



THE STATUTES OF THE REPUBLIC OF SINGAPORE

PRESIDENTIAL ELECTIONS ACT 1991

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Presidential Elections Act 1991

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An Act to make provision for the election of the President.

[2 November 1992]

PART 1
PRELIMINARY

Short title

1. This Act is the Presidential Elections Act 1991.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
 - “ballot box” includes a ballot container;
 - “ballot display” means an electronic video display, image or representation of a ballot paper on a screen;
 - “candidate” means a person who is nominated as a candidate for election to the office of President;
 - “certificate of eligibility” means a certificate of eligibility issued under Division 2 of Part 2;
 - “Commissioner of National Registration” means the Commissioner of National Registration appointed under the National Registration Act 1965;
 - “community” means —
 - (a) the Chinese community;
 - (b) the Malay community; or
 - (c) the Indian or other minority communities;
 - “community certificate” means a community certificate issued by the Community Committee under Division 3 of Part 