



**FIRST LEGISLATIVE ASSEMBLY**  
**STATE OF SINGAPORE**

**THIRD SESSION**

**ORDER PAPER SUPPLEMENT**

*Sup. No. 13*

WEDNESDAY, 14TH MARCH, 1962

115

**NOTICES OF AMENDMENTS TO BILL**  
**IN COMMITTEE**

**SINGAPORE NATIONAL REFERENDUM BILL [BILL NO. 156]**

*(Those amendments marked \* are subject to the consent of Mr. Speaker and the general assent of Members present under S.O. 32 if they are moved before 15th March, 1962.)*

**Clause 1:**

**Note:**—In page 1, line 7: to leave out “1961” and insert “1962”

**Clause 2:**

Minister for Home Affairs:

**\*In page 1, line 16:** at end, to add—

“the period of any referendum” means the period from the date of the issue of the order of the Yang di-Pertuan Negara made under the provisions of subsection (1) of section 5 of this Ordinance up to and including the day fixed for the taking of a referendum;”

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**Clause 5:**

Mr. David Marshall:

(i) **In page 2, line 17:** to leave out “considers” and insert “is advised by the Legislative Assembly”.

(ii) **In page 2, line 23:** at end, to add—

“(3) Not more than one issue shall be submitted to the electors in any one referendum and the reply of the electors should be only required in the simple affirmative or negative.”.

**Clause 6:**

Mr. David Marshall:

(i) **In page 2, line 27:** to leave out “seven” and insert “twenty-one”.

Dr. Lee Siew Choh:

(ii) **In page 2, line 27:** to leave out “seven” and insert “twenty-eight”.

**Clause 7:**

Mr. David Marshall:

**In page 2, line 30:** to leave out “his satisfaction” and insert “the satisfaction of the Legislative Assembly”.

**Clause 12:**

Dr. Lee Siew Choh:

**In page 3, lines 29 to 31:** to leave out "the Superintendent may adopt such symbols as he thinks fit and such symbols shall be printed on the ballot paper" and insert "symbols as indicated by the Legislative Assembly shall be printed on the ballot paper".

**Clause 13:**

Mr. David Marshall:

(i) **In page 3, line 34:** to leave out "five" and insert "ten".

Dr. Lee Siew Choh:

(ii) **In page 3, line 34:** to leave out "five" and insert "twenty-six".

Mr. David Marshall:

(iii) **In page 3, line 38:** to leave out "questions" and insert "question".

(iv) **In page 3, line 38:** after "questions", to insert "as framed by the Legislative Assembly".

**Clause 17:**

Dr. Lee Siew Choh:

(i) **In page 5, line 28:** to leave out "may, at his discretion," and insert "shall".

(ii) **In page 5, line 33:** to leave out "may, at his discretion," and insert "shall".

**Clause 20:**

Mr. David Marshall:

**In page 7, lines 7 to 9:** to leave out "and the number of such elector shall be marked on the counterfoil".

**Clause 22:**

Dr. Lee Siew Choh:

*Cap. 53.* (i) **In page 9, line 4:** at end, to add "and to make and subscribe all or any of the declarations as set out in Forms 13, 14 and 15 in the First Schedule to the Singapore Legislative Assembly Elections Ordinance. Every such declaration shall be exempt from stamp duty".

(ii) **In page 9, line 8:** at end, to add:—

"(3) If any person wilfully makes a false statement in a such declaration, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months."

**Clause 24:**

Mr. David Marshall:

(i) **In page 9, line 21:** after "applicant", to insert ", hereinafter referred to as the "impersonated voter"."

(ii) **In page 9, line 21:** to leave out from "paper" to the end of line 27 and insert—

"which shall be of a different colour from the other ballot papers and the applicant shall write thereon his name and number in the register and the time and the presiding officer shall endorse the same:

5      Provided that the elector may ask the presiding officer to write the said particulars for him".

Minister for Home Affairs:

- \*(iii) In page 9, line 27:** after "register", to insert—  
' and that number shall be entered on a list, in this Ordinance referred to as the "tendered votes list" '.

**Clause 26:**

Dr. Lee Siew Choh:

- (i) In page 9, line 36:** after "seal", to insert "and the seals of the polling agents if they desire to affix their seals".

Mr. David Marshall:

- (ii) In page 9, line 38:** after "issued", to insert "other than the counter-foils of impersonated voters' ballot papers".

Minister for Home Affairs:

- \*(iii) In page 9, line 40:** at end, to insert—  
"(c) the tendered votes list."

**Notes:**—The following consequential amendments to be made:—

- (1) In page 9, line 39:** to leave out "and".  
**(2) In page 9, line 40:** to leave out the fullstop and insert  
"; and".

