obstructed, disrupted, undermined or seriously affected, before or during the polling, the Returning Officer may instead, temporarily suspend the polling at the polling station for a period not exceeding 2 hours, with or without changing the location of that polling station, or postpone the polling at that polling station to another day, with or without changing the location of that polling station. The Returning Officer may also, depending on the circumstances of the case, abandon and postpone (by re-starting) the poll or terminate the poll early. In the case of an overseas polling station, the poll may be abandoned if the Returning Officer is satisfied that the poll thereat cannot be resumed or completed. Any poll at an overseas polling station, if resumed or held in place of the postponed poll, must close not later than the close of the poll on polling day in Singapore.

The Returning Officer must give notice of such postponement or suspension by notice published in the *Gazette* describing the postponement or suspension or the change in the polling station site, as the case may be. If publication in the *Gazette* is not practicable, he has to give notice in such manner as will secure adequate publicity in the electoral division for which the election is to be held describing the postponement or suspension of polling or the change in the polling station site, as the case may be.

The new section 56D states that where the polling at any polling station established for the purposes of the poll in any electoral division is so suspended or postponed under section 50C(3) or 56C, only those electors who are registered electors for that electoral division for which the polling station is established, and are entitled to vote as electors for that electoral division, and who have not already voted, will be entitled to vote on the date and time on and at which polling at that polling station is to resume or to be held in place of the postponed poll, as the case may be.

The new section 56E empowers the Returning Officer to temporarily suspend the counting at the counting place for a period not exceeding 2 hours, or to postpone the counting at that counting place to another day, with or without changing the location of that counting place, if it appears to the Returning Officer that the counting of votes at all or any counting place for an electoral division is or is likely to be obstructed, disrupted, undermined or seriously affected. The counting may be abandoned if the Returning Officer is satisfied that the counting of votes at any counting place cannot be

resumed or completed and that the number of votes to be counted will not affect the result of the election. In the case of an abandoned recount of votes at that counting place, he may then declare the election results using the results of the first count. Where the votes to be counted will affect the results of the election, the Returning Officer may abandon the counting at that counting place and re-start the poll at all polling stations which are specified in the direction under section 48A to be counted at that counting place.

In doing so, the Returning Officer must announce to such of the candidates and their counting agents as are present during the counting of the votes at the counting place concerned, the temporary suspension, adjournment, postponement or abandonment (as the case may be) of counting of votes at the counting place and the date and time on and at which counting of votes at that counting place is to resume or to be held in place of the suspended, adjourned, postponed or abandoned count, as the case may be, and by notice published in the *Gazette* declare the temporary suspension, adjournment, postponement or abandonment (as the case may be) of counting of votes at the counting place concerned and specify the date and time on and at which counting of votes at that counting place is to resume or to be held in place of the suspended, adjourned, postponed or abandoned count, as the case may be. Any temporary suspension, adjournment, postponement or abandonment (as the case may be) of the counting of votes at any counting place, and the counting of votes in place of the suspended, adjourned, postponed or abandoned count, must be carried out in the manner prescribed by regulations to be made under section 102.

Finally, the new section 56F empowers the Returning Officer to temporarily suspend the addition or tallying of votes at the principal counting place for a period not exceeding 2 hours, or to adjourn and postpone the event to another day, with or without changing the location of that principal counting place, if it appears to the Returning Officer that the addition or tallying of votes at the principal counting place for an electoral division is or is likely to be obstructed, disrupted, undermined or seriously affected. In doing so, the Returning Officer must announce to such of the candidates and their election agents as are present during the addition of the votes at the principal counting place concerned, the temporary suspension, adjournment or postponement (as the case may be) of the tally and the date and time on and at which addition of votes at that principal counting place is to resume or to be held in place of the suspended, adjourned or postponed tally, as the case may be, and by notice published in the *Gazette* declare the temporary suspension, adjournment or postponement (as the case may be) of the addition of votes at the principal counting place concerned and specify the date and time on and at which tallying of votes at that principal counting place is to resume or to be held in place of the suspended, adjourned or postponed tally. Any temporary suspension, adjournment or postponement (as the case may be) of the addition of votes at any principal counting place, and the addition of votes or the tallying of votes in place of the suspended, adjourned or postponed addition, must be carried out in the manner prescribed by regulations to be made under section 102.

