

# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## PARLIAMENTARY ELECTIONS ACT

### (CHAPTER 218)

1970 Ed. Cap. 50

Reprint 1 of 1978

Ordinance

26 of 1954

Amended by

27 of 1956	56 of 1973
20 of 1957	6 of 1975
39 of 1957	2 of 1978
26 of 1959	22 of 1984
41 of 1959	S 396/55
71 of 1959	S 223/59
72 of 1959	S (NS) 178/59
23 of 1960	Sp S 46/63
31 of 1963	S 38/66
30 of 1967	S 204/76
14 of 1969	S 19/78
24 of 1971	S 229/78
17 of 1972	S 313/82

REVISED EDITION 1985

# Parliamentary Elections Act

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Appointment of officers.
4. Appointment of clerks and interpreters.
5. Qualification of electors.
6. Disqualification of electors.
7. Plural voting.
8. Electoral divisions.
9. Polling districts and polling stations.

### PART II

#### REGISTRATION OF ELECTORS AND REVISION OF REGISTERS

10. Registration of electors.
11. Claims and objections.
12. Appeals to Revising Officer.
13. Certification of registers.
14. Revision of registers.
15. Method of revising register.
16. Claims and objections at revision of register.
17. Application of section 13 to revised register.
18. Notices and adjournments.
19. Persons residing in building located on common boundary.
20. Notice of certification of register and commencement and period of operation.
21. Penalty for false statements and wrongful claims.

### PART III

#### ELECTIONS

22. One Member to be returned for each electoral division.
23. Assistant Returning Officers.

## Section

24. Writ of election.
25. Notice of time and place of election.
26. Power to issue second writ.
27. Nomination papers.
28. Deposits by candidates.
29. Proceedings on nomination day.
30. Objections to nomination papers.
31. Persons entitled to be present at nomination.
32. Withdrawal of candidature.

## UNCONTESTED ELECTIONS

33. Uncontested elections.

## CONTESTED ELECTIONS

34. Contested elections.
35. Polling day at general election to be public holiday.
36. Presiding officers.
37. Facilities to be provided at polling stations.
38. Registers of electors to be conclusive evidence of right to vote.
39. Admittance to polling station.
40. Poll by ballot and ballot papers.
41. Ballot boxes.
42. Manner of voting.
43. Compulsory voting.
44. Declarations by voters.
45. Spoilt ballot papers.
46. Tendered votes.
47. Closing of poll.
48. Procedure on closing of poll.
49. Counting votes.
50. Votes to be rejected.
51. Publication of result and statement of poll in the *Gazette*.
52. Election of non-constituency Members in certain circumstances.
53. Failure to take Oath of Allegiance by non-constituency Member.
54. Failure to comply with provisions of this Act.
55. Offences.
56. Maintenance of secrecy at elections.

## CORRUPT PRACTICES

57. Personation.
58. Treating.
59. Undue influence.
60. Bribery.
61. Punishment and incapacities for corrupt practice.

## ELECTION AGENT, ELECTION EXPENSES AND ILLEGAL PRACTICES

62. Nomination of election agent.

## Section

63. Person convicted of corrupt practice not to be appointed election agent.
64. Making of contracts through election agent.
65. Payment of expenses through election agent.
66. Period for sending in claims and making payments for election expenses.
67. Remuneration of election agent.
68. Personal expenses of candidate and petty expenses.
69. Expenses in excess of maximum to be illegal practice.
70. Certain expenditure to be illegal practice.
71. Use of motor vehicles at elections.
72. Certain employment to be illegal.
73. Saving for creditors.
74. Return and declaration respecting election expenses.
75. Publication of receipt of return, etc.
76. Employers to allow employees reasonable period for voting.
77. Badges, symbols, etc., prohibited on polling day.
78. Regulations for display of posters and banners.
79. Punishment for conviction for illegal practice.
80. Prohibition of canvassing on polling day.
81. Prohibition of dissuasion from voting.
82. Undue influence at or near polling station.
83. Persons prohibited from conducting election activity.
84. Unlawful assembly.
85. Offence to operate loudspeaker.

## EXCUSE FOR CORRUPT AND ILLEGAL PRACTICE

86. Report exonerating candidate in certain cases of corrupt and illegal practice by agents.
87. Power of election court to except innocent act from being illegal practice, etc.
88. Authorised excuse for non-compliance with provisions as to return and declaration respecting election expenses.

## GROUNDS FOR AVOIDING ELECTIONS

89. Avoidance by conviction of candidate.
90. Avoidance of election on election petition.
91. Proceedings in respect of qualification.

## PART IV

## ELECTION PETITIONS

92. Appointment and powers of Election Judge.
93. Who may present petition.
94. Relief which may be claimed.
95. Certificate of Judge as to validity of election.
96. Report of Judge as to corrupt or illegal practice.
97. Time for presentation.
98. Prohibition of disclosure of vote.

## Section

- 99. Votes to be struck off at a scrutiny.
- 100. Procedure and practice on election petitions.
- 101. Rejection of ballot paper by Returning Officer not to be questioned.

## PART V

## GENERAL

- 102. Minister may make regulations.
- 103. Inaccurate description of places and persons.
- 104. Publication of notices, etc.
- 105. Names of candidates.
- 106. Use of schools as polling stations.
- 107. Forms.
  - First Schedule — Forms.
  - Second Schedule — Directions for the Guidance of Voters in Voting.
  - Third Schedule — Parliamentary Elections Petition Rules.

An Act to make provision for Parliamentary Elections.

[12th November 1954]

## PART I

## PRELIMINARY

- Short title.      **1.** This Act may be cited as the Parliamentary Elections Act.
- Interpretation.      **2.** In this Act, unless the context otherwise requires —  
     “candidate” means a person who is nominated as a candidate for election to any seat in Parliament;  
     “Commissioner of National Registration” means the Commissioner of National Registration appointed under the National Registration Act;
- Cap. 201.      “election” means an election for the purpose of electing a Member of Parliament;  
     “elector” means a person whose name is entered in a register as an elector to vote at an election;  
     “electoral division” means an electoral division specified in the notification for the time being in force under section 8;  
     “general election” means a general election of Members after a dissolution of Parliament;

- “Member” means a Member of Parliament;
- “Parliament” means the Parliament of Singapore established by the Constitution;
- “Parliamentary Secretary” means a Member of Parliament appointed either by the Prime Minister or a Minister to be a Parliamentary Secretary to assist the Minister in the discharge of such of his duties and functions as may be specified in his letter of appointment;
- “polling district” means a part of an electoral division subdivided under section 9;
- “register” or “register of electors” means the register of electors for any particular electoral division;
- “Registration Officer” and “Assistant Registration Officer” mean respectively the Registration Officer and an Assistant Registration Officer appointed under section 3;
- “Returning Officer” means the Returning Officer appointed under section 3;
- “Revising Officer” means a Revising Officer appointed under section 12;
- “voter” means a person who, whether his name does or does not appear in a register of electors, applies to vote or votes at an election.

3.—(1) The Minister may appoint a Registration Officer and a Returning Officer and such Assistant Registration Officers as he may from time to time think fit. Appointment of officers.

(2) An Assistant Registration Officer shall have all the powers and may perform all the duties of the Registration Officer and any reference in this Act to the Registration Officer shall, unless the context otherwise requires, be deemed to include a reference to an Assistant Registration Officer.

(3) An appointment made by the Minister under this section may be revoked by him at any time.

4. The Registration Officer and the Returning Officer may, from time to time, appoint such numbers of clerks and interpreters as may be necessary for the purposes of this Act and those appointments may be revoked at any time. Appointment of clerks and interpreters.

Qualification  
of electors.

**5.—(1)** Subject to sections 6 and 7, any person who on 1st July in any year —

- (a) is a citizen of Singapore;
- (b) is ordinarily resident in Singapore; and
- (c) is not less than 21 years of age,

shall be entitled to have his name entered or retained in a register of electors in that year.

(2) For the purposes of the preparation or revision of any register of electors after the commencement of this Act, a person who is a citizen of Singapore and to whom an identity card has been issued or deemed to have been issued on or before 1st July in any year under the provisions of the National Registration Act and has not been withdrawn shall, until the contrary be shown, be presumed —

Cap. 201.

- (a) to be ordinarily resident in Singapore on 1st July in that year;
- (b) to be not less than 21 years of age on 1st July in that year, if from the particulars recorded in the register maintained by the Commissioner of National Registration he appears to be not less than that age on that date; and
- (c) to reside in the electoral division in which is situated the latest address shown in the register maintained by the Commissioner of National Registration.

(3) Notwithstanding subsection (2), the Registration Officer may, in preparing or revising any register of electors, omit therefrom the name of any person where he has reason to believe that the latest address of the person shown in the register maintained by the Commissioner of National Registration has ceased to exist or to be used as a place of residence.

Disqualifica-  
tion of  
electors.

**6.** No person shall be entitled to have his name entered or retained in any register of electors if he —

- (a) has taken any oath or made any declaration or acknowledgment of allegiance, obedience or adherence to any foreign power or state or does, concurs in or adopts any act done with the intention that he shall become a subject or citizen of any foreign power or state or is the

holder of a passport issued by any foreign power or state;

- (b) is serving a sentence of imprisonment (by whatever name called) imposed by any court in Singapore or in Malaysia or any other part of the Commonwealth, for an offence punishable with imprisonment for a term exceeding 12 months, or is under sentence of death imposed by any such court or is serving a sentence of imprisonment awarded in lieu of execution of any such sentence:

Provided that where the conviction is by a court of law in Malaysia or any other part of the Commonwealth, the person shall not be so disqualified unless the offence is also one which, had it been committed in Singapore, would have been punishable by a court of law in Singapore;

- (c) is under any written law found or declared to be of unsound mind;
- (d) is incapable of being registered by reason of his conviction of a corrupt or illegal practice under this Act or the repealed Ordinance or by reason of the report of an Election Judge in accordance with the provisions of this Act or of the repealed Ordinance, or by reason of his conviction under section 55 of this Act or under section 50 of the repealed Ordinance;
- (e) is a serving member on full pay of any naval, military or air force not maintained out of moneys provided by Parliament unless he possesses a domicile in Singapore;
- (f) is a person whose name is entered on a register of electors in any other country or territory; or
- (g) is a person whose name has been expunged from the register under sections 13 (3) and 43 (5) and whose name has not been restored to the register under section 43 (8).

In paragraph (d) “the repealed Ordinance” means the Singapore Legislative Council Elections Ordinance 1947. 24/47.

7.—(1) Subject to the provisions of this Act, a person Plural voting. shall be entitled to have his name entered in the register of one electoral division only.

(2) If any person at any election votes in any electoral division other than that in which he is registered, he shall be guilty of an illegal practice:

Provided that the court before which a person is convicted under this subsection may in its discretion in the circumstances of any particular case mitigate or remit any penalty or incapacity which may be imposed in respect thereof under section 79.

Electoral  
divisions.

**8.—**(1) The Minister may, from time to time, by notification in the *Gazette*, specify the names and boundaries of the electoral divisions of Singapore for purposes of elections under this Act.

22/84.

(2) The number of electoral divisions of Singapore shall be the total number of the electoral divisions specified in the notification made under subsection (1).

Polling  
districts and  
polling  
stations.

**9.—**(1) Whenever any electoral division of Singapore is altered or a new division is created, the Registration Officer shall —

- (a) subdivide that division into polling districts;
- (b) assign to each such polling district a distinguishing letter or letters; and
- (c) publish in the *Gazette* a notice in the Form 2 in the First Schedule specifying —
  - (i) the polling districts into which that electoral division has been subdivided; and
  - (ii) the distinguishing letter or letters assigned to each such polling district.

(2) The subdivision of an electoral division into polling districts may be altered by the Registration Officer as occasion may require; and upon any such alteration being made he shall publish in the *Gazette* a notice specifying in relation to that electoral division the particulars mentioned in subsection (1) (c). Any such alteration shall come into effect on the date of the publication of the notice under section 20 (1) relating to the next certification of the register of electors for that electoral division, but the revision of the register before such certification shall be made on the basis of that alteration.

(3) The Returning Officer shall provide as many polling stations for a polling district as are in his opinion sufficient for that polling district and may in his discretion provide as many polling places within each polling station as he considers necessary.

## PART II

### REGISTRATION OF ELECTORS AND REVISION OF REGISTERS

**10.**—(1) As soon as may be after the publication of any notification under section 8, the Registration Officer, with such assistance as he may require from the Commissioner of National Registration, shall prepare for that year a separate register of electors for each electoral division and shall enter in the register the names of all persons who are qualified as electors under section 5 and are not disqualified by any of the provisions of section 6: Registration of electors.

Provided that the Minister may, before a general election, require the Registration Officer to bring up-to-date any register prepared under this subsection in such manner and by reference to such year as the Minister may direct.

(2) For the purpose of satisfying himself as to the qualification of any elector, the Registration Officer may make such enquiry as he may consider necessary.

(3) On the completion of the register for any electoral division, the Registration Officer shall give notice in the *Gazette* that the register is completed and that the register or a copy thereof is open for inspection at all reasonable hours in the office of the Registration Officer and at such other place or places in the division as may be specified in the notice.

**11.**—(1) Any person who considers that he is entitled to have his name entered in a register of electors and whose name has been omitted from the register (referred to in this section as the claimant) may apply to the Registration Officer to have his name entered therein. Claims and objections.

(2) Every claim under subsection (1) shall be in writing and shall be in the Form 3 in the First Schedule and shall reach the Registration Officer within two weeks from the date of publication in the *Gazette* of the notice of completion of the register. Within 21 days from the expiry of the

period of two weeks the Registration Officer shall exhibit notices containing the names and addresses of the claimants (if any) at the place or places within the electoral division in which those claimants reside specified in the notice mentioned in section 10 (3).

(3) Any person whose name appears in the register for any electoral division may object to the inclusion in the register of his own name or the name of any other person appearing therein or may object to the insertion in the register of the name of any claimant.

(4) In this section and section 12, every person objecting to the inclusion or insertion of any name in the register is referred to as the objector.

(5) Every objection to the inclusion of any name in the register shall be made in writing in duplicate and shall be in the Form 4 in the First Schedule and shall reach the Registration Officer within two weeks from the date of publication in the *Gazette* of the notice of completion of the register.

(6) Every objection to the insertion of the name of any claimant in the register shall be made in writing in duplicate and shall be in the Form 5 in the First Schedule and shall reach the Registration Officer within 6 days from the date on which the notice containing the names of claimants is exhibited under subsection (2).

(7) One copy of each objection shall bear a stamp of one dollar.

(8) The Registration Officer shall, as soon as practicable after receiving an objection to the inclusion or insertion of any name in any register, send a notice of the objection to the person in regard to whom objection has been made. The notice shall be in the Form 6 in the First Schedule.

(9) The Registration Officer shall as soon as practicable hold a public inquiry into all claims and objections which have been duly made, giving not less than 6 clear days' written notice of the date on which and the time and place at which the inquiry will commence to each claimant, objector and person in regard to whom objection has been made. At any such public inquiry, any person appearing to the Registration Officer to be interested in or affected by the subject-matter of the inquiry may appear and be heard

either by himself or by any other person duly authorised by him in writing in that behalf:

Provided that the Registration Officer may, without any public inquiry, allow any claim in respect of which no objection has been made if he is otherwise satisfied that the claim should be allowed and shall insert the claimant's name in the register.

(10) Where an objection is made to the inclusion or insertion of any name in the register, the Registration Officer shall call upon the objector, or some person authorised in writing in that behalf by the objector, to give prima facie proof of the ground of the objection.