Dr. Lee Siew Choh:

- (iv) In page 9, line 43:** after "present," to insert "and with the seals of such polling agents as attend and desire to affix their seals".

**Clause 27:**

Dr. Lee Siew Choh:

- (i) In page 10, line 4:** to leave out "may, at his discretion," and insert "shall".  
**(ii) In page 10, line 10:** to leave out "three clear days" and insert "one clear day".  
**(iii) In page 10, line 14:** after "after", to insert "all".  
**(iv) In page 10, line 16:** to leave out "notify" and insert "give notice in writing to".  
**(v) In page 10, line 24:** after "shall", to insert "in the presence of such counting agents as attend".

Mr. David Marshall:

- (vi) In page 10, line 35:** to leave out from "(6)" to the end of line 37 and insert—

"The Superintendent shall count the impersonated voters' ballot papers and shall prepare a list of the impersonated voters including their names, their divisions and their register numbers and the times at which they appeared to vote and such list will be published in the Government Gazette within twenty-one days."

Dr. Lee Siew Choh:

- (vii) In page 10, line 39:** at end, to add—

":  
Provided that upon the application of any political party or accredited counting agent, a recount shall be made before the Superintendent makes the declaration."

Mr. David Marshall:

(viii) **In page 10, line 39:** at end, to add—

5      Provided that if the total number of impersonated voters' ballot papers would, if added to the minority total of the referendum votes, result in such minority total exceeding the majority total, then the Superintendent will declare the referendum void".

(ix) **In page 10, line 45:** at end, to add—

5      "(9) A Judge of the High Court may make an Order that any ballot paper or document relating to the referendum be inspected copied or produced at such time and place and subject to such conditions as the Judge may deem expedient if he is satisfied that such inspection, copy or production is required for the purposes of instituting or maintaining a prosecution Petition in connection with the referendum."

**Clause 28:**

Minister for Home Affairs:

\***In page 11, line 5:** to leave out from "(b)" to the end of line 9 and insert—

"on which the voter has indicated his vote and has written or marked anything by which he can be identified, except the printed number on the back."

**Clause 31:**

Mr. David Marshall:

**In page 11, line 40:** after "or" where it secondly occurs, to insert "being a person other than a voter in respect of his own ballot paper".

**Clause 40:**

Dr. Lee Siew Choh:

(i) **In page 18, line 37:** to leave out from "(1)" to the end of line 44 and insert "No badge, symbol, rosette, favour, set of colours, flag, banner, advertisement, handbill, placard or poster or any repli of a ballot paper shall be worn, used, carried or displayed by any person or on any motor-car, truck, or other vehicle as political propaganda on polling day".

Mr. David Marshall:

(ii) **In page 18, line 42:** to leave out "handbill, placard or poster".

Minister for Home Affairs:

\*(iii) **In page 18, lines 43 and 44:** to leave out "in connection with any referendum at any time either before, during or after any such referendum" and insert "during the period of any referendum".

Mr. David Marshall:

(iv) **In page 18, line 44:** to leave out "either before, during or after" and insert "during".

**Clause 42:**

Dr. Lee Siew Choh:

- (i) **In page 19, line 28:** after "shall", to insert "on polling day".

Mr. David Marshall:

- (ii) **In page 19:** to leave out lines 33 and 34.

**Notes:**—The following consequential amendments to be made:—

- (1) **In page 19, line 28:** to leave out the dash at the end of the line.
- (2) **In page 19, line 29:** to leave out "(a)".
- (3) **In page 19, line 32:** to leave out "; or" and insert a fullstop.

Minister for Home Affairs:

- \*(iii) **In page 19, line 37:** at end, to add—

*Cap. 132.* "(3) Notwithstanding the provisions of the Criminal Procedure Code relating to the powers of search of any police officer, if any police officer has reason to believe that an offence is being committed under the provisions of this section, the said officer by virtue of his office shall be empowered to enter and search any premises or place for the purpose of ascertaining whether such an offence is being committed."

- \*(iv) **In page 19, line 41:** at end, to add—

"(5) For the purposes of this section any person who enters or is seen at more than two houses or places of work of electors in the same polling district, other than his own home or place of work on polling day, shall, unless he proves the contrary, be presumed to have committed an offence under subsection (1) of this section."

**Note:**—The following consequential amendment to be made:—

**In page 19, line 38:** to leave out "(3)" and insert "(4)".

**Clause 46:**

Dr. Lee Siew Choh:

- In page 21, line 6:** after "(a)", to insert "under the age of twenty-one".

**\*New Clause (A):**

Minister for Home Affairs:

"Un-  
marked  
and un-  
certain  
ballot  
papers.