Clause 19 amends section 61 to align the exceptions to the ban on election advertising in new section 78B with the exceptions in section 61, and to raise the penalties for the various offences which are corrupt practices. The present penalty of a

fine not exceeding \$500 or imprisonment for a term not exceeding 6 months or both is inadequate.

In the case of the offence of personation, the present penalty of a minimum fine of \$250 but not exceeding \$1,000 or imprisonment for a term not exceeding 12 months or both, is replaced by a penalty of a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 years or both. The minimum fine is abolished but the maximum imprisonment term is raised.

For the offences of treating, undue influence and bribery, the enhanced penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 years or both. In the case of publishing election advertising without the proper identification particulars, the new penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 12 months or both. As for the publication of false statements of facts in relation to the personal character or conduct of a candidate or false statement of the withdrawal of a candidate, the new penalty is a fine or imprisonment for a term not exceeding 12 months or both. The new penalty for making a false declaration of election expenses is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

The offences of undue influence and bribery and all other corrupt practices (except that of treating and of knowingly making a false declaration of election expenses under section 74) are each made a seizureable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 20 amends section 62 to enable an election agent of any candidate standing as part of a group in a GRC, to authorise, in writing, any of the election agents of the other candidates in the same group to act on his behalf as sub-agent. Anything done by or to the sub-agent is deemed to be done by the election agent who made the authorisation and sub-agent jointly, and any act or default of the sub-agent will be deemed to be the election agent's act or default, thereby visiting upon the election agent's candidate the same incapacity under the Act. This will enable the election agents of candidates in a group to divide the work of organising the group's campaign by authorising each other to handle different types of expenses.

Clause 21 amends section 65(2) by setting out explicitly the several exceptions to the rule that no payment and no advance or deposit in respect of any expenses incurred on account of or in respect of the conduct or management of an election at a constituency can be made otherwise than by or through the election agent of the candidate, and the other rule that all money provided as gift, loan, advance or deposit by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election at a constituency must be paid only to the candidate or his election agent. Many of the exceptions set out exist today, such as payments made by the Returning Officer, payments which are made by the candidate in accordance with section 66(8), (9) or (10) (which are payments of claims under a court order), payments by the candidate of his personal expenses under section 68(1), expenses paid by a person authorised by the candidate's election agent under section 68(4) to make those payments, and sums disbursed by any person out of his own money for any small expense legally incurred by himself, where the sum is not

repaid to him. The new exception pertains to expenses which are paid in accordance with section 68(4) by a political party authorised as mentioned in that section.

Clause 22 amends section 68 so that the election agent can give a written authority to a political party to pay any expenses in respect of the conduct or management of the election of a candidate the political party fields at an election in a constituency. The expenses may then be paid by the political party or an officer thereof authorised by the party to act on its behalf. In addition, the election agent can still give a written authority to any other person to pay any necessary expenses for stationery, postage, etc., to a total amount not exceeding that named in the authority. This is the present law. The political party or person so authorised must send in its or his claim in respect of those expenses within the time delimited under section 66(2) or it will be barred and the political party or person will be out-of-pocket. The claimed amounts (together with the written authority) have then to be reflected in the returns respecting election expenses which must be filed under section 74, after the election results are declared.

Clause 23 amends section 71 by raising the penalty for parking, between 8 a.m. and 8 p.m. on polling day, a motor vehicle within 100 metres of any polling station from a fine of up to \$100 to a fine not exceeding \$500. That offence, as well as the illegal practice of knowingly letting, lending, employing, hiring, borrowing or using a motor vehicle for the purpose of conveying electors or voters to or from the poll on polling day, are also made seizable offences in respect of which a police officer may ordinarily arrest without warrant. The former restrictions on the exercise of such power of arrest are abolished.

Clause 24 amends section 72(1) as a consequence of amendments to section 62.

Clause 25 amends section 74 (on returns respecting election expenses) to cater to the introduction of sub-agents. The principal election agent for a group of candidates will be required to file, within the same time delimited for the individual candidates' election agents, a consolidated return respecting election expenses. The consolidated returns respecting election expenses must contain all payments made by sub-agents authorised under section 62(6) for the purpose of expenses incurred or to be incurred on account of or in respect of the management of the election for the group, together with all the bills and receipts and the dates of payment of all sums for which no receipt is attached, the amount of those payments apportioned (by agreement between the election agents of the respective candidates) to each candidate in the group, the disputed claims so far as every sub-agent authorised under section 62(6) is aware, and all unpaid claims, if any, of which every such sub-agent is aware in respect of which an application has been made or is about to be made to an Election Judge or a Judge of the High Court. The consolidated return respecting election expenses is to be signed by the principal election agent and be accompanied by statements as to accuracy made by the principal election agent and every sub-agent authorised under section 62(6).