(11) If such prima facie proof is given, the Registration Officer shall require proof of the entitlement of the person in regard to whom objection has been made, and —

- (a) if the person's entitlement is not proved to the Registration Officer's satisfaction, he shall expunge that person's name from, or, as the case may be, refuse to insert that person's name in the register;
- (b) if the person's entitlement is so proved, he shall retain that person's name, or, as the case may be, insert that person's name in the register.

(12) If on the date fixed for inquiry into any objection, the objector or a person authorised in writing in that behalf by the objector fails to appear, or appears but fails to give such prima facie proof, then —

- (a) if the objection is to the inclusion in the register of the name of a person appearing therein the Registration Officer shall retain the person's name in the register without calling upon the person to prove his entitlement;
- (b) if the objection is to the insertion in the register of the name of any claimant, the Registration Officer shall require proof of the entitlement of the claimant; and —
  - (i) if the claimant's entitlement is not proved to the Registration Officer's satisfaction, he shall refuse to insert the claimant's name in the register;

- (ii) if the claimant's entitlement is so proved, he shall insert the claimant's name in the register.

(13) If an objection is made and is overruled by the Registration Officer and, in his opinion, the objection was made without reasonable cause, the Registration Officer may if he thinks fit order in writing the objector to pay to the person in regard to whom objection has been made such sum not exceeding \$50 as the Registration Officer considers reasonable compensation for any loss of time incurred by the person in consequence of the objection.

(14) If, upon an objection being overruled, the objector appeals under section 12 to the Revising Officer and the appeal is dismissed, and in the opinion of the Revising Officer the appeal was made without reasonable cause, the Revising Officer may if he thinks fit order in writing the objector to pay to the person in regard to whom objection has been made such sum not exceeding \$50 as the Revising Officer considers reasonable compensation for any loss of time incurred by the person in consequence of the appeal. If any such appeal is allowed by the Revising Officer, he shall have power to revise or cancel any order made by the Registration Officer for the payment of compensation by the objector.

(15) Any sum awarded as compensation under this section shall be recoverable as though the order of the Registration Officer or Revising Officer were an order of a District Court for the recovery of money by that officer.

(16) If an objection is made and is upheld by the Registration Officer and no appeal is made under section 12, or in the event of an appeal, if the appeal is dismissed by the Revising Officer, the sum of one dollar paid under subsection (7) shall be refunded to the objector.

Appeals to  
Revising  
Officer.

**12.—**(1) For the purpose of hearing appeals against any decision of the Registration Officer, the Minister may appoint such Revising Officers as he may from time to time think fit.

(2) If any claimant, objector or person in regard to whom objection has been made is dissatisfied with the decision of the Registration Officer, he may, within 10 days from the date of the decision, appeal to the Revising Officer.

(3) Every appeal under this section shall be in writing, shall state shortly the ground of appeal, and shall bear a stamp of \$5.

(4) The Revising Officer shall hear such appeals in public giving notice of the dates of the hearing of the appeal to the parties concerned. It shall be in his discretion whether to hear or not to hear any evidence. His determination of the appeal shall be final and conclusive and shall not be called in question in any court.

(5) When the Revising Officer has determined the appeals which have been lodged with respect to any register, he shall forward to the Registration Officer a statement under his hand containing the names which he has decided shall be included or inserted in the register and those which he has decided shall be expunged from the register, and the Registration Officer shall amend the register accordingly.

(6) If an appeal is allowed, the sum of \$5 paid under subsection (3) shall be refunded to the appellant.

**13.—**(1) The Registration Officer shall, as soon as conveniently may be after the claims and objections have been adjudicated upon, certify the register of electors for each electoral division in the Form 7 in the First Schedule:

Certification  
of registers.

Provided that the Registration Officer may certify any register in accordance with this section during the pendency of any appeal under section 12 and shall thereafter insert in or expunge from the certified register the name of any person in accordance with the decision of the Revising Officer on the determination of the appeal.

(2) Nothing in this Act shall be deemed to prohibit the Registration Officer, within 7 days after certifying any register, from correcting any clerical or other error therein:

Provided that the correction does not affect the entitlement of any person to have his name included or retained therein.

(3) Notwithstanding subsections (1) and (2), the Registration Officer shall, from time to time, on being informed by the Registrar of Citizens that any person has ceased to be a citizen of Singapore under the provisions of the Constitution, expunge the name of the person from any register of electors.

(4) Notwithstanding anything to the contrary in this Act, the Registration Officer may —

- (a) before certifying any register of electors, transfer the name of any person who is no longer resident at the address shown in the register to the appropriate register, where that person has notified the Commissioner of National Registration in writing of his change of address on or before the last day for the inspection of the register of electors specified in the notice given by the Registration Officer under section 10 (3); and
- (b) at any time after certifying any register of electors for any electoral division, except between the issue of a writ of election under section 24 and polling day appointed for election in that division, remove from the register the name of any person where the Registration Officer has reason to believe that the address of that person as shown in the register has ceased to exist or to be used as a place of residence:

Provided that where the person whose name has been removed under this paragraph has notified the Commissioner of National Registration in writing of his change of address at the time of the removal of his name the Registration Officer shall transfer the name of that person to the appropriate register.

(5) The Registration Officer shall not remove or transfer any name under subsection (4) (b) unless at least two weeks before making the removal or transfer a notice has been given in the *Gazette* that he proposes to make the removal or transfer and that a list of the names of persons affected is available for inspection at such time and place or places as may be specified in the notice; and a notice for the purpose of this subsection may contain such particulars as the Registration Officer thinks sufficient and appropriate without specifying the names of persons who will be affected by the proposed removal or transfer.

(6) The Registration Officer shall have power where any name from any register has been removed by him under subsection (4) (b) —

- (a) to restore the name to the register if the removal has been made by mistake or through inadvertence; or

- (b) to enter the name in the appropriate register on the application of the person whose name has been removed and has not been transferred to the appropriate register at the time of the removal:

Provided that where a writ of election has been issued under section 24 for an election in any electoral division the Registration Officer shall not enter any name in the register of that division until after nomination day or, if a poll is to be taken, until after polling day.

14.—(1) The Minister may from time to time, but in any case not later than 3 years after the last general election, require the Registration Officer to revise the registers of electors and complete the revision before such date as the Minister may, by notification in the *Gazette*, appoint. Revision of registers.

(2) For the purpose of revising a register and of satisfying himself as to the entitlement of any person to registration or determining whether the name of any person should be inserted or retained in the register or expunged therefrom, the Registration Officer may make such inquiry as he may consider necessary either by himself or through a person appointed by him. Any notice requiring information under this subsection may be sent by ordinary letter post to the person from whom the information is required or may be delivered to him or to an adult member of his household.

(3) All officers in the service of the Government (other than officers of any Government department who are prohibited by law from furnishing information) and all local authorities are hereby authorised and required to furnish to the Registration Officer or any person appointed by the Registration Officer for the purpose all such information as he may require to enable him to revise the register.

(4) Every person who, being in possession of any information required under subsection (2), fails to give such information to the Registration Officer or to any person appointed by the Registration Officer for the purpose, or wilfully gives any false information, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(5) Without prejudice to subsection (4) if any person being a registered elector fails to give such information with

regard to his entitlement to registration to the Registration Officer or to any person appointed by the Registration Officer for the purpose within 14 days after the service upon him by the Registration Officer of a notice under subsection (2), his name shall forthwith be expunged from the register by the Registration Officer and he shall not be entitled to have his name retained or inserted in the register for the ensuing year.

(6) Every person who is appointed by the Registration Officer and who wilfully suppresses any information relating to the entitlement of any person for registration or relevant for determining whether the name of any person should or should not be retained or inserted in a register, after such information has been furnished to or collected by him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Method of  
revising  
register.

**15.—**(1) In revising a register, the Registration Officer shall enter the names of all persons who are qualified as electors under section 5 and are not disqualified by any of the provisions of section 6.

(2) Upon the completion of the revised register of electors referred to in subsection (1), the Registration Officer shall give notice in the *Gazette* that the register of electors has been completed and that the register, or copy thereof, is open for inspection at all reasonable hours of the day at the office of the Registration Officer and at such place or places as may be specified in the notice.

Claims and  
objections at  
revision of  
register.

**16.** Sections 11 and 12 shall apply to a revision of a register of electors as they apply to the preparation of the register.

Application  
of section 13  
to revised  
register.

**17.—**(1) Section 13 (1) shall apply to the certification of a revised register of electors as it applies to the certification of a register of electors.

(2) Section 13 (2) to (4) shall apply to a revised register of electors as they apply to a register of electors.

Notices and  
adjourn-  
ments.

**18.—**(1) Subject to section 14, all notices required to be given by the Registration Officer or a Revising Officer shall be sufficiently given if sent by registered post to the address

(if any) given in the claim or objection, or in default of that address, to the address given in the register of electors.

(2) The Registration Officer or a Revising Officer may from time to time adjourn any proceedings before him under this Act to any convenient time and place.

**19.**—(1) In preparing or revising a register of electors, the Registration Officer may in his discretion enter the name of any person in the register of electors for such electoral division as he considers appropriate if that person is residing in a building which is located on a common boundary between two or more electoral divisions.

Persons residing in building located on common boundary.

(2) The decision of the Registration Officer under subsection (1) shall be final and conclusive and shall not be called in question in any court.

**20.**—(1) On the certification of a register under this Act, the Registration Officer shall give notice in the *Gazette* that the register has been certified and that the register or a copy thereof, is open for inspection at all reasonable hours of the day at the office of the Registration Officer and at such place or places in the division to which the register relates as may be specified in the notice.

Notice of certification of register and commencement and period of operation.

(2) The certified register shall —

(a) in the case of a register prepared under section 10 (1) come into operation at the next general election and not earlier; and

(b) in the case of a revised register come into operation on the date of publication of the notice of the certification of the register in the *Gazette*,

and subject to such alterations as may subsequently be made therein in accordance with section 13, 17 or 43, the register shall continue in operation until superseded by the coming into operation of the next certified register.

**21.**—(1) Every person who wilfully makes a false statement or declaration in any claim or objection or at any inquiry held in connection therewith or in any appeal shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

Penalty for false statements and wrongful claims.

(2) The Registration Officer or a Revising Officer may, on the consideration or hearing of any claim, objection or

appeal, require that the evidence tendered by any person shall be given on oath and may administer the oath for that purpose; and every person who in the course of that consideration or hearing knowingly swears anything material to the validity of the claim, objection or appeal which is false shall be guilty of the offence of giving false evidence and shall be liable on conviction to the punishment provided therefor in the Penal Code.

Cap. 224.

### PART III

#### ELECTIONS

One Member to be returned for each electoral division.

**22.** Each electoral division shall return one Member to serve in Parliament.

Assistant Returning Officers.

**23.—**(1) The Minister may, in addition to the Returning Officer appointed under section 3, from time to time appoint by name or by office one or more persons to assist the Returning Officer in the performance of his duties. A person so appointed to assist the Returning Officer shall have all the powers and may perform all the duties of the Returning Officer and any reference in this Act to the Returning Officer shall, unless the context otherwise requires, be deemed to include a reference to an Assistant Returning Officer. An appointment made by the Minister under this subsection may be revoked by him at any time.

(2) If the Returning Officer is, by sickness or other cause, prevented or disabled from performing any of his duties under this Act and there is not time for any other person to be appointed by the Minister, the Returning Officer may appoint, by name or office, a deputy to act for him. Every such appointment shall as soon as possible be reported to the Minister and may be revoked by him, but without prejudice to the validity of anything already done by the deputy.

Writ of election.

**24.—**(1) For the purposes of every general election of Members of Parliament, and for the purposes of the election of Members to supply vacancies caused by death, resignation or otherwise, the President shall issue writs under the public seal, addressed to the Returning Officer.

(2) Every such writ shall be in the Form 1 in the First Schedule and shall specify the date or dates (referred to in this Act as the day of nomination) not being less than 5 days nor more than one month after the date of the writ and the place or places of nomination (referred to in this Act as the place of nomination).

(3) Upon receipt of the writ, the Returning Officer shall proceed to hold the election in the manner hereinafter provided.

**25.** On the President issuing a writ, the Returning Officer shall give notice of the issue of the writ and of the day, time and place of the nomination of candidates by causing a notice in the Form 8 in the First Schedule to be published in the *Gazette* at least 4 clear days before the day fixed for the nomination.

Notice of time and place of election.

**26.** If at any time after the President has issued a writ for the holding of a general election or an election to fill a vacancy in the seat of a Member, it is shown to his satisfaction that in any electoral division owing to any cause whatsoever no election has been held in pursuance of the writ he may at any time issue another writ for the holding of an election in that division and sections 24 and 25 shall apply to that writ.

Power to issue second writ.

**27.—(1)** Any person eligible for election as a Member of Parliament in accordance with the provisions of the Constitution may be nominated as a candidate for election.

Nomination papers.

(2) Each candidate shall be nominated by means of a nomination paper. The nomination paper shall be signed by two persons as proposer and seconder respectively and by not less than 4 other persons all of whose names must appear in the register of electors for the electoral division for which the candidate seeks election. The written consent of the candidate must be endorsed on the nomination paper which shall be in the Form 9 in the First Schedule.

(3) Every candidate shall at the time of his nomination deliver to the Returning Officer a statutory declaration of his qualifications made and subscribed by the candidate in the Form 10 in the First Schedule. If the statutory declaration is not so delivered, the nomination of the candidate shall be deemed to be void.

(4) The Returning Officer may, at any time between the date of the notice of the writ referred to in section 25 and 12 noon of the day of nomination, supply a form of nomination paper and statutory declaration to any registered elector requiring them.

Deposits by  
candidates.

**28.—**(1) A candidate, or some person on his behalf, shall deposit or cause to be deposited with the Returning Officer or with some person authorised by the Returning Officer in that behalf, between the date of the issue of the writ referred to in section 24 and 12 noon of the day of nomination, the sum of \$1,500 and, in default of that deposit being so made, the candidate shall be deemed to have withdrawn his candidature under section 32. The Returning Officer shall forthwith give a receipt for that sum and shall pay that sum into the Treasury and that sum shall be dealt with in accordance with the provisions of this Act.

(2) Any sum required to be deposited under subsection (1) shall be paid in legal tender or by a bank draft or a certified cheque.

(3) If a candidate is not nominated as a candidate for election or if, after the deposit is made, the candidate withdraws his candidature under section 32 the deposit shall be returned to the person by whom the deposit was made; and if the candidate dies after the deposit is made and before the poll is commenced, the deposit, if made by him, shall be returned to his legal personal representative or, if not made by him, shall be returned to the person by whom the deposit was made.

(4) If a candidate who has made the required deposit is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the amount deposited shall be forfeited and paid into the Consolidated Fund. But in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath or made affirmation as a Member, and, where the candidate is not elected, as soon as practicable after the result of the election is declared.

(5) Notwithstanding anything in this section, where a candidate is nominated at a general election, in more than one electoral division, he shall in no case recover his deposit more than once, and in that case the deposits shall be

forfeited and paid into the Consolidated Fund except, if the candidate has for any electoral division obtained the required number of votes, such one deposit as the Returning Officer thinks fit, and the deposit shall be returned to the candidate.

(6) For the purposes of this section —

(a) the number of votes polled shall be deemed to be the number of votes counted other than rejected votes; and

(b) “certified cheque” means a cheque which is certified by the drawee bank as good for payment of the sum stated in the cheque.

(7) The Minister may, by notification in the *Gazette*, vary the amount of deposit specified in subsection (1) but the amount shall not exceed 10% of the total allowances payable to a Member of Parliament in each year.

**29.**—(1) The Returning Officer shall, on the day of nomination, attend at the place of nomination from 11 a.m. until 12 noon to receive both nomination papers and statutory declarations (referred to in this Act as nomination papers).

Proceedings  
on nomina-  
tion day.

(2) Every nomination paper and statutory declaration must be delivered to the Returning Officer together with a true copy of each on the day and at the place and between the hours aforesaid by the candidate, and if not so delivered, shall be rejected.

(3) The Returning Officer shall forthwith cause a copy of the nomination paper to be posted in a conspicuous position outside the place of nomination.

(4) The Returning Officer shall permit the candidates and their proposers and seconders and one other person (if any) appointed by each candidate in writing to be present on the day and at the place of nomination between 11 a.m. and 12.30 p.m. and there and then to examine the nomination papers of candidates which have been received for that electoral division.

**30.**—(1) Objection may be made to a nomination paper on all or any of the following grounds but on no other ground:

Objections to  
nomination  
papers.

(a) that the description of the candidate is insufficient to identify the candidate;

- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of this Act;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not capable of being elected a Member of Parliament;
- (d) that the provisions of section 28 have not been observed.

(2) No objection to a nomination paper shall be allowed unless it is made to the Returning Officer between 11 a.m. and 12.30 p.m. on the day of nomination.

(3) Every objection shall be in writing signed by the objector and shall specify the ground of objection. The Returning Officer may himself lodge an objection on any of the grounds set out in subsection (1).

(4) The Returning Officer shall with the least possible delay decide on the validity of every objection and inform the candidate concerned of his decision, and, if the objection is allowed, of the grounds of his decision. His decision, if disallowing the objection, shall be final and conclusive and shall not be called in question in any court; but if allowing the objection, shall be subject to reversal on an election petition.

Persons entitled to be present at nomination.

**31.** No person other than the Returning Officer, the candidates and their respective proposers and seconders and one other person (if any) appointed in writing by each candidate shall, except with the consent of and for the purpose of assisting the Returning Officer, be entitled to be present at the proceedings specified in sections 29 and 32.

Withdrawal of candidature.

**32.—(1)** A candidate may before 12 noon on the day of nomination, but not afterwards, withdraw his candidature by giving a notice to that effect signed by him to the Returning Officer.

(2) The Returning Officer shall forthwith cause notice of the withdrawal to be posted in a conspicuous position outside the place of nomination.

#### UNCONTESTED ELECTIONS

Uncontested elections.

**33.** If, on the day of nomination in any electoral division, after the decision by the Returning Officer of any objections

which may have been lodged, only one candidate stands nominated for that division, the Returning Officer shall forthwith declare the nominated candidate to be elected and shall forthwith cause the name of the Member so elected to be published in the *Gazette*.

#### CONTESTED ELECTIONS

34.—(1) If, on the day of nomination in any electoral division, after the decision by the Returning Officer of any objections which may have been lodged, more candidates stand nominated for that division than one, the Returning Officer shall forthwith adjourn the election to enable a poll to be taken in accordance with the provisions of this Act, and shall allot to each candidate an approved symbol which shall be printed on the ballot paper opposite that candidate's name: Contested elections.

Provided that the Returning Officer may in his discretion allot to any candidate some other symbol selected by the candidate or by the political association to which he belongs.

(2) In subsection (1), "approved symbol" means any symbol approved by the Returning Officer for the purposes of this Act by notification published in the *Gazette*.

(3) Subject to subsection (1), the determination of the approved symbol to be allotted to each candidate shall be made by lot by the Returning Officer:

Provided that no candidate shall be allotted any symbol which is of any racial or religious significance.

(4) In the event of any dispute arising regarding the allocation of any symbol under this section, the decision of the Returning Officer shall be final and shall not be questioned.

(5) The Returning Officer shall cause to be published in the *Gazette* a notice in the Form 11 in the First Schedule specifying —

- (a) the electoral division in which the election is contested;
- (b) the date on which the poll will be taken, the date being not less than 9 days or more than 8 weeks after the date of publication of the notice in the *Gazette*;

- (c) the names of the candidates in the order in which they will be printed on the ballot papers, the symbol allotted to each candidate, and the names of their proposers and seconders;
- (d) the situation of the polling stations for that electoral division and the particular polling stations (if any) reserved for female voters.

(6) In computing time for the purposes of subsection (5) (b), the last day of the period shall not be excluded only by reason of the fact that it is a Sunday or that it is a public holiday under the provisions of this Act or of any other written law.

(7) If, after an election has been reported as contested, one of the candidates nominated dies before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of the death, countermand the notice for the poll, and shall appoint by notice published in the *Gazette* a fresh date for the election. In such case all proceedings with reference to the election shall be commenced afresh:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

Polling day at general election to be public holiday.

**35.—**(1) Polling day at any general election shall be a public holiday as though it had been so expressly appointed in addition to the days mentioned in any written law for the time being in force relating to holidays.

(2) Nothing in any written law for the time being in force relating to holidays shall affect the performance on the polling day of any act or thing relating to public offices and departments concerned with elections or of the duty to vote at elections imposed by section 43.

Presiding officers.

**36.—**(1) The Returning Officer shall appoint, and may revoke the appointment of, one or more persons (referred to in this Act as presiding officers) to preside at each polling station. If more than one presiding officer is appointed for any polling station, the Returning Officer may appoint one of the presiding officers to be the senior presiding officer who shall exercise general supervision over the other presiding officers, and over all arrangements for the conduct of the poll in that station. Each presiding officer shall be

supplied with a copy of that part of the register of electors containing the names of electors in the register assigned to his polling place.

(2) If any presiding officer is, by sickness or other cause, prevented from acting at any election and there is not time for another person to be appointed by the Returning Officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall as soon as possible be reported to the Returning Officer and may be revoked by the Returning Officer, but without prejudice to the validity of anything already done by the deputy.

(3) The Returning Officer may, if he thinks fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to the Returning Officer.

**37.**—(1) Outside each polling station there shall be affixed in a conspicuous place by the presiding officer before the commencement of the poll a notice showing the name of each candidate in English, Malay, Chinese and Tamil, and the symbol allotted to him. The names shall be arranged alphabetically in English in the order of their surnames, and if there are two or more candidates with the same surname, of their other names.

Facilities to be provided at polling stations.

(2) It shall be the duty of the Returning Officer to provide at each polling station reasonable facilities for the electors allotted to that station to enable them to mark their votes screened from observation and to vote in accordance with the provisions of this Act, and he shall determine, or may authorise the presiding officer or senior presiding officer to determine, in what manner those facilities shall be distributed among the electors entitled to vote at that station.

(3) An election shall not be questioned by reason of non-compliance with subsection (2) or any informality relative to polling stations.

**38.**—(1) Without prejudice to subsection (2), the register of electors in operation in accordance with this Act at the time of any election of a Member to represent the electoral division to which the register relates shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at the election, and the right and

Registers of electors to be conclusive evidence of right to vote.

duty of voting of any person whose name is for the time being contained in the register shall not be prejudiced by any appeal pending before a Revising Officer in respect of the inclusion of that person's name in the register, and any vote given by that person during the pendency of that appeal shall be as good as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal.

(2) No person who, by reason of circumstances existing on the day of the election, is not, by virtue of section 5 or 6, entitled to have his name entered or retained in any register of electors, shall be entitled to vote at the election and if that person votes at the election he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.

(3) Nothing in this section shall affect the liability of any person to any penalty for an infringement of section 7 relating to plural voting.

Admittance  
to polling  
station.

**39.—**(1) No person shall be admitted to vote at any polling station except the one allotted to him:

Provided that where an elector for any electoral division is employed as a presiding officer, police officer, or in any other official capacity at a polling station within that division, and it is inconvenient for him to vote at the polling station in the division which has been allotted to him, the Returning Officer may authorise the elector, by a certificate under his hand, to vote at any other polling station in the division, and that polling station shall, for the purposes of this section, be deemed to be the polling station allotted to that elector.

(2) Such certificate shall be given under the hand of the Returning Officer and shall state the name of the elector, his number, and description in the register of electors, and the fact that he is so employed as aforesaid.

(3) Unless the Returning Officer, by notification in the *Gazette*, appoints any other hour, the poll in any electoral division shall open at 8 a.m. on the day appointed under section 34 and shall close at 8 p.m. on that day.

(4) The presiding officer shall keep order in his station, and shall regulate the number of voters to be admitted at a

time, and shall exclude all other persons except the candidates, the polling agent or agents of each candidate, the Returning Officer and persons authorised in writing by the Returning Officer, the police officers on duty and other persons officially employed at the polling station.

(5) Not more than one polling agent of each candidate shall be admitted to any polling station:

Provided that where, at any polling station, more polling places than one have been established, not more than one polling agent of each candidate shall be admitted to each such polling place.

(6) No polling agent whose name has not been notified to the presiding officer as required by section 64 (1) shall be admitted to a polling station.

(7) If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorised in writing by the presiding officer or by the Returning Officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station. Any person so removed, if charged with the commission in that station of any offence, may be kept in custody until he can be brought before a magistrate.

(8) The powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at that station.

**40.**—(1) In the case of a poll at an election, the votes shall be given by ballot, and the ballot of each voter shall consist of a paper (referred to in this Act as a ballot paper).

Poll by ballot  
and ballot  
papers.

(2) Every ballot paper shall contain a list of the candidates in English, described, subject to section 105, as in their respective nomination papers, and arranged alphabetically in English in the order of their surnames, and, if there are two or more candidates with the same surname, of their other names and the symbol allotted to each candidate. Every ballot paper shall be in the Form 12 in the First Schedule and shall be capable of being folded.

(3) Each ballot paper shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face.

Ballot boxes.

**41.—**(1) Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

(2) The presiding officer at a polling station immediately before the commencement of the poll, shall show each ballot box to be used at the commencement of the poll empty to such person (if any) as may be present in the station so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

(3) Subsection (2) shall apply to every ballot box used during a poll and it shall be a sufficient compliance with that subsection if a ballot box, other than a ballot box used at the commencement of a poll, is shown, locked up and sealed as aforesaid, before it is used.

Manner of voting.

**42.—**(1) Each voter entitled to vote shall be given one ballot paper and shall have one vote.

(2) The ballot paper shall be delivered to the voter by the presiding officer or a person acting under his authority. Immediately before the ballot paper is delivered to the voter, the paper shall be stamped on the back or perforated with the official mark or initialled by the presiding officer; and the number, name and description of the voter, as stated in the copy of the register of electors, shall be called out, and the number of the elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper but without showing the particular ballot paper which he has received.

(3) The voter, on receiving the ballot paper, shall forthwith proceed to such place in the station as may be indicated by the presiding officer or by any person acting under that officer's authority, and shall there secretly mark the paper as near as may be in accordance with the directions given for the guidance of voters under this Act.

The voter shall then fold the paper so as to conceal his vote, and shall put the paper so folded up into the ballot box. He shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

(4) The presiding officer or any person authorised by him may ask any voter if the voter understands the method of voting in accordance with this Act and may, if he thinks fit, on the application of any voter, explain to the voter, in the presence of the polling agents of the candidates if present, the method of voting in accordance with this Act; but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular candidate.

(5) The presiding officer, on the application of a voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall mark the ballot paper of the voter in the manner directed by the voter, and shall cause the ballot paper to be placed in the ballot box.

(6) The presiding officer may at any time while a poll is proceeding take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for the marking of ballot papers.

(7) During the taking of the poll, the presiding officer shall cause to be exhibited outside his polling station a notice in English, Malay, Chinese and Tamil, substantially in the form set out in the Second Schedule, giving directions for the guidance of voters in voting.

**43.**—(1) Every elector shall record his vote at each election in the division for which he is registered. Compulsory voting.

(2) The Returning Officer shall, at the close of each election, prepare a list of the numbers, names and descriptions as stated in the register of electors of such electors as have failed to vote at the election and certify the list under his hand.

(3) Notwithstanding section 49 (9) and (10), it shall be lawful for the Returning Officer to break the seals of packets containing the marked copies of the registers of electors and to inspect and retain those copies for the

purpose of preparing the list referred to in subsection (2) and of any inquiries connected therewith.

(4) The list prepared by the Returning Officer under subsection (2) shall be forwarded by the Returning Officer to the Registration Officer.

(5) Notwithstanding any other provisions of this Act, the Registration Officer shall on receipt of such list cause the names of all persons appearing in the list to be expunged from the register.

(6) The Registration Officer shall give notice in the *Gazette* that such list has been received by him from the Returning Officer and that that list or copies thereof are open for inspection at all reasonable hours of the day at the office of the Registration Officer and at such other place or places in each electoral division as may be specified in the notice.

(7) Every person whose name appears on the list of which notice has been given by the Registration Officer under subsection (6) may make a written application for the restoration of his name to the register of electors.

(8) If any applicant under subsection (7) satisfies the Registration Officer that he has a good and sufficient reason for not having recorded his vote, his name shall be restored to the register without penalty. Where the applicant does not so satisfy the Registration Officer his name shall be restored to the register on payment to the Registration Officer of the sum of \$5.

(9) Any name to be restored to the register under subsection (8) shall, except as otherwise provided in subsection (11), be restored the day after the Registration Officer has satisfied himself that the applicant has a good and sufficient reason for not recording his vote or the day after the payment of the sum of \$5 to the Registration Officer, as the case may be.

(10) Where any person whose name is to be restored to the register under subsection (8) has notified the Commissioner of National Registration of any change in his address and it appears from such change of address that he is no longer residing in the same electoral division, his name shall be restored to the appropriate register of the electoral division in which he is residing.

(11) Where a writ of election has been issued under section 24 for an election in any electoral division, no name shall be restored to the register of that division until after nomination day or, if a poll is to be taken, until after polling day.

**44.**—(1) The presiding officer at any polling station may in his discretion require any voter, before he is given a ballot paper, to furnish such evidence of his identity as the presiding officer may consider necessary and to make and subscribe all or any of the declarations set out in the Forms 13, 14 and 15 in the First Schedule. Every such declaration shall be exempt from stamp duty. Declarations by voters.

(2) If any person fails to furnish such evidence of his identity or refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(3) If any person wilfully makes a false statement in any such declaration, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.

**45.** A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in place of the ballot paper so delivered up (referred to in this Act as a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled by the presiding officer. Spoilt ballot papers.

**46.** If a person representing himself to be a particular elector named in the register applies for a ballot paper after another person has voted as such elector, the applicant shall on taking an oath of identity, which may be administered by the presiding officer and which shall be in the Form 16 in the First Schedule, be entitled to receive a ballot paper and to vote in the same manner as any other voter, but the ballot paper (referred to in this Act as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, before being placed in a ballot box, shall be endorsed by the presiding officer with the name of the voter and his number in the register, and that number shall be entered on a list (referred to in this Act as the tendered votes list). Tendered votes.

Tendered ballot papers shall be dealt with in the manner hereinafter provided.

Closing  
of poll.

**47.** No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll. But if at that hour there is in the polling station any voter to whom a ballot paper has been delivered, the voter shall be allowed to record his vote.

Procedure  
on closing  
of poll.

**48.—**(1) The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of such of the candidates and their polling agents as attend, make up into separate packets, sealed with his own seal and the seals of the candidates or their agents if they desire to affix their seals —

- (a) the unused and spoilt ballot papers placed together;
- (b) the marked copies of the register of electors;
- (c) the counterfoils of the ballot papers; and
- (d) the tendered votes list.

(2) The ballot box or boxes unopened shall be secured by the presiding officer and sealed with his seal and with the seals of such of the candidates or their agents as attend and desire to affix their seals, in such manner that the box or boxes cannot be opened and nothing can be inserted therein without breaking the seals.

(3) The presiding officer shall despatch each such packet and the ballot box or boxes in safe custody to the Returning Officer.

Counting  
votes.

**49.—**(1) Each candidate may appoint an agent (referred to in this Act as the counting agent) to attend the counting of the votes. Written notice of the name and address of the counting agent so appointed shall be given by the candidate to the Returning Officer.

(2) The Returning Officer shall make arrangements for counting the votes, in the presence of such of the candidates and their counting agents as attend, as soon as practicable after he has received all the ballot boxes relating to the electoral division, and for that purpose shall give notice in writing to each candidate, or, if the candidate has appointed

a counting agent, to the counting agent, of the time and place at which he will begin to count the votes.

(3) The Returning Officer, his assistants and clerks, and the candidates and their counting agents, but no other persons except with the sanction of the Returning Officer, may be present at the counting of the votes.

(4) Before the Returning Officer proceeds to count the votes, he or a person authorised by him shall, in the presence of such of the candidates and their counting agents as attend, open each ballot box and, taking out the papers therein, mix together the whole of the ballot papers contained in the ballot boxes. The Returning Officer, while counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of the papers.

(5) The Returning Officer shall so far as practicable proceed continuously with counting the votes and shall endorse "rejected" on any ballot paper which he may reject as invalid.

(6) The Returning Officer shall not count the tendered ballot papers but shall place them in separate packets according to the candidate whom they support and shall mark each packet with the name of the candidate and shall seal the packet and retain it unless it is required for the purposes of an election petition.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the greatest number of votes is given to be elected:

Provided that upon the application of any candidate or his counting agent, a recount shall be made before the Returning Officer makes the declaration.

(8) When an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of the candidates to be declared elected, the determination of the candidate to whom the one additional vote shall be deemed to have been given shall be made by lot in the presence of the Returning Officer in such manner as he shall determine.

(9) Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall

seal up the ballot papers and all other documents relating to the election as required by this Act and shall, subject to subsection (10) retain the same for a period of 6 months and thereafter shall cause them to be destroyed unless otherwise directed by order of the President.

(10) A Judge of the Supreme Court may make an order that any ballot paper or other document relating to an election which has been sealed as required by this Act be inspected, copied or produced at such time and place and subject to such conditions as the Judge may consider expedient, but shall not make such an order unless he is satisfied that the inspection, copy or production is required for the purpose of instituting or maintaining a prosecution or an election petition in connection with the election. Save as aforesaid, no person shall be allowed to inspect any such ballot paper or document after it has been sealed up in pursuance of subsection (9).

Votes to be  
rejected.

**50.—**(1) The Returning Officer shall reject as invalid the following ballot papers only, namely, any ballot paper:

- (a) which is not stamped or perforated or initialled with the official mark;
- (b) on which votes are given for more than one candidate;
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back;
- (d) which is unmarked;
- (e) which is void for uncertainty.

(2) Where the Returning Officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter and the candidate for whom he gives his vote, the Returning Officer shall not reject the ballot paper on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under this Act.

(3) Before rejecting a ballot paper, the Returning Officer shall show it to each candidate or his counting agent if present and hear his views thereon, taking all proper precautions to prevent any person from seeing the number printed on the back of the paper.

(4) The decision of the Returning Officer whether or not any ballot paper shall be rejected shall be final and shall not be questioned on an election petition.

**51.** The Returning Officer shall forthwith after the result has been declared by him compile a statement of the poll in the Form 17 in the First Schedule and shall cause the name or names of the members so elected and also the statement to be published in the *Gazette*.

Publication of result and statement of poll in the *Gazette*.

**52.—**(1) If as a result of any general election —

(a) no Opposition Member is elected to Parliament in accordance with section 49 (7), the Returning Officer shall declare to be elected, in accordance with this section, 3 non-constituency Members;

(b) one Opposition Member is elected to Parliament in accordance with section 49 (7), the Returning Officer shall declare to be elected, in accordance with this section, two non-constituency Members; and

(c) two Opposition Members are elected to Parliament in accordance with section 49 (7), the Returning Officer shall declare to be elected, in accordance with this section, one non-constituency Member.

Election of non-constituency Members in certain circumstances. 22/84.

(2) The non-constituency Member or Members to be declared elected under subsection (1) shall be determined from among the candidates of those political parties (other than the party or parties that will form the Government) contesting the general election on the basis of the percentage of the votes polled at the same general election by such candidates in the following order of priority — the candidate receiving the highest percentage of votes being placed first and the other candidates being placed in descending order in accordance with the percentages of votes polled by them.

(3) Where subsection (1) applies, the Returning Officer shall as soon as he determines the candidate who stands first in accordance with the order of priority under subsection (2) declare that candidate to be elected as a non-constituency Member; and if more than one non-constituency Member are to be declared elected, the Returning Officer shall

declare as so elected the next succeeding candidate or candidates, as the case may be, in the order of priority under subsection (2):

Provided that no such candidate shall be declared as so elected unless he has polled not less than 15% of the total number of votes (other than rejected votes) polled at the election in the electoral division contested by him.

(4) In this section, "Opposition Member" means a Member of Parliament who is not a member of the political party or parties forming the Government. [51A

Failure to  
take Oath of  
Allegiance by  
non-consti-  
tuency  
Member.  
22/84.

**53.**—(1) Subject to subsection (2), if any non-constituency Member declared to be elected under section 52 fails to take and subscribe before Parliament the Oath of Allegiance under Article 61 of the Constitution of the Republic of Singapore at the first or second sitting of Parliament during its first session after the general election, Parliament may by resolution declare that his seat has become vacant and that it be filled by the next succeeding candidate at the general election in the order of priority as determined in accordance with section 52 (2) from among those candidates who are eligible to be elected as non-constituency Members and have not been so elected; and that candidate shall upon such resolution be deemed to be elected as a non-constituency Member under section 52 in place of the non-constituency Member whose seat was declared vacant.

(2) Parliament shall not move any resolution under subsection (1) unless the next succeeding candidate has polled not less than 15% of the total number of votes (other than rejected votes) polled at the election in the electoral division contested by him. [51B

Failure to  
comply with  
provisions  
of this Act.

**54.**—(1) No election shall be invalid by reason of any failure to comply with any provision of this Act relating to elections if it appears that the election was conducted in accordance with the principles laid down in that provision, and that the failure did not affect the result of the election.

(2) Where in this Act any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any candidate or agent at the time and place appointed for the purpose shall not, if that act or thing is otherwise duly done, invalidate that act or thing. [52

55.—(1) Every person who —

Offences.

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the Returning Officer any nomination paper knowing it to be forged;
- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;
- (c) without due authority supplies any ballot paper to any person;
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person;
- (e) not being a person entitled under this Act to be in possession of any ballot paper which has been marked with the official mark in accordance with this Act, has any such ballot paper in his possession;
- (f) puts into any ballot box anything other than the ballot paper which he is authorised by law to put in;
- (g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station;
- (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election;
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) manufactures, constructs, imports into Singapore, has in his possession, supplies or uses for the purpose of an election, or causes to be manufactured, constructed, imported into Singapore, supplied or used for the purpose of any election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years and shall,

on conviction, become incapable for a period of 7 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 a Member of Parliament, and if at that date he has been elected a Member of Parliament, his election or appointment shall be vacated from the date of the conviction.

(2) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.

Cap. 68.

(3) Every offence under this section shall be a seizable offence within the meaning of the Criminal Procedure Code.

(4) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or marking instrument at an election, the property in the nomination paper, ballot box, ballot paper or marking instrument, as well as the property in the counterfoil of any ballot paper, may be stated to be in the Returning Officer at that election.

(5) A prosecution for an offence under this section shall not be instituted without the sanction of the Public Prosecutor. [53

Maintenance  
of secrecy at  
elections.

**56.—**(1) Every officer, clerk, interpreter, candidate and agent authorised to attend at a polling station, or at the counting of the votes, shall, before so attending, make an oath of secrecy, substantially in the Form 18 in the First Schedule.

(2) The Returning Officer shall have power to administer any oaths required to be taken under subsection (1).

(3) Every officer, clerk, interpreter, candidate and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in the station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, but the total number of voters who have voted at any station at any time before the poll is closed may in the discretion of the presiding officer be divulged to the candidate or his agent authorised to attend at the polling station.

(4) No such officer, clerk, interpreter, candidate or agent, and no person whosoever shall attempt to obtain in the polling station information as to the candidate for whom any voter in the station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in the station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at the station.

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at the counting the number on the back of any ballot paper or communicate any information obtained at the counting as to the candidate for whom any vote is given by any particular ballot paper.

(6) No person, except a presiding officer acting for a purpose authorised by this Act or a person authorised by the presiding officer and acting for that purpose, shall communicate or attempt to communicate with any voter after the voter has received a ballot paper and before he has placed it in a ballot box.

(7) Every person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months. [54

#### CORRUPT PRACTICES

57. Every person who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation, which shall be a seizable offence within the meaning of the Criminal Procedure Code. [55

Personation.

Cap. 68.

58.—(1) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an election directly or indirectly gives or provides, or pays wholly or in part the expense of giving, any meat, drink, refreshment, cigarette, entertainment or

Treating.

other provision or thing or any money or ticket or other means or device to enable the procuring of any such meat, drink, refreshment, cigarette, entertainment or other provision or thing to or for any person —

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting;
- (b) for the purpose of inducing that person to attend or remain at any election meeting;
- (c) on account of any such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at the election; or
- (d) on account of any such person having attended an election meeting.

(2) A person shall also be guilty of treating if he corruptly accepts or takes any such meat, drink, refreshment, cigarette, entertainment or other provision or thing or any such money or ticket or who adopts any other means or device to enable the procuring of such meat, drink, refreshment, cigarette, entertainment or other provision or thing.

[56]

Undue  
influence.

**59.** Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting at any election, or who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of any elector or voter, or thereby compels, induces or prevails upon any elector or voter either to give or refrain from giving his vote at any election, shall be guilty of the offence of undue influence.

[57]

Bribery.

**60.** The following persons shall be deemed guilty of the offence of bribery:

- (a) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers,

promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector or voter, or to or for any person on behalf of any elector or voter or to or for any other person, in order to induce any elector or voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of that elector or voter having voted or refrained from voting at any election under this Act;

- (b) every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any elector or voter or to or for any person on behalf of any elector or voter, or to or for any other person, in order to induce that elector or voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of that elector or voter having voted or refrained from voting at any election under this Act;
- (c) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce that person to procure or endeavour to procure the return of any person as a Member of Parliament, or the vote of any elector or voter at any election under this Act;
- (d) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person who is assisting or has promised to assist a candidate at an election to induce that person to refrain from assisting that candidate;
- (e) every person who upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages, promises or endeavours to procure, the return of any person

as a Member of Parliament, or the vote of any elector or voter at an election under this Act;

- (f) every person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that the money or any part thereof shall be expended in bribery at any election under this Act, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;
- (g) every elector or voter who, before or during any election under this Act, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;
- (h) every person who, after any election under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such election;
- (i) every person who directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having assisted or agreed to assist any candidate at an election, applies to that candidate, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment;
- (j) every person who directly or indirectly, by himself or by any person on his behalf, in order to induce any other person to agree to be nominated as a candidate or to refrain from

becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or to endeavour to procure any office, place or employment to or for that other person, or gives or lends, or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or valuable consideration to or for any person or to or for that other person, or to or for any person on behalf of that other person.

[58]

**61.**—(1) Every person who —

- (a) commits the offence of personation, or aids, abets, counsels or procures the commission of the offence of personation;
- (b) commits the offence of treating, undue influence or bribery;
- (c) prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or poster which refers to any election and which does not bear upon its face the names and addresses of its printer and publisher;
- (d) makes or publishes, before or during any election, for the purpose of affecting the return of any candidate, any false statement of fact in relation to the personal character or conduct of the candidate;
- (e) makes or publishes, before or during any election, for the purpose of promoting or procuring the election of any candidate, any false statement of the withdrawal of any other candidate at the election; or
- (f) being a candidate or election agent, knowingly makes the declaration as to election expenses required by section 74 falsely,

Punishment  
and incapa-  
cities for  
corrupt  
practice.

shall be guilty of a corrupt practice and shall on conviction by a District Court be liable, in the case referred to in paragraph (a), to 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 any other case, to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

(2) Every person who is convicted of a corrupt practice shall become incapable for a period of 7 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 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.

(3) A prosecution for a corrupt practice except any corrupt practice as defined in subsection (1) (d) and (e) shall not be instituted without the sanction of the Public Prosecutor:

Provided that nothing herein shall prevent any police officer from exercising the powers conferred upon him by Chapter XIII of the Criminal Procedure Code in the case of non-seizable offences or from exercising his powers to prevent a continuance of any corrupt practice. [59

Cap. 68.

#### ELECTION AGENT, ELECTION EXPENSES AND ILLEGAL PRACTICES

Nomination  
of election  
agent.

**62.**—(1) On or before the day of nomination at an election, a person shall be named in writing by or on behalf of each candidate as his agent for that election and the person is referred to in this Act as the election agent.

(2) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act, both as a candidate and as an election agent, and any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) On or before the day of nomination, the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the Returning Officer, and the Returning Officer shall forthwith, by affixing a notice in a conspicuous place outside his office, give public notification of the name and address of every election agent so declared.

(4) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent

appointed be the candidate himself or not, may be revoked and in the event of such revocation or of his death, whether the event is before, during or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the Returning Officer, who shall forthwith give public notice of the same in the manner aforesaid. [60

**63.** No person shall be appointed election agent who has within 7 years prior to such appointment been convicted of any corrupt practice under this Act. [61

Person convicted of corrupt practice not to be appointed election agent.

**64.**—(1) The election agent of a candidate shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee-room hired on behalf of the candidate, and shall inform the presiding officer at each polling station in writing of the name of the polling agent or agents appointed to act at that station before the person is admitted to the station. Making of contracts through election agent.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at the election, unless made by the candidate himself or by his election agent:

Provided that inability under this section to enforce the contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice committed by his agent. [62

**65.**—(1) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person at any time, whether before, during, or after the election, in respect of any expenses incurred on account of or in respect of the conduct or management of the election otherwise than by or through the election agent of the candidate; and all money provided 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, whether as gift, loan, advance Payment of expenses through election agent.

or deposit, shall be paid to the candidate or his election agent and not otherwise:

Provided that this subsection shall not be deemed to apply to any payment by the Returning Officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if the sum is not repaid to him.

(2) A person who makes any payment, advance or deposit in contravention of this section or pays in contravention of this section any money so provided as aforesaid shall be guilty of an illegal practice. [63

Period for sending in claims and making payments for election expenses.

**66.**—(1) Every payment made by an election agent in respect of any expenses incurred on account of or in respect of the conduct and management of an election shall, except where less than \$10 or where, from the nature of the case, such as travel by rail or postage, a receipt is not obtainable, be vouched for by a bill stating the particulars and by a receipt.

(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of the election, which is not sent in to the election agent within the time limited by this Act, shall be barred and shall not be paid; and subject to such exception as may be allowed in pursuance of this Act, an election agent who pays a claim in contravention of this section shall be guilty of an illegal practice.

(3) Except as by this Act permitted, the time limited by this Act for sending in claims shall be 14 days after the date of publication of the result of the election in the *Gazette*.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of the election, shall be paid within the time limited by this Act and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5) Except as by this Act permitted, the time limited by this Act for the payment of those expenses shall be 28 days

after the date of publication of the result of the election in the *Gazette*.

(6) Where it has been proved to the satisfaction of the Election Judge by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of the candidate, the election of the candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of the payment having been made in contravention of this section.

(7) If the election agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the period of 28 days, the claim shall be deemed to be a disputed claim.

(8) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of that court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act, requiring claims to be paid by the election agent.

(9) On cause shown to the satisfaction of a Judge of the Supreme Court, the Judge, on application by the claimant or by the candidate or his election agent, may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for those expenses, although sent in after the time in this section mentioned for sending in claims, or although the claim was sent in to the candidate and not to the election agent.

(10) Any sum specified in the order of leave may be paid by the candidate or his election agent; and when paid in pursuance of that leave shall be deemed to be paid within the time limited by this Act. [64

67. So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of the claim, the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly. [65

Remuneration of election agent.

Personal expenses of candidate and petty expenses.

**68.**—(1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election to an amount not exceeding \$1,000, but any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to the election agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid by the candidate.

(3) The personal expenses of a candidate include his reasonable travelling expenses, and the reasonable expenses of his living at hotels or elsewhere for the purposes of the election.

(4) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expense for stationery, postage, telegrams, and other petty expenses 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.

(5) A statement of the particulars of payments made by any person so authorised 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. [66

Expenses in excess of maximum to be illegal practice.

**69.**—(1) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of the election, in excess of \$6,000 or of an amount equal to 50 cents for each elector on the register, whichever amount shall be the larger:

Provided that there shall not be included in the amount any expenditure incurred by the candidate for his personal expenses, nor the fee, if any, paid to the election agent not exceeding \$500.

(2) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice. [67

**70.**—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made —

Certain expenditure to be illegal practice.

- (a) on account of the conveyance of electors or voters to or from the poll, whether for the hiring of vehicles or animals of transport of any kind whatsoever, or for railway or other fares, or otherwise; or
  - (b) to or with an elector or voter on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice.
- (2) Notwithstanding anything in subsection (1) —
- (a) where it is the ordinary business of an elector or voter as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with the elector or voter, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section;
  - (b) where electors or voters are unable at an election to reach their polling stations from their place of residence without crossing the sea or a branch or arm thereof or a river, means may be provided for conveying those electors or voters by sea to their polling stations, or to enable them to cross the river in order to reach their polling stations, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Act.

[68

**71.**—(1) Subject to this section, a person shall not either let, lend, employ, hire, borrow or use any motor vehicle for the purpose of conveyance of electors or voters to or from the poll and a person knowingly acting in contravention of this section shall be guilty of an illegal practice:

Use of motor vehicles at elections.

Provided that —

- (a) the court before whom a person is convicted under this subsection may, if it thinks it just in the circumstances of the case, mitigate or entirely

remit any incapacity imposed by virtue of section 79;

- (b) a candidate shall not be liable nor shall his election be avoided for an illegal practice under this subsection committed without his consent or connivance by any person other than his election agent.

(2) Nothing in this section shall prevent any person from employing a motor vehicle for the purpose of conveying to or from the poll himself or any member of his family.

(3) For the purposes of subsection (2), “member of his family” means a person’s spouse, parents and children.

(4) Between 8 a.m. and 8 p.m. on polling day no person shall park a motor vehicle within 100 metres of any polling station other than a motor vehicle used for the conveyance of any sick, infirm or disabled person for such time as is reasonably necessary to enable the person to cast his vote.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(6) A police officer in uniform may, except as hereinafter provided, arrest without warrant any person in charge of or driving a motor vehicle, who has committed or is suspected of having committed an offence under this section.

(7) The power of arrest under subsection (6) shall not be exercised if either —

- (a) such person on the demand of the police officer produces his driving licence so as to enable the officer to ascertain the name and address of the holder of the licence, the date of issue and the authority by which it was issued; or
- (b) such person, not being a paid driver or the driver of a motor vehicle used for the carriage of passengers for hire or reward or for the carriage of goods, gives the officer his name and a place of address within Singapore:

Provided that if the officer has reason to suspect that a name or address so ascertained or given is false he may, notwithstanding anything to the contrary in this subsection provided, exercise the power of arrest under subsection (6).

72.—(1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purpose or in the capacities following:

Certain employment to be illegal.

- (a) one election agent and no more;
- (b) not more than one polling agent for each polling place;
- (c) a reasonable number of clerks and messengers having regard to the area of the electoral division and the number of electors on the register of electors for the division.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during or after an election, the person engaging or employing him shall be guilty of an illegal practice. [70]

73. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of expenses in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant that they were in contravention of this Act. [71]

Saving for creditors.

74.—(1) Within 31 days after the date of publication of the result of an election in the *Gazette*, the election agent of every candidate at that election shall transmit to the Returning Officer a true return (referred to in this Act as the return respecting election expenses), in the Form 19 in the First Schedule, containing detailed statements as respects that candidate of —

Return and declaration respecting election expenses.

- (a) all payments made by the election agent together with all the bills and receipts referred to in section 66 (1), which bills and receipts are in this Act included in the expression “return respecting election expenses” and the dates of payment of all sums for which no receipt is attached;
- (b) the amount of personal expenses, if any, paid by the candidate;
- (c) the disputed claims so far as the election agent is aware;

- (d) all unpaid claims, if any, of which the election agent is aware in respect of which application has been made or is about to be made to an Election Judge or Judge of the Supreme Court;
- (e) all money, securities and other valuable considerations received by or promised to the election agent from or by any candidate or any other person for the purpose of expenses incurred or to be incurred on account or in respect of the management of the election, naming every person from whom the sum may have been received or by whom the sum may have been promised, showing as to each sum whether it was received as contribution, loan, deposit or otherwise.

(2) The return respecting election expenses shall be signed by the election agent and shall be accompanied by a statement made by the candidate and his election agent which shall be respectively in the Forms 20 and 21 in the First Schedule and shall be on oath before a Justice of the Peace or a commissioner for oaths.

(3) If the return and statements are not transmitted before the expiration of the time limited for the purpose, the candidate shall not after the expiration of the time sit or vote in Parliament as a Member until either the return and statements have been transmitted or until the date of the allowance of such authorised excuse for failure to transmit them as in this Act mentioned; and if he sits or votes in contravention of this Act he shall be guilty of an offence and shall be liable on conviction to a penalty of \$500 for every day on which he so sits or votes.

(4) If any candidate or election agent fails to comply with the requirements of subsection (1) or (2), he shall be guilty of an illegal practice and the provisions of this section shall be in addition to and not in derogation of section 61. [72

Publication  
of receipt of  
return, etc.

**75.—(1)** When any return respecting election expenses and the statements made in respect thereof have been received by the Returning Officer, he shall, as soon as possible, cause a notice of the date on which the return and statements in question were received by him and of the time and place at which they can be inspected, to be fixed in

some conspicuous place in his office and published in the *Gazette*.

(2) The Returning Officer shall preserve all such returns and statements with the bills and vouchers relating thereto and at all reasonable times during 6 months next after the publication in the *Gazette* of the notice mentioned in this section shall permit any person to inspect them and to make extracts therefrom on payment of a fee of \$2 and shall, on payment of 30 cents for each page, supply a copy or copies of any part thereof; and after the expiration of that period of 6 months those documents may be destroyed or returned to the candidate if application for their return is made by the candidate before they are destroyed. 22/84.  
[73]

76.—(1) Every employer shall, on polling day, allow to every elector in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such elector or impose upon or exact from him any penalty by reason of his absence during that period. Employers to allow employees reasonable period for voting.

(2) This section shall extend to the employees of the Railway except such as are actually engaged in the running of trains and to whom such time cannot be allowed without interfering with the manning of the trains; and the General Manager of Railways shall be deemed to be the employer of such employees.

(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other manner, interferes with the granting to any elector in his employ of a reasonable period for voting, as in this section provided, shall be guilty of an offence and shall be liable on conviction to a fine of \$500 or to imprisonment for 6 months. [74]

77.—(1) No badge, symbol, rosette, favour, set of colours, flag, advertisement, handbill, placard or poster or any replica of a voting 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: Badges, symbols, etc., prohibited on polling day.

Provided that the prohibition shall not preclude the wearing on his person by a candidate of a badge indicating his affiliation with a political party or a replica of the symbol allotted to him under section 34.

(2) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this section and take him before a Magistrate's Court to be dealt with according to law.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 or to imprisonment for one year. [75]

Regulations  
for display  
of posters  
and banners.

**78.**—(1) The Minister may make regulations to regulate the display of posters and banners in respect of an election.

(2) Such regulations may provide for the Returning Officer to determine the number and size of posters and banners which may be displayed in any electoral division and for the determination of the places at which they may be so displayed.

(3) For the purposes of this section and regulations made thereunder —

“poster” includes any label, set of colours, drawing, painting, advertisement, handbill or placard or any replica of a voting paper or of the symbol of any political party;

“banner” includes a flag, bunting, ensign or standard.

(4) Any person who commits an offence under such regulations shall be liable on conviction to a fine of \$1,000 or to imprisonment for one year. [76]

Punishment  
for conviction  
for illegal  
practice.

**79.**—(1) Every person who commits an illegal practice shall be guilty of an offence and shall on conviction by a District Court be liable to a fine not exceeding \$300 and 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 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.

(2) A prosecution for an illegal practice shall not be instituted without the sanction of the Public Prosecutor:

Provided that nothing herein shall prevent any police officer from exercising the powers conferred upon him by Chapter XIII of the Criminal Procedure Code in the case of

non-seizable offences or from exercising his powers to prevent a continuance of any illegal practice. [77

**80.**—(1) No person shall on polling day —

(a) by word, message, writing or in any other manner endeavour to persuade any person to give or dissuade any person from giving his vote at an election; or

(b) visit an elector at his home or place of work for any purpose in connection with an election.

Prohibition  
of canvassing  
on polling  
day.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 or to imprisonment for one year.

(3) Notwithstanding the provisions of the Criminal Procedure Code relating to the powers of search of any police officer, if any police officer has reasonable cause to believe that an offence is being committed under this section, the police 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.

Cap. 68.

(4) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this section and take him before a Magistrate's Court to be dealt with according to law.

(5) For the purposes of this section, any person who, on polling day, 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, shall, unless he proves the contrary, be presumed to have committed an offence under subsection (1) (a) and (b). [78

**81.**—(1) No person shall between the day of nomination and polling day (both days being inclusive) at any election, by word, message, writing or in any other manner dissuade or attempt to dissuade any person from giving his vote at the election.

Prohibition  
of dissuasion  
from voting.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 or to imprisonment for one year.

Cap. 68.

(3) Notwithstanding the provisions of the Criminal Procedure Code relating to the powers of search of any police officer, if any police officer has reasonable cause to believe that an offence is being committed under this section, the police 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.

(4) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this section and take him as soon as practicable before a Magistrate's Court to be dealt with according to law.

[79]

Undue  
influence  
at or near  
polling  
station.

82.—(1) No person shall —

- (a) endeavour to establish the identity of any person entering a polling station;
- (b) check the name of any person entering a polling station on any list at the approach to a polling station;
- (c) anywhere place any desk or table or establish any office or booth for the purpose of recording particulars of voters;
- (d) wait outside any polling station on polling day, except for the purpose of gaining entry to the polling station to cast his vote;
- (e) loiter in any street or public place within a radius of 200 metres of any polling station on polling day; or
- (f) open or maintain, for the purpose of any activity directed towards promoting or procuring the election of a candidate at any election, any office in any room, building or any place whatsoever, whether open or enclosed, on polling day:

Provided that every candidate or his election agent may open or maintain in his electoral division one office for each polling district, which shall not be within a radius of 200 metres of any polling station, and the address of every such office shall be registered by the candidate or his election agent with the Returning Officer before polling day.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 or to imprisonment for one year.

(3) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this section and take him before a Magistrate's Court to be dealt with according to law. [80

83.—(1) No person —

(a) attending a primary or secondary school as a student;

(b) against whom an order of supervision has been made under section 30 (b) of the Criminal Law (Temporary Provisions) Act;

(c) who is an undischarged bankrupt; or

(d) who is not a citizen of Singapore,

shall take part in any election activity.

(2) No person shall conduct any election activity unless he is in possession of a written authority signed by a candidate or his election agent in the Form 22 or the Form 23, as the case may be, in the First Schedule. Such authority shall be issued only on or after the day of nomination.

(3) Every candidate and election agent shall supply particulars in duplicate of all written authorities issued by him under subsection (2) to the Returning Officer, who shall on receipt thereof forward a copy of those particulars to the Commissioner of Police.

(4) A candidate or election agent shall, if so required by the Commissioner of Police, forthwith withdraw and deliver to the Returning Officer the written authority given by the candidate or election agent to any person who is stated by the Commissioner of Police to be a person in respect of whom an order has been made under section 30 (b) of the Criminal Law (Temporary Provisions) Act.

(5) For the purposes of this section, "election activity" includes any activity which is done for the purpose of promoting or procuring the election of a candidate at any election other than clerical work wholly performed within enclosed premises.

Persons prohibited from conducting election activity.  
Cap. 67.

(6) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 or to imprisonment for one year.

(7) No candidate or election agent shall authorise any person to conduct an election activity, knowing or having reason to believe that the person is attending a primary or secondary school as a student or that an order has been made in respect of the person under section 30 (b) of the Criminal Law (Temporary Provisions) Act.

Cap. 67.

(8) Any police officer may arrest without warrant any person offending in his view against subsection (1) or (2) and take him before a Magistrate's Court to be dealt with according to law. [81

Unlawful  
assembly.

**84.** Where it is shown that the common object of an assembly of 5 or more persons is —

(a) to interrupt or interfere with an election meeting;  
or

(b) to go about in a group on polling day in a manner calculated to cause intimidation, alarm or annoyance to any elector, voter or candidate,

the assembly shall be deemed to be an unlawful assembly as defined in section 141 of the Penal Code.

Cap. 224.

[82

Offence to  
operate  
loudspeaker.

**85.—(1)** It shall be an offence for a person to operate any loudspeaker or other instrument for the production or reproduction of any speech, sound or music in any street or public place or any premises adjoining any street or public place, so as to interfere with any election meeting or so as to cause annoyance to persons conducting or attending the meeting.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 or to imprisonment for one year.

(3) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this section and take him before a Magistrate's Court to be dealt with according to law. [83

## EXCUSE FOR CORRUPT AND ILLEGAL PRACTICE

**86.** Where, upon the trial of an election petition respecting an election under this Act, the Election Judge reports that a candidate at the election has been guilty by his agents of the offence of treating or undue influence or of any illegal practice in reference to the election, and the Election Judge further reports, after giving the Public Prosecutor an opportunity of being heard, that the candidate has proved to the court —

Report exonerating candidate in certain cases of corrupt and illegal practice by agents.

- (a) that no corrupt or illegal practice was committed at the election by the candidate or his election agent and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or his election agent;
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at the election;
- (c) that the offences mentioned in the said report were of a trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,

then the election of the candidate shall not, by reason of the offences mentioned in the report, be void, nor shall the candidate be subject to any incapacity under this Act.

[84

**87.** Where, on application made, it is shown to an Election Judge or to a Judge of the Supreme Court by such evidence as seems to the Judge sufficient —

Power of election court to except innocent act from being illegal practice, etc.

- (a) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act, or of being a payment, engagement, employment, or contract in contravention of this Act, or of otherwise being in contravention of any of the provisions of this Act, be but for this section an illegal practice; and

- (b) that the act or omission arose from inadvertence or from accidental miscalculations or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith,

and in the circumstances it seems to the Judge, after giving the candidates, the Returning Officer, and any elector within the electoral division an opportunity of being heard, to be just that the candidate in question and the election and other agent and person, or any of them, should not be subject to any of the consequences under this Act of that act or omission, the Judge may make an order allowing that act or omission to be an exception from the provisions of this Act which would otherwise make the act or omission an illegal practice, payment, employment or hiring, and thereupon the candidate, agent or person shall not be subject to any of the consequences under this Act of that act or omission. [85

Authorised  
excuse for  
non-com-  
pliance with  
provisions as  
to return and  
declaration  
respecting  
election  
expenses.

**88.**—(1) Where the return and statements respecting election expenses of a candidate at an election have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then —

- (a) if the candidate applies to an Election Judge or a Judge of the Supreme Court and shows that the failure to transmit the return and declarations, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness or misconduct of his election agent or of any clerk or officer of the agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or
- (b) if the election agent of the candidate applies to an Election Judge or a Judge of the Supreme Court and shows that the failure to transmit the return and statements which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness, or of the death, illness or misconduct of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any

clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the Judge may, after such notice of the application, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the Returning Officer and any elector within the electoral division an opportunity of being heard, make such order for allowing an authorised excuse for the failure to transmit such return and statements, or for an error or false statement in such return and statements as to the Judge seems just.

(2) Where it appears to the Judge that any person being or having been an election agent has refused or failed to make such return or supply such particulars as will enable the candidate and his election agent, respectively, to comply with the provisions of this Act as to the return and statements respecting election expenses, the Judge before making an order allowing the excuse as in this section mentioned shall order the person to attend before the Judge, and shall, unless he attends and shows cause to the contrary, order him to make the return and statements, or to deliver a statement of the particulars required to be contained in the return, as to the Judge appears just, and to make or deliver them within such time and to such person and in such manner as the Judge may direct, or may order him to be examined with respect to those particulars, and, in default of compliance with that order, the person shall be guilty of an illegal practice.

(3) The order may make the allowance conditional upon the making of the return and statements in a modified form or within an extended time, and upon the compliance with such other terms as to the Judge seems best calculated for carrying into effect the objects of this Act; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order; and where it is proved by the candidate to the Judge that any act or omission of the election agent in relation to the return and statements respecting election expenses was without the

sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing the act or omission, the Judge shall relieve the candidate from the consequences of the act or omission on the part of his election agent.

(4) The date of the order or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them is referred to in this Act as the date of the allowance of the excuse. [86]

#### GROUND FOR AVOIDING ELECTIONS

Avoidance by conviction of candidate.

**89.** The election of a candidate as a Member is avoided by his conviction for any corrupt or illegal practice. [87]

Avoidance of election on election petition.

**90.** The election of a candidate as a Member shall be declared to be void on an election petition on any of the following grounds which may be proved to the satisfaction of the Election Judge:

- (a) that by reason of general bribery, general treating, or general intimidation, or other misconduct, or other circumstances, whether similar to those before enumerated or not, the majority of electors were or may have been prevented from electing the candidate whom they preferred;
- (b) non-compliance with the provisions of this Act relating to elections, if it appears that the election was not conducted in accordance with the principles laid down in those provisions and that the non-compliance affected the result of the election;
- (c) that a corrupt practice or illegal practice was committed in connection with the election by the candidate or with his knowledge or consent or by any agent of the candidate;
- (d) that the candidate personally engaged a person as his election agent, or as a canvasser or agent, knowing that the person had within 7 years prior to such engagement been convicted or found guilty of a corrupt practice by a District Court or by the report of an Election Judge;
- (e) that the candidate was at the time of his election a person disqualified for election as a Member.

[88]

**91.**—(1) Proceedings may be instituted in the High Court against any person acting or claiming to be entitled to act as an elected Member of Parliament on the ground of his being disqualified within the meaning of this section for so acting: Proceedings in respect of qualification.

Provided that proceedings under this section on the ground of a person acting as aforesaid shall not be instituted after the expiration of 6 months from the date of the last occasion on which he so acted.

(2) Where in proceedings instituted under this section it is proved that the defendant has acted as an elected Member of Parliament while disqualified from so acting, then the Court shall have power —

- (a) to make a declaration to that effect and to declare that the office in which the defendant has acted is vacant;
- (b) to grant an injunction restraining the defendant from so acting;
- (c) to make any order which may seem fit as to the costs of the proceedings.

(3) Where in proceedings instituted under this section it is proved that the defendant claims to act as an elected Member of Parliament and is disqualified from so acting, the Court shall have power to make a declaration to that effect and to declare that the office in which the defendant claims to be entitled to act is vacant, and to grant an injunction restraining him from so acting.

(4) No proceedings shall be instituted under this section by any person other than a person who pursuant to this Act is an elector for the electoral division for which the person against whom proceedings are to be instituted was elected.

(5) For the purposes of this section a person shall be deemed to be disqualified for acting as an elected Member of Parliament —

- (a) if he is not qualified to be, or is disqualified from being, an elected Member of Parliament or for holding that office; or
- (b) if by reason of resignation or failure to attend meetings of Parliament or for any other reason his seat has become vacant and he has ceased to be an elected Member of Parliament or to hold that office.

## PART IV

## ELECTION PETITIONS

Appointment  
and powers  
of Election  
Judge.

**92.**—(1) Every election petition shall be tried by the Chief Justice or by a Judge of the Supreme Court nominated by the Chief Justice for the purpose.

(2) The Chief Justice or the Judge so nominated is referred to in this Act as the Election 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 an election petition under this Act, the Election 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 election to which the petition refers, and any person refusing to obey the order shall be guilty of a contempt of court. The Election Judge may examine any witness so compelled to attend or any person in court, although the witness is not called and examined by any party to the petition. After the examination of a witness by the Election Judge, the witness may be cross-examined by or on behalf of the petitioner and the respondent, or either of them.

(5) The Election Judge shall be attended on the trial of an election petition in the same manner as if he were a Judge of the Supreme Court sitting at assizes.

(6) Unless otherwise ordered by the Chief Justice, all interlocutory matters in connection with an election petition may be dealt with and decided by any Judge of the Supreme Court.

[90]

Who may  
present  
petition.

**93.** An election petition may be presented to the Supreme Court by any one or more of the following persons:

- (a) some person who voted or had a right to vote at the election to which the petition relates;
- (b) some person claiming to have had a right to be returned or elected at the election;

- (c) some person alleging himself to have been a candidate at the election. [91]

**94.** All or any of the following relief to which the petitioner may be entitled may be claimed in an election petition: Relief which may be claimed.

- (a) a declaration that the election is void;
- (b) a declaration that the return of the person elected was undue;
- (c) a declaration that any candidate was duly elected and ought to have been returned;
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny. [92]

**95.** At the conclusion of the trial of an election petition, the Election Judge shall determine whether the Member whose return or election is complained of, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the President. Upon the certificate being given, the determination shall be final; and the return shall be confirmed or altered, or the President shall within one month of the determination, by notice in the *Gazette*, order the holding of an election in the electoral division concerned, as the case may require, in accordance with the certificate. [93] Certificate of Judge as to validity of election.

**96.—(1)** At the conclusion of the trial of an election petition, the Election Judge shall also report in writing to the President — Report of Judge as to corrupt or illegal practice.

- (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 candidate at the election, or by his agent, and the nature of the 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 an election petition nor a candidate on behalf of whom the seat is

claimed by an election petition, is reported by an Election Judge under this section, the Election Judge shall give the person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

(3) When an Election 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 report he had been convicted of that practice, and a person shall be subject to the same incapacities if he was a candidate at the election and the Election Judge reports that the corrupt or illegal practice was committed with his knowledge and consent or by his agent.

(4) The President 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 an election. [94

Time for  
presentation.

**97.—**(1) Every election petition shall be presented within 21 days of the date of publication of the result of the election in the *Gazette*:

Provided that —

- (a) an election petition questioning the return or the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since the date aforesaid by the Member whose election is questioned or by an agent of the Member or with the privity of the Member or his election agent in pursuance or in furtherance of the corrupt practice may, so far as respects that corrupt practice, be presented at any time within 28 days after the date of the payment or act;
- (b) an election petition questioning the return or the election upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented within the following time:
  - (i) at any time before the expiration of 14 days after the date of the publication in the *Gazette* of the notice required by

section 75 as to the election expenses of the Member whose election is questioned;

- (ii) if the election petition specifically alleges a payment of money or other act to have been made or done since that date by the Member whose election is questioned or by an agent of the Member or with the privity of the Member or of his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within 28 days after the date of the payment or other act.

(2) An election petition presented in due time may, for the purpose of questioning the return or the election upon an allegation of a corrupt or illegal practice, be amended with the leave of a Judge of the Supreme Court within the time within which an election petition questioning the return or the election upon that ground may be presented.

(3) For the purposes of this section, where there is an authorised excuse for failing to make and transmit the return and statements respecting election expenses, the date of the allowance of the excuse or, if there was a failure in two or more particulars and the excuse was allowed at different times, the date of the allowance of the last excuse shall be substituted for the date of the publication in the *Gazette* of the notice mentioned in paragraph (b) of the proviso to subsection (1). [95]

**98.** No elector who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted. [96] Prohibition of disclosure of vote.

**99.**—(1) On a scrutiny at the trial of an election petition, the following votes only shall be struck off: Votes to be struck off at a scrutiny.

- (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 authorised to vote at the station under section 39;

- (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 election;
- (d) where the election was a general election, the vote of any person proved to have voted at the general election in more than one electoral division;
- (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 an Election Judge, or by reason of his conviction of an offence under section 55, was incapable of voting at the election;
- (f) votes given for a disqualified candidate by a voter knowing that the candidate was disqualified or the facts causing the disqualification, or after sufficient public notice of the disqualification, or when the disqualification or the facts causing it were notorious.

(2) The vote of a registered elector shall not, except in the case specified in subsection (1) (e), 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.

(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. [97]

Procedure  
and practice  
on election  
petitions.  
Cap. 322.

**100.**—(1) The procedure and practice on election petitions shall be regulated by rules which may be made by the Rules Committee constituted and appointed under section 80 of the Supreme Court of Judicature Act.

(2) The rules contained in the Third Schedule shall be deemed to have been made under the powers conferred by subsection (1). [98]

Rejection  
of ballot  
paper by  
Returning  
Officer not  
to be  
questioned.

**101.** On an election petition, the decision of a Returning Officer whether or not a ballot paper shall be rejected under section 50 shall not be questioned. [99]

## PART V

## GENERAL

**102.** The Minister may make regulations prescribing anything that is to be prescribed under the provisions of this Act and generally for the purposes of giving effect to the provisions of this Act. Minister may make regulations. [100]

**103.** No misnomer or inaccurate description of any person or place named or described in any register, notice or other document whatsoever prepared or issued under or for the purposes of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in such register, notice or document as to be identifiable. Inaccurate description of places and persons. [101]

**104.—(1)** Where any notice is required by this Act to be published and, in the opinion of the authority who is required to publish the notice, the prescribed mode of publication does not give sufficient publicity to the notice, he may, in addition to publishing the notice as required by this Act, exhibit copies of the notice in conspicuous places within the electoral division to which the notice relates or take such other steps as he may consider necessary for giving publicity thereto. Publication of notices, etc.

(2) Every person who, without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited by any authority under subsection (1) or any document which is made available for inspection in accordance with this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50. [102]

**105.** Before 12.30 p.m. on the day of nomination, any candidate may, by writing under his hand, indicate to the Returning Officer which of his names mentioned in the nomination paper he desires should be omitted and which should be specified by initial only; and for the purposes of the election the names which the candidate desires to omit may be omitted and an initial may be used in place of those names which he desires should be specified by initial. Names of candidates.

[103]

Use of  
schools as  
polling  
stations.

**106.**—(1) The Returning Officer may use, free of charge, as a polling station, any school or portion thereof for the purposes of any election.

(2) The Returning Officer shall make good any damage done to, and defray any expenses incurred by the persons having control over, any school or portion thereof by reason of its being used as a polling station. [104

Forms.

**107.** The forms in the First Schedule or forms substantially to the like effect, shall be sufficient in law, and may be varied, or other forms prescribed, by the Minister as circumstances require. [105

FIRST SCHEDULE

FORM 1

Section 24 (2).

The Parliamentary Elections Act  
(Chapter 218)

WRIT OF ELECTION

By .....  
President of the Republic of Singapore

President

To: The Returning Officer

Electoral Division of .....

Whereas by section 24 (1) of the Parliamentary Elections Act, it is provided that for the purposes of every general election of Members of Parliament, and for the purposes of the election of Members to supply vacancies caused by death, resignation or otherwise, the President shall issue writs under the public seal, addressed to the Returning Officer:

\*And Whereas I think it expedient that writs should be issued for the election of Members to serve in Parliament:

†And Whereas the seat of the Elected Member for the Electoral Division of ..... has become vacant in consequence of

Now, therefore, I, ....., President as aforesaid, do hereby require that, notice of the time and place fixed for the nomination of candidates having been first duly given as required by law, you do on the ..... day of ..... at ..... cause election to be made according to law of a Member to serve in Parliament for the said Electoral Division and that, if necessary, you do cause a poll to be taken on the date required to be notified under section 34 (5) (b) of the Parliamentary Elections Act.

Given under my hand and the seal of the Republic of Singapore this ..... day of ..... 19 .....



President.

\*To be included in a writ for a general election.

†To be included in a writ for a bye-election.

FORM 2

Section 9 (1).

The Parliamentary Elections Act  
(Chapter 218)

Electoral Division of .....

BOUNDARIES OF POLLING DISTRICTS

TAKE NOTICE that the Polling Districts and distinguishing letters thereof are as follows:

Polling District		Distinguishing Letters
Name	Boundaries	

.....  
*Registration Officer*

Date .....

FORM 3

Section 11 (2).

The Parliamentary Elections Act  
(Chapter 218)

FORM OF CLAIM BY PERSON WHOSE NAME HAS BEEN  
OMITTED OR EXPUNGED FROM THE REGISTER

To: The Registration Officer  
Elections Department  
City Hall, First Storey  
St Andrew's Road  
Singapore 0617

Electoral Division of  
.....  
.....

I. PARTICULARS OF CLAIMANT AS SHOWN IN IDENTITY CARD				For Official Use Registration No.				
NRIC No.		Sex	Date of Birth	Place of Birth				
Name (in block letters and underline surname)						ED	PD	Serial No.

Address (km, if any) Singapore ( )

I, the abovenamed person, hereby certify that to the best of my knowledge and belief the above particulars given by me is true and I hereby apply to have my name inserted/retained in the Register of Electors on the following grounds:

.....  
Date. (Signature or thumb mark of Claimant).

FOR OFFICIAL USE ONLY

Blk. No.	House No.		Alpha	Pat- tern	Street	Coded by	Checked by
	Main	Sub					

II. ACTION BY INSPECTION CENTRE CLERK

Remarks:  
 Name omitted from Register of Electors  
 Change of Address  
 Change of Name  
 Other reasons

.....  
Date. Name (in block letters). Signature.

III. ACTION BY ELECTIONS DEPARTMENT

Electoral Division				ED	PD	Serial No.	
Verify	Results of Verification			Decision by ARO			Initial and Date
Address				Change of Address			
Name				Change of PD			
Date of Birth				Change of Particulars			
Citizenship				New Voter			
				Non Voter			
				No Action			
				Disallowed			

FORM 4

Section 11 (5).

The Parliamentary Elections Act

(Chapter 218)

FORM OF OBJECTION

To: The Registration Officer Elections Department City Hall, First Storey St Andrew's Road Singapore 0617	Electoral Division of ..... .....
---	---

PARTICULARS OF PERSON MAKING OBJECTION

Name (in block letters)	NRIC No. 
Address (as shown in NRIC)	Polling District 
	Serial Number 

I, the abovenamed person, hereby declare that my name appears in the Register of Electors and that I wish to object to the name of the person mentioned and described below being included in the Register of Electors for the abovementioned Electoral Division. The grounds of my objection are specified below.

PARTICULARS AS APPEAR IN THE REGISTER OF ELECTORS OF PERSON OBJECTED TO			Grounds of Objection
Polling District 	Name	Address	
Serial No. 			

Dated this ..... day of ..... 19 .....

.....  
*Signature or thumb mark of Objector.*

Signed or marked by the abovenamed objector in my presence,

.....  
*Signature of Witness.*      *Name of Witness.*      *Address of Witness.*

The Parliamentary Elections Act  
(Chapter 218)

FORM OF OBJECTION AGAINST CLAIMANT

<b>To: The Registration Officer</b> Elections Department City Hall, First Storey St Andrew's Road Singapore 0617	Electoral Division of ..... .....
--	---

PARTICULARS OF PERSON MAKING OBJECTION

Name (in block letters)	NRIC No. 
Address (as shown in NRIC)	Polling District 
	Serial Number 

I, the abovenamed person, hereby declare that my name appears in the Register of Electors and that I wish to object to the name of the claimant mentioned and described below being entered/retained in the Register of Electors for the abovementioned Electoral Division. The grounds of my objection are specified below.

PARTICULARS AS APPEAR IN THE CLAIMANT'S LIST OF PERSON OBJECTED TO		Grounds of Objection
Name of Claimant Objected to	Address	

Dated this ..... day of ..... 19 .....

.....  
*Signature or thumb mark of Objector.*

Signed or marked by the abovenamed objector in my presence,

.....  
*Signature of Witness.*      *Name of Witness.*      *Address of Witness.*

FORM 6

Section 11 (8).

The Parliamentary Elections Act

(Chapter 218)

NOTICE TO PERSONS OBJECTED TO

TAKE NOTICE that I have received objections to the inclusion of your name and address in the proposed list of electors for Polling District No ..... of the Electoral Division of ..... and that a public inquiry will take place on the ..... day of ..... 19 ..... between the hours of ..... and .....

AND FURTHER TAKE NOTICE that unless you appear before me and show cause why your name (should not be deleted from) (should be included in) the list of electors, your name (may be deleted therefrom) (may not be included therein).

The grounds of objections are .....

.....  
Registration Officer

Date .....

(Reverse side of Form)

(FORM 6)

(Frank)

TO BE SENT TO ALL PERSONS OBJECTED TO

.....  
.....  
(Name and Address)

FORM 7

Section 13 (1).

*The Parliamentary Elections Act*

*(Chapter 218)*

CERTIFICATE OF REGISTRATION OFFICER

I, ....., Registration Officer, certify that this is a true copy of the Register of Electors for the Electoral Division of .....

Dated this ..... day of ..... 19 .....

.....  
*Registration Officer*

The Parliamentary Elections Act

(Chapter 218)

NOTICE OF ELECTION OF A MEMBER OF THE ELECTORAL DIVISION OF

The President having issued his writ for the election of a Member of Parliament for the abovementioned Electoral Division, the Returning Officer will on the day of 19 now next ensuing between 11 a.m. and 12 noon at

proceed to the nomination and, if there is no opposition, to the election of a Member for the abovementioned Electoral Division.

Forms of nomination papers may be obtained at the office of the Returning Officer between the hours of a.m./p.m. and a.m./p.m. daily except on Saturday when the office will be closed at p.m. (Sunday also excepted).

Every nomination paper must be signed by any 6 or more electors qualified to vote in the abovementioned Electoral Division and be handed to the Returning Officer between 11 a.m. and 12 noon.

No nomination paper shall be valid or acted upon by the Returning Officer unless it is accompanied by —

- (a) the consent in writing of the person therein nominated;
(b) a deposit of \$1,500 in cash, or a bank draft or a certified cheque for that amount; and
(c) a statutory declaration under section 27 (3) of the Parliamentary Elections Act.

The office of the Returning Officer is situate at

Date.

Returning Officer.

FORM 9

Section 27 (2).

The Parliamentary Elections Act  
(Chapter 218)

NOMINATION PAPER

PARTICULARS OF NOMINEE		NRIC No.	
Name (in block letters)			
Address (as shown in NRIC)	Occupation	Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
		Letters	Serial No.
Address in Register of Electors			

We, the undersigned electors for the Electoral Division of ....., do hereby nominate the abovenamed person as fit and proper person to serve as Member of Parliament for the said Electoral Division and we certify that to the best of our belief he is qualified to be elected as a Member of Parliament.

Name	Signature	Distinguishing Letters and Serial Numbers of Electors shown in the Register of Electors'	
Proposer		Letters	Serial No.
Secunder			

We, the undersigned, electors of the electoral division of ..... hereby assent to the foregoing nomination.	Signature	Distinguishing Letters and Serial Numbers of Electors shown in the Register of Electors	
		Letters	Serial No.
1 .....	.....	.....	.....
2 .....	.....	.....	.....
3 .....	.....	.....	.....
4 .....	.....	.....	.....
5 .....	.....	.....	.....
6 .....	.....	.....	.....
7 .....	.....	.....	.....
8 .....	.....	.....	.....

I, ....., nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a Member of Parliament for the Electoral Division of ..... and name the address below as my address for serving of process and papers under the Parliamentary Elections Act:

Address

Dated this ..... day of ..... 19 .....

.....  
*Signature of Nominee.*

Signed by the said nominee in the presence of,

.....  
*Signature of Witness.*      *Name (in block letters)*      *NRIC No.*

The Parliamentary Elections Act

(Chapter 218)

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF PARLIAMENT

PARTICULARS OF PERSON NOMINATED AS A CANDIDATE

Name (in block letters)

NRIC No.

--	--	--	--	--	--	--	--	--	--

Address (as shown in the Register of Electors)

I, the abovenamed person, nominated as a candidate for election as a Member of Parliament for the Electoral Division of ..... do solemnly and sincerely declare that I am duly qualified to be elected a Member of Parliament for the said Electoral Division; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

.....  
*Signature of Person Nominated  
as a Candidate.*

Made and subscribed, this ..... day of ..... 19 .....,  
before me ..... at .....

.....  
*Signature of  
Justice of the Peace/  
Commissioner for Oaths.*

.....  
*Name (in block letters).*

The Parliamentary Elections Act

(Chapter 218)

NOTICE OF CONTESTED ELECTION

The Electoral Division of .....

Notice is hereby given to the electors of the Electoral Division aforesaid that a Poll has been granted for the election now pending for the said Electoral Division and that such Poll will be opened on the ..... day of ....., 19... at 8 am. and kept open till 8 p.m. in the following Polling Stations established in the said Electoral Division:

<i>Polling Stations.</i>	<i>Polling Districts.</i>
.....	.....
.....	.....
.....	.....
.....	.....

And that the candidates in the above Electoral Division are as follows:

Candidate	Symbol	Proposer	Secunder

of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at ..... this ..... day of ..... 19 .....

.....  
*Returning Officer*

FORM 12

Section 40 (2).

The Parliamentary Elections Act

(Chapter 218)

FORM OF FRONT OF BALLOT PAPER

Counterfoil  
No.

Note:—The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

Printed and published by the Government Printer, Singapore.

AHMAT BIN IBRAHIM	*	
JANSZ, HECTOR	*	
LIM AH LAM	*	
MURUGESU M.	*	
TAN SONG HOCK	*	

\* Here print symbol allotted to the candidate.

FORM 13

Section 44 (1).

The Parliamentary Elections Act

(Chapter 218)

DECLARATION

PARTICULARS OF DECLARANT

Name (in block letters)

NRIC No.

--	--	--	--	--	--	--	--	--	--

Address (as shown in NRIC)

I, the abovenamed person, hereby declare that I am the same person whose name appears as ..... Serial No. .... in the Register of Electors now in force for the Electoral Division of .....

Signature or thumb mark of Voter.

Declared before me, this ..... day of ..... 19 .....

Signature of Presiding Officer.

Name and No. of Polling Place.

FORM 14

Section 44 (1).

The Parliamentary Elections Act

(Chapter 218)

DECLARATION

PARTICULARS OF DECLARANT

Name (in block letters)

NRIC No.

--	--	--	--	--	--	--	--	--	--

Address (as shown in NRIC)

I, the abovenamed person, hereby declare that I have not already voted either here or elsewhere at this election for the election of a Member for the Electoral Division of .....

Signature or thumb mark of Voter.

Declared before me, this ..... day of ..... 19 .....

Signature of Presiding Officer.

Name and No. of Polling Place.

FORM 15

Section 44 (1).

The Parliamentary Elections Act  
(Chapter 218)

DECLARATION  
(WHEN THE ELECTION IS A GENERAL ELECTION)

PARTICULARS OF DECLARANT

Name (in block letters)	NRIC No.											
	<table border="1"> <tr> <td> </td><td> </td> </tr> </table>											

Address (as shown in NRIC)

I, the abovenamed person, hereby declare that I have not already voted at this general election in any other Electoral Division.

.....  
*Signature or thumb mark of Voter.*

Declared before me, this ..... day of ..... 19 .....

.....  
*Signature of  
Presiding Officer.*

.....  
*Name and No. of  
Polling Place.*

FORM 16

Section 46.

The Parliamentary Elections Act  
(Chapter 218)

OATH OF IDENTITY

PARTICULARS OF DECLARANT

Name (in block letters)	NRIC No.											
	<table border="1"> <tr> <td> </td><td> </td> </tr> </table>											

Address (as shown in NRIC)

I, the abovenamed person, swear that I am the same person whose name appears as ..... Serial No. .... in the Register of Electors now in force for the Electoral Division of .....

.....  
*Signature or thumb mark of Voter.*

Sworn before me, this ..... day of ..... 19 .....

.....  
*Signature of  
Presiding Officer.*

.....  
*Name and No. of  
Polling Place.*

The Parliamentary Elections Act

(Chapter 218)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

ELECTORAL DIVISION OF

Number of Ballot Papers Issued

Number of Ballot Papers cast for

Name of Candidate	Party	Number of Ballot Papers
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....
5. ....	.....	.....
6. ....	.....	.....

Total Number of Ballot Papers cast for the above Candidates

Number of \*Rejected Ballot Papers

Total Number of Ballot Papers found in the box

Number of Unused Ballot Papers undetached from the books

Number of †Spoilt Ballot Papers

TOTAL

\*A Rejected Ballot Paper means a ballot paper which has been handed by the presiding officer to an elector to cast his vote but which, at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted.

†A Spoilt Ballot Paper means a ballot paper which, on polling day, has not been deposited in the ballot box, but has been found by the presiding officer to be spoilt or improperly printed or which has been handed by the presiding officer to an elector to cast his vote, and (a) has been spoilt in marking by the elector, and (b) has been handed back to the presiding officer and exchanged for another.

Total Number of Electors in the Register of Electors used at the Poll

I hereby certify that the above statement is correct.

Dated this ..... day of ..... 19 .....

Signature of Returning Officer.

FORM 18

Section 56 (1).

The Parliamentary Elections Act

(Chapter 218)

FORM OF OATH OF SECRECY

RETURNING OFFICER  
Elections Department  
City Hall, First Storey  
St Andrew's Road  
Singapore 0617

Electoral Division of

.....  
.....

PARTICULARS OF PERSON TAKING THE OATH

Name (in block letters)

NRIC No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Address (as shown in NRIC)

I, the abovenamed person, swear that I will not at this election for the abovementioned Electoral Division do anything forbidden by section 56 of the Parliamentary Elections Act which has been read to me.

.....  
*Signature of Person taking the Oath.*

Sworn before me, this ..... day of ..... 19 .....

.....  
*Signature of  
Justice of the Peace/  
Commissioner for Oaths.*

.....  
*Name (in block letters).*

*Note:* Section 56 of the Parliamentary Elections Act (printed overleaf) must be read to the person taking the Oath. No stamp fee is required.

56.—(1) Every officer, clerk, interpreter, candidate and agent authorised to attend at a polling station, or at the counting of the votes, shall, before so attending, make an oath of secrecy, substantially in the Form 18 in the First Schedule.

(2) The Returning Officer shall have power to administer any oaths required to be taken under subsection (1).

(3) Every officer, clerk, interpreter, candidate and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in the station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, but the total number of voters who have voted at any station at any time before the poll is closed may in the discretion of the presiding officer be divulged to the candidate or his agent authorised to attend at the polling station.

(4) No such officer, clerk, interpreter, candidate or agent, and no person whosoever shall attempt to obtain in the polling station information as to the candidate for whom any voter in the station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in the station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at the station.

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at the counting the number on the back of any ballot paper or communicate any information obtained at the counting as to the candidate for whom any vote is given by any particular ballot paper.

(6) No person, except a presiding officer acting for a purpose authorised by this Act or a person authorised by the presiding officer and acting for that purpose, shall communicate or attempt to communicate with any voter after the voter has received a ballot paper and before he has placed it in a ballot box.

(7) Every person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.





EXPENDITURE

	\$	c.	\$	c.
(ii) Printing				
(iii) Advertisement				
(iv) Transport				
(v) Stationery				
(vi) Postage and Telegrams				
(vii) Hiring of Equipment (public address system, etc.)				

EXPENDITURE

	\$	c.	\$	c.
(viii) Renting of office space for use as a place for public meeting, committee room or election office. Also state address of such place				
(ix) Food and Refreshment				
(x) Miscellaneous Expenses				
TOTAL				
<b>CLAIMS</b>				
(i) Disputed claims (Here set out the name and NRIC number of each person whose claim is disputed, the amount of the claim and the goods, work or other matter on account of which the claim is based)				
(ii) Unpaid claims (Here set out the name and NRIC number of each person to whom any such claim is due, the amount of the claim and the goods, work or other matter on account of which the claim is due)				
TOTAL				
TOTAL OF EXPENDITURE INCLUDING CLAIMS				

.....  
Date.

.....  
Signature of Election Agent.

Note: This Return must be accompanied by Forms 20 and 21.

The Parliamentary Elections Act

(Chapter 218)

STATEMENT ON OATH BY CANDIDATE

Returning Officer  
Elections Department  
City Hall, First Storey  
St Andrew's Road  
Singapore 0617

Electoral Division of

.....  
.....

PARTICULARS OF CANDIDATE

Name (in block letters)

NRIC No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Address (as shown in NRIC)

I, the abovenamed person, being a candidate for election in the abovementioned Electoral Division, do hereby solemnly affirm (or swear) that the return of election expenses in respect of my candidature is true to the best of my knowledge and belief, and that, except the expenses therein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

.....  
*Signature of Candidate.*

Solemnly affirmed (or sworn to) before me, this ..... day of .....  
19 .....

.....  
*Signature of  
Justice of the Peace/  
Commissioner for Oaths.*

.....  
*Name (in block letters).*

The Parliamentary Elections Act

(Chapter 218)

STATEMENT ON OATH BY AN ELECTION AGENT

Returning Officer  
Elections Department  
City Hall, First Storey  
St Andrew's Road  
Singapore 0617

Electoral Division of  
.....  
.....

PARTICULARS OF ELECTION AGENT

Name (in block letters)

NRIC No.

--	--	--	--	--	--	--	--	--	--

Address (as shown in NRIC)

I, the abovenamed person, being appointed election agent for .....  
....., a candidate for election in the  
abovementioned Electoral Division, do hereby solemnly affirm (or swear) that the  
return of election expenses in respect of the said candidate is true to the best of my  
knowledge and belief, and that, except the expenses therein set forth, no expenses  
of any nature whatsoever have to my knowledge or belief been incurred in, or for  
the purpose of, the candidature of the said candidate.

.....  
*Signature of Election Agent.*

Solemnly affirmed (or sworn to) before me, this ..... day of .....  
19 .....

.....  
*Signature of  
Justice of the Peace/  
Commissioner for Oaths.*

.....  
*Name (in block letters).*





Section  
42 (7).

## SECOND SCHEDULE

### *The Parliamentary Elections Act*

#### *(Chapter 218)*

#### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

The voter may vote for one candidate.

The voter has one vote.

The voter will go into the place reserved for the marking of ballot papers and mark a cross in the space provided for the purpose on the right hand side of the ballot paper opposite the name of the candidate for whom he votes, thus, X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and without showing the front of the paper to any person, show the official mark on the back to the presiding officer, put the paper into the ballot box and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than one candidate on any ballot paper, his ballot paper will be void and will not be counted.

If the voter places any mark on the ballot paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.

Section  
100 (2).  
S 313/82.

## THIRD SCHEDULE

### PARLIAMENTARY ELECTIONS PETITION RULES

Short title.

1. These Rules may be cited as the Parliamentary Elections Petition Rules.

Inter-  
pretation.

2. In these Rules, unless the context otherwise requires —

“Judge” means the Election Judge;

“Registrar” means the Registrar of the Supreme Court;

“Returning Officer” means the Returning Officer appointed under section 3 of the Act.

Application  
of Rules of  
the Supreme  
Court.  
S 313/82.

3. Subject to the provisions of these Rules and of the Act, the Rules of the Supreme Court shall apply with the necessary modifications to the practice and procedure in any proceedings under the Act to which these Rules relate.

4.—(1) The presentation of an election petition shall be made by delivering it at the office of the Registrar, and the Registrar or the officer of his department to whom the petition is delivered shall, if required, give a receipt in the following form:

Manner of presentation of petition.

Received on the ..... day of ..... 19 ..... at the Registry of the Supreme Court, a petition touching the election of A.B., Member for ..... purporting to be signed by ..... (insert the names of petitioners).

C.D.,  
Registrar,  
(or as the case may be).

(2) With the petition two copies thereof shall also be left.

5.—(1) An election petition shall contain the following statements:

Contents and form of election petition.

- (a) it shall state the right of the petitioner to petition within section 93 of the Act; and
- (b) it shall state the holding and result of the election, and shall briefly state the facts and grounds relied on to sustain the prayer.

(2) The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively, and no costs shall be allowed for drawing or copying any petition not substantially in compliance with this rule, unless otherwise ordered by the Court or a Judge.

(3) The petition shall conclude with a prayer as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, as the case may be, and shall be signed by all the petitioners.

(4) The following form, or one to the like effect, shall be sufficient:

IN THE SUPREME COURT OF SINGAPORE

The Parliamentary Elections Act (Chapter 218)

Election for ..... (state the electoral division)  
holden on the ..... day of ..... 19 .....

The petition of A., of ..... (or of A., of ....., and B., of ....., as the case may be) whose names are subscribed.

(1) Your petitioner A. is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned at the above election, or was a candidate at the above election), and your petitioner B. (here state in like manner the right of each petitioner).

(2) And your petitioners state that the election was holden on the ..... day of ..... 19 ....., when A.B., C.D. and E.F. were candidates, and the Returning Officer has returned A.B. as being duly elected.

(3) And your petitioners say that (*here state the facts and grounds on which the petitioners rely*).

Wherefore your petitioners pray that it might be determined that the said A.B. was not duly elected or returned, and that the election was void (or that the said E.F. was duly elected and ought to have been returned, as the case may be).

(Signed) A  
B

Evidence not to be stated in petition. Particulars.

6. Evidence need not be stated in the petition, but the Judge may, upon application in writing by a respondent, order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial upon such terms as to costs and otherwise as may be ordered.

Where more than one petition are presented in relation to same election.

7. Where more petitions than one are presented relating to the same election or return, all the petitions shall be dealt with as one petition, so far as the inquiry into the same is concerned.

List of votes objected to where seat claimed by unsuccessful candidate.

8. When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, 6 days before the day appointed for trial, deliver to the Registrar, and also at the address (if any) given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote, and the Registrar shall allow inspection of office copies of the lists to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

List of objections in recriminatory case.

9. The respondent in a petition complaining of an undue return and claiming the seat for some person may lead evidence to prove that the election of the person was undue, and in that case the respondent shall, 6 days before the day appointed for trial, deliver to the Registrar, and also at the address (if any) given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Registrar shall allow inspection of office copies of the lists to all parties concerned; and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Judge, upon such terms as to amendments of the list, postponement of the inquiry, and payments of costs, as may be ordered.

Appointment of solicitor by petitioner.

10. With the petition the petitioner or petitioners shall leave at the office of the Registrar a writing, signed by him or them, giving the name of an advocate and solicitor of the Supreme Court whom he or they authorise to act as his or their solicitor or stating that he or they act for himself or themselves, as the case may be, and in either case giving an address within Singapore at which notices may be left; and if no such

writing be left or address given, then all notices may be given by leaving them at the office of the Registrar. Every such writing shall be stamped with the duty payable thereon under the law for the time being in force.

11. Any person returned as a Member may, at any time, after he is returned, send to or leave at the office of the Registrar a writing, signed by him on his behalf, appointing an advocate and solicitor of the Supreme Court to act as his solicitor in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address within Singapore at which notices addressed to him may be left, and if no such writing be left or address given, all notices and proceedings may be given or served by leaving them at the office of the Registrar. Every such writing shall be stamped with the duty payable thereon under the law for the time being in force.

Appointment of solicitor by respondent.

12. The Registrar shall cause a book to be kept at his office in which shall be entered all addresses and the names of solicitors given under rule 10 or 11, which book shall be open to inspection by any person during his office hours.

Registrar to keep book with addresses and names of solicitors.

13.—(1) At the time of the presentation of the petition, or within 3 days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner shall be given on behalf of the petitioner.

Security by petitioner for cost, etc., of election petition.

(2) The security shall be to an amount of not less than \$5,000. If the number of charges in any petition exceeds 3, additional security to an amount of \$2,500 shall be given in respect of each charge in excess of the first 3. The security required by this rule shall be given by a deposit of money.

S 313/82.

(3) If security as in this rule provided is not given by the petitioner, no further proceedings shall be had on the petition, and the respondent may apply to the Judge for an order directing the dismissal of the petition and for the payment of the respondent's costs. The costs of hearing and deciding the application shall be paid as ordered by the Judge, and in default of such order shall form part of the general costs of the petition.

14.—(1) The deposit of money by way of security for payment of costs, charges and expenses payable by the petitioner shall be made by payment to the Returning Officer which shall be vested in and drawn upon from time to time by the Chief Justice for the purposes for which security is required by these Rules. A receipt shall be given by the Returning Officer for the deposit, which shall forthwith be left at the office of the Registrar by the petitioner.

Security by deposit of money.

(2) The Registrar shall file the receipt and keep a book open to the inspection of all parties concerned, in which shall be entered from time to time the amount and the petition to which it is applicable.

15.—(1) Money so deposited shall, if and when the deposit is no longer needed for securing payment of such costs, charges and expenses, be returned or otherwise disposed of as justice may require by order of the Chief Justice.

Return of money so deposited.

(2) Such order may be made after a notice of intention to apply and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Chief Justice may require.

(3) Such order may direct payment either to the party in whose name the money is deposited or to any person entitled to receive the money.

Notice of petition, and copy of petition to be served on respondent.

16. Notice of the presentation of a petition, accompanied by a copy thereof, shall, within 10 days of the presentation of the petition be served by the petitioner on the respondent. Such service may be effected either by delivering the notice and copy thereof to the solicitor appointed by the respondent under rule 11 or by posting the same in a registered letter to the address given under rule 11 at such time that, in the ordinary course of post, the letter would be delivered within the time abovementioned, or if no solicitor has been appointed, nor any address given, by a notice published in the *Gazette* stating that a petition has been presented, and that a copy of the petition may be obtained by the respondent on application at the office of the Registrar.

When petition to be deemed at issue.

17. On the expiration of the time limited for presenting petitions, the petition shall be deemed to be at issue.

List of petitions.

18. The Registrar shall make out the election petition list. In it he shall insert the names of the solicitors of the petitioners and respondents appointed under rules 10 and 11 respectively, and the addresses to which notices may be sent (if any). The list may be inspected at the office of the Registrar at any time during office hours, and shall be affixed for that purpose upon a notice board appropriated to proceedings under the Act, and headed "Parliamentary Elections Act (Chapter 218)".

Time and place of trial of election petition.

19. The time and place of the trial of each election petition shall be fixed by the Judge, and not less than 14 days' notice thereof shall be given to the petitioner and respondent by letter directed to the address left by the petitioner or respondent with the Registrar; or, if no address has been left, by notice in the *Gazette*.

Postponement of trial.

20. The Judge may from time to time, by order made on the application of a party to the petition, postpone the beginning of the trial to such day as he may name; and the order, when made, shall forthwith be published by the Registrar in the *Gazette*.

Adjournment and continuation of trial.

21. No formal adjournment of the Court for the trial of an election petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded; and in the event of the Judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by another Judge.

Withdrawal of election petition.

22.—(1) An election petition shall not be withdrawn without the leave of the Judge; and such leave may be given upon such terms as to the payment of costs and otherwise as the Judge may think fit.

(2) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits as required by this rule by all

the parties of the petition and their solicitors, and by the election agents of all the parties who were candidates at the election, but a Judge of the Supreme Court may on cause shown dispense with the affidavit of any particular person if it appears to the Judge on special grounds to be just to do so.

(3) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(4) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

23.—(1) An application for leave to withdraw a petition shall be in writing signed by the petitioner or petitioners or his or their solicitor or solicitors. It shall state the ground on which the application is supported.

Form of application to withdraw petition.

(2) The following form shall be sufficient:

“The Parliamentary Elections Act (Chapter 218).

Electoral division ..... petition of .....  
(state name of petitioner) presented ..... day of  
..... 19 .....

The petitioner applies to withdraw his petition upon the following ground (*here state the ground*), and prays that a day may be appointed for hearing his application.

Dated this ..... day of ..... 19 .....

(Signed) .....

(3) The application for leave to withdraw shall be left at the office of the Registrar.

24. A copy of such application shall be given by the petitioner to the respondent, and a notice in the following terms signed by the petitioner shall be published forthwith in the *Gazette* by the petitioner at his own expense:

Copy of application to be given to respondent.

“The Parliamentary Elections Act (Chapter 218).

In the election petition for ..... in which ..... is petitioner and ..... respondent.

Notice is hereby given that the above petitioner did on the ..... day of ..... lodge at the office of the Registrar of the Supreme Court an application for leave to withdraw the petition, of which application the following is a copy:

(Set it out.)

And Take Notice that under the Parliamentary Elections Petition Rules, any person who might have been a petitioner in respect of the said election may, within 5 days after the date of

publication of this notice, give notice in writing to the Registrar of the Supreme Court of his intention on the hearing of the application to be substituted as a petitioner.

(Signed) .....

Application to be substituted as petitioner, on withdrawal.

25. Any person who might have been a petitioner in respect of the election to which the petition relates may, within 5 days after the notice is published by the petitioner, give notice in writing, signed by him or on his behalf, to the Registrar, of his intention to apply at the hearing to be substituted for the petitioner, but the want of that notice shall not defeat the application, if in fact made at the hearing.

Time and place of hearing of application.

26. The time and place of hearing the application shall be fixed by the Judge but shall not be less than one week after the application for leave to withdraw has been left at the office of the Registrar as in these Rules provided, and notice of the time and place appointed for the hearing shall be given to such person or persons (if any) as shall have given notice to the Registrar of an intention to apply to be substituted as petitioners, and otherwise in such manner and at such time as the Judge directs.

Substitution of another petitioner.

27.—(1) On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

(2) The Judge may, if he thinks fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the Judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security the original petitioner shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within 3 days after the order of substitution.

(4) Subject to paragraphs (1) to (3) a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

(5) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(6) Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Abatement of petition by death.

28.—(1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

29.—(1) Notice of abatement of a petition, by death of the petitioner or surviving petitioner, shall be given by the party or person interested in the same manner as notice of an application to withdraw a petition, and the time within which application may be made to a Judge to be substituted as a petitioner shall be one calendar month, from the day of the publication of the notice of abatement or such further time as upon consideration of any special circumstances the Judge may allow.

Application to be substituted as petitioner, on abatement.

(2) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be substituted as a petitioner.

(3) The Judge may, if he thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

30.—(1) If before the trial of an election petition a respondent dies or resigns, or gives notice in writing to the Court that he does not intend to oppose the petition, the petition shall not be abated but shall continue whether or not any person applies to be admitted as respondent as hereinafter provided.

On death, resignation, or notice not to oppose of respondent, petition to continue.

(2) Notice of the fact that a respondent has died, or resigned, or that he has given notice in writing that he does not intend to oppose the petition, shall be published in the *Gazette* by the Registrar.

(3) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be admitted as a respondent to oppose the petition within 10 days after the notice has been published in the *Gazette* or such further time as the Judge may allow.

(4) The manner and time of the respondent's giving notice to the Court that he does not intend to oppose the petition shall be by leaving notice thereof in writing at the office of the Registrar, signed by the respondent not less than 6 days before the day appointed for trial, exclusive of the day of leaving the notice.

31. A respondent who has given notice of his intention not to oppose a petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

Respondent not opposing petition not to appear as party.

32. Upon receiving the petitioner's application for leave to withdraw, or notice of the respondent's intention not to oppose, or of the abatement of the petition by death, or of the happening of any of the events mentioned in rule 30, if the application or notice is received after, notice of trial has been given, and before the trial has commenced, the Registrar shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial.

Counter-mand notice of trial where petition abated, etc.

33. All costs of and incidental to the presentation of a petition and to the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the Judge may determine, regard being had to the disallowance of any costs which may,

Costs.

in the opinion of the Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the costs of and incidental to the petition on the parties by whom it has been caused, whether the parties are or are not on the whole successful.

Taxation and recovery of costs.

34.—(1) Costs shall be taxed by the Registrar upon the order by which the costs are payable in the same manner as costs are taxed in the High Court, but subject to such express directions, either general or specific, as the Judge may give; and costs when taxed may be recovered in the same manner as the costs of an action at law.

(2) The Chief Justice may direct that the whole or any part of any moneys deposited by way of security under rules 13 and 14 may be applied in the payment of taxed costs.

(3) The office fees payable for inspection, office copies and other proceedings under these Rules shall be such as may be prescribed by the Chief Justice.

Notice of appointment of solicitor.

35. A solicitor shall, immediately upon his appointment as such, leave written notice thereof at the office of the Registrar.

Service of notices on solicitors.

36. Service of notices and proceedings upon the solicitors shall be sufficient for all purposes.