- (1) Any person whose ballot paper—

- (a) is unmarked: or
- (b) is uncertain

shall be deemed to be a person who accepts or is willing to accept the decision of the Legislative Assembly on the matter referred for the referendum.

- (2) The number of such ballot papers shall be included by the Superintendent in his declaration of the result of the referendum."

**Note:**—It is intended that this new clause be inserted after clause 28.

**Consequential Amendments:**

Amendments to be made to the numbering of clauses consequent on the addition of new clause 29.

**\*New Clause (B):**

Minister for Home Affairs:

‘Appoint-  
ment and  
powers  
of Re-  
ferendum  
Judge.

(1) Every referendum petition shall be tried by the Chief Justice or by a Judge of the High Court nominated by the Chief Justice for the purpose.

(2) The Chief Justice or the Judge so nominated shall in this Ordinance be referred to as the “Referendum Judge”.

(3) Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial by the High Court in the exercise of its original civil jurisdiction and shall be subject to the same penalties for the giving of false evidence.

(4) On the trial of a referendum petition under this Ordinance the Referendum Judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the referendum which the petition refers, and any person refusing to obey such order shall be guilty of a contempt of court. The Referendum Judge may examine any witness so compelled to attend or any person in court, although such witness is not called and examined by any party to the petition. After the examination of a witness as aforesaid by the Referendum Judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(5) When determining upon a referendum petition the Referendum Judge shall take into account any written or other report, information, document or evidence which may by the direction of the State Advocate-General be placed before the Referendum Judge:

Provided that no such written or other report, information, document or evidence or any part thereof which is specified as secret shall be disclosed to any person other than the Referendum Judge.

(6) The Referendum Judge shall be attended on the trial of a referendum petition in the same manner as if he were a Judge of the High Court sitting at assizes.

(7) Unless otherwise ordered by the Chief Justice, all interlocutory matters in connection with a referendum petition may be dealt with and decided by any Judge of the High Court.’

**Note:**—It is intended that this new clause be inserted after clause 50.

**\*New Clause (C):**

Minister for Home Affairs:

“Who may  
present  
petition.

A referendum petition may be presented to the High Court by the Superintendent or by any person who voted or had a right to vote at the referendum to which the petition relates claiming that the whole of such referendum or such part thereof held in any electoral division or polling district be declared void.”

**Note:**—It is intended that this new clause be inserted after new clause (B).

**\*New Clause (D):**

Minister for Home Affairs:

"Grounds  
for  
presenting  
referendum  
petitions.

A referendum petition may be presented on any of the following grounds, namely:—

(a) that by reason of general bribery, general treating or general intimidation, or other misconduct, or other circumstances whether similar to those before 5 enumerated or not, the majority of electors were or may have been prevented from voting or confused or misled in recording their votes on any question;

(b) non-compliance with the provisions of this Ordinance, if it appears that the referendum was not 10 conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the referendum."

**Note:**—It is intended that this new clause be inserted after new clause (C).

**\*New Clause (E):**

Minister for Home Affairs:

"Time for  
presenta-  
tion.

(1) Every referendum petition shall be presented within twenty-one days of the date of the publication of the result of the referendum in the *Gazette*:

Provided that a referendum petition presented upon the ground of a corrupt practice and specifically alleging the 5 payment of money or other act to have been made or done since the date aforesaid by any person or with the privity of such person in pursuance or in furtherance of such corrupt practice may, so far as respects such corrupt practice, be presented at any time within twenty-eight days after the 10 date of such payment or act.

(2) A referendum petition presented in due time upon the ground of a corrupt or illegal practice may be amended with the leave of a Judge of the High Court within the time with- 15 in which a referendum petition may be presented."

**Note:**—It is intended that this new clause be inserted after new clause (D).

**\*New Clause (F):**

Minister for Home Affairs:

"Certifi-  
cate of  
Judge as  
to validity  
of re-  
ferendum.

(1) At the conclusion of the trial of a referendum petition, the Referendum Judge shall determine whether the whole of the referendum or such part thereof held in any electoral division or polling district was void and shall certify such determination to the Yang di-Pertuan Negara. 5

(2) Upon such certificate being given, such determination shall be final, and where the whole of the referendum or such part thereof in any electoral division or polling district has been certified as void by the Referendum Judge, the Yang di-Pertuan Negara may within one month of such certification 10 order the holding of a referendum or such part thereof as the case may be on the same matter in accordance with the provisions of this Ordinance."

**Note:**—It is intended that this new clause be inserted after new clause (E).

**\*New Clause (G):**

Minister for Home Affairs:

“Report of  
Judge as  
to corrupt  
or illegal  
practice.”

(1) At the conclusion of the trial of a referendum petition the Referendum Judge shall also report in writing to the Yang di-Pertuan Negara—

(a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any person at the referendum, and the nature of such corrupt or illegal practice, if any; and

(b) the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice.

(2) Before any person, not being a party to a referendum petition, is reported by a Referendum Judge under this section, the Referendum Judge shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

(3)\* When a Referendum Judge reports that a corrupt or illegal practice has been committed by any person, that person shall be subject to the same incapacities as if at the date of the said report he had been convicted of that practice.

(4) The Yang di-Pertuan Negara shall cause a copy of such report to be published in the *Gazette*, and it shall be the duty of the Registration Officer forthwith to peruse the report and forthwith to delete from the registers of electors the name of every person appearing from the report to be incapable of voting at any referendum.”.

**Note:—**It is intended that this new clause be inserted after new clause (F).

**\*New Clause (H):**

Minister for Home Affairs:

“Prohibition of  
disclosure  
of vote.”

No elector who has voted at any referendum shall, in any proceeding to question the referendum, be required to state the manner in which he has voted.”.

**Note:—**It is intended that this new clause be inserted after new clause (G).

**\*New Clause (I):**

Minister for Home Affairs:

“Votes to  
be struck  
off at a  
scrutiny.”

(1) On a scrutiny at the trial of a referendum petition the following votes only shall be struck off, namely:—

(a) the vote of any person whose name was not on the register of electors assigned to the polling station at which the vote was recorded or who has not been authorized to vote at such station under the proviso to subsection (1) of section 17 of this Ordinance;

(b) the vote of any person whose vote was procured by bribery, treating or undue influence;

(c) the vote of any person who committed or procured the commission of personation at the referendum;

- (d) the vote of any person proved to have voted at a polling station other than the polling station to which he has been assigned; 15
- (e) the vote of any person, who, by reason of a conviction of a corrupt or illegal practice or by reason of the report of a Referendum Judge, or by reason of his conviction of an offence under subsection (2) of section 10 or section 31 of this Ordinance, was incapable of voting at the referendum. 20

(2) The vote of a registered elector shall not, except in the case specified in paragraph (e) of subsection (1) of this section, be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered on the register of electors. 25

(3) On a scrutiny, any tendered vote proved to be a valid vote shall, on the application of any party to the petition, be added to the poll."

**Note:**—It is intended that this new clause be inserted after new clause (H).

**\*New Clause (J):**

Minister for Home Affairs:

"Procedure  
and  
practice  
on re-  
ferendum  
petitions.

The procedure and practice on referendum petitions shall be regulated by rules which may be made by the Minister."

**Note:**—It is intended that this new clause be inserted after new clause (I).

**\*New Clause (K):**

Minister for Home Affairs:

"Rejection  
of ballot  
paper by  
Superin-  
tendent  
to be  
final.

On a referendum petition the decision of the Superintendent whether or not a ballot paper shall be rejected under the provisions of section 28 of this Ordinance shall not be questioned."

**Notes:**—(1) It is intended that this new clause be inserted after new clause (J).

(2) **In page 22:** after line 12, to insert a cross heading—

"Part V.

REFERENDUM PETITIONS."

**New Clause (L):**

Mr. David Marshall:

"Declaration  
of result of  
referendum  
to be void.

The result of the referendum shall be declared void as provided in subsection (7) of section 27 of this Ordinance and on a Petition to the High Court on any of the following grounds which may be proved to the satisfaction of the Judge, namely,

(a) that by reason of general bribery, general cheating, general intimidation and/or other misconduct or other circumstances whether similar to those before enumerated or not, more than one-tenth of the electors were or may have been prevented from voting;

(b) non-compliance with the provisions of this Ordinance if it appears that the vote was not conducted in accordance with the principles laid down and such non-compliance may reasonably have affected the result of the vote; and

(c) that the Superintendent failed to discharge his responsibilities under the provisions of subsection (7) of section 27 of this Ordinance or that he acted dishonestly or carelessly in the discharge thereof."

**Note:**—It is intended that this new clause be inserted after clause 50.

**New Clause (M):**

Mr. David Marshall:

"Proceedings  
in respect  
of Petition.

(1) Proceedings may be instituted by way of Petition in the High Court by any elector claiming that the result of the referendum be declared void, within three months of such result.

(2) Such Petition shall be tried by the Chief Justice or by Judges of the High Court nominated by the Chief Justice for the purpose and the provisions of Part IV of the Singapore Legislative Assembly Elections Ordinance shall in so far as they are applicable govern such proceedings."

**Note:**—It is intended that this new clause be inserted after new clause (L).

**Consequential Amendment:**

The following amendment to be made consequent on the addition of new clauses (L) and (M)—

**In page 22:** after line 12, to insert a cross heading—

"Part V.  
PETITIONS."