Clause 26 amends section 76(3) by raising the penalty for the offence by an employer of directly or indirectly, refusing, or by intimidation, undue influence or in any other manner, interfering with the granting to any elector in his employ of a reasonable period for voting. The penalty is raised from a fine not exceeding \$500 or imprisonment for a term not exceeding 6 months to that of a fine not exceeding \$1,000 or imprisonment for a term not exceeding 6 months or both.

Clause 27 amends section 77 to extend the current prohibition as to the wearing, using, carrying or display of any badge, symbol, rosette, favour, set of colours, flag, advertisement, handbill, placard or poster or any replica of a voting paper as political propaganda on polling day to include the eve of polling day. The offence is also made a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 28 amends section 78 and makes every offence of contravening any regulation regulating the display of posters and banners in respect of an election a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 29 amends section 78A to remove the prohibition on election advertising on the Internet during the election period by persons required under the conditions of the class licence to register with the Media Development Authority of Singapore on account of that person or group of persons engaging in or providing any programme for the propagation, promotion or discussion of political issues relating to Singapore. The final amendment to the definition of "election period" is to align the scope of regulations made under section 78A with the introduction of the ban on campaigning on the eve of polling day and polling day itself. Every offence of contravening any regulation regulating election advertising and the publication thereof during an election period on the Internet by political parties, candidates or their election agents is made a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 30 repeals and re-enacts section 78B to stipulate a ban on election advertising during polling day and the eve of polling day. It will be an offence to knowingly publish, or knowingly cause or permit to be published, any election advertising in or among any electors in an electoral division during this period in an election in the electoral division, or to knowingly display, or to knowingly cause or permit to be displayed, any election advertising on any vehicle, thing or structure within an electoral division or adjoining the electoral division during this period in an election in the electoral division. The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 12 months or both. The offence is also made a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

However, a defendant still has a defence if he can show that the contravention of new section 78B(1) arose from circumstances beyond his control, and that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise. Section 78E(1) is not amended. This will address any injustice arising from election advertising carried out by third parties without the consent, connivance or neglect of the candidate or political party or its responsible officers.

This ban on election advertising on the eve of polling day and polling day itself does not apply to the distribution of a book, or the promotion of the sale of a book, for not less than its commercial value, if the book was planned to be published regardless of whether there was to be an election, the publication of any news relating to an election in a newspaper in any medium by a person permitted to do so under the Newspaper and Printing Presses Act (Cap. 206) or in a radio or television broadcast by a person licensed to do so under the Broadcasting Act (Cap. 28), and to the telephonic or

electronic transmission by an individual to another individual, on a non-commercial basis of the individual's own political views, such as by email on the Internet or by using an SMS or MMS system. Where the election advertising is already lawfully published or displayed before the start of the eve of polling day, such as posters and banners and websites, the ban would also not apply to these so long as they remain unaltered. Other activities or other circumstances may be excluded from the ban if these are prescribed by the Minister by regulations under section 102.

Clause 31 amends section 78C by raising the maximum fine for the offence of publishing, or permitting or causing to be published, the results of any election survey during the period between the day the writ of election is issued for an election and the close of all polling stations on polling day at the election from \$1,000 to \$1,500. The imprisonment term of up to 12 months remains unchanged. The offence is also made a seizureable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 32 amends section 78D by raising the maximum fine for the offence of publishing, or permitting or causing to be published, before the close of all polling stations on polling day, any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or any forecast of the election results, from \$1,000 to \$1,500. The imprisonment term of up to 12 months remains unchanged. The offence is also made a seizureable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 33 amends section 79(1), which sets out the penalty for illegal practice. The maximum fine for illegal practice is raised from \$300 to \$2,000.

Clause 34 amends section 80 to extend the current prohibition on canvassing on polling day to include the eve of polling day. The penalty for the offence of canvassing on polling day e.g. visiting an elector on polling day at his home or place of work for any purpose in connection with an election, is raised from a fine not exceeding \$1,000 or imprisonment for a term not exceeding 12 months, to a fine not exceeding \$1,500 or imprisonment for a term not exceeding 12 months or both. Every offence under the section is also made a seizureable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 35 introduces a new section 80A which imposes restrictions on election meetings, in addition to the provisions of the Public Order Act 2009 (Act 15 of 2009). Election meetings are public assemblies organised by or on behalf of a candidate nominated for election to promote or procure the electoral success at the election for one or more identifiable political parties, candidates or groups of candidates or to otherwise enhance the standing of any such political parties, candidates or groups of candidates with the electorate in connection with the election.

The first restriction is a ban on the holding of all election meetings, in the case of a general election, on polling day and the eve of polling day at the general election and in the case of a by-election in any constituency, on polling day and the eve of polling day at the by-election in that constituency. The ban is on all election meetings, wherever held, whether or not in contested or uncontested constituencies and whether or not in an

unrestricted area like Speakers' Corner in Hong Lim Park. The new section also makes it lawful for the Commissioner of Police to refuse to grant a permit for such an election meeting under Part II of the Public Order Act 2009 even if a notice under section 6 of that Act is given in respect of that election meeting.

The other restriction is on election meetings within unrestricted areas like Speakers' Corner during the campaign period. All such election meetings within any unrestricted area between nomination day and the day before the eve of polling day are prohibited unless the Commissioner of Police is notified under section 6 of the Public Order Act 2009 (Act 15 of 2009) of the intention to hold the election meeting, and a permit is granted under section 7 of that Act in respect of that election meeting.

Any election meeting held in contravention of new section 80A(1) or (2) will be regarded as unlawful under Part II of the Public Order Act 2009. A person who organises or takes part in such an unlawful election meeting will be guilty of an offence under the Public Order Act 2009 and the police may issue any such person a direction to move-on under that Act.

Clause 36 amends section 81 (relating to the offence of dissuasion from voting) by raising the penalty for the offence from a fine not exceeding \$1,000 or imprisonment for a term not exceeding 12 months, to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 12 months or both. Every offence under the section is also made a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 37 amends section 82 (relating to various offences of undue influence at or near polling stations on polling day) by raising the penalty for the offences from a fine not exceeding \$1,000 or imprisonment for a term not exceeding 12 months, to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 12 months or both. Every offence under the section is also made a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 38 amends section 83 by prohibiting an individual who is not a citizen of Singapore from knowingly publishing or displaying, or knowingly causing or permitting to be published or displayed, any election advertising in or among any electors in an electoral division during the period beginning with the day the writ of election is issued for an election and ending with the start of the eve of polling day at the election. The penalty for all offences under the section is also raised to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 12 months or both.

Section 83(7) is also amended to empower a police officer to arrest without warrant any person offending against section 83(1), (1A) or (2), whether or not offending in the police officer's view.

The other amendment to section 83 is to enable regulations to be made by the Minister under section 102 to exclude certain persons, or classes of persons, who carry out certain types of work pursuant to a contract for services with a person authorised to conduct election activity from the prohibition in section 83(1) against taking part in election activity, and from the requirement of another written authorisation in section 83(2). For example, manual work like erecting tents and stages carried out by foreign workers of a contractor with a written authorisation may be excluded by such

regulations, thereby rendering permissible such actions which would otherwise be prohibited election activity.

Clause 39 amends section 85 (relating to the offence of operating a loudspeaker or other similar instrument so as to interfere with an election meeting) by raising the maximum fine for the offence from \$1,000 to \$1,500. The maximum imprisonment term of 12 months remains unchanged. The offence under the section is also made a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 40 amends section 88 as a consequence to amendments which allow a sub-agent to incur election expenditure on behalf of a whole group of candidates and the new requirement for a consolidated return for those expenses. The amendments extend the defence of authorised excuse (inter alia) to deal with acts or defaults by the sub-agents or principal election agents.

Clause 41 amends section 104 (relating to the offence of destroying, mutilating, defacing or removing, without lawful authority, any notice which is exhibited by any authority under the Act or any document which is made available for inspection in accordance with the Act) by raising the penalty for the offence from a fine not exceeding \$50 to a fine not exceeding \$1,000. The offence is also made a seizable offence in respect of which a police officer may ordinarily arrest without warrant.

Clause 42 is a transitional provision dealing with pending applications by non-voters to restore their names to a register of electors. The new and higher restoration fee of \$50 introduced by clause 12 will apply only to and in relation to an application by any person for the restoration of his name to a register of electors made on or after the commencement of that clause.

EXPENDITURE OF PUBLIC MONEY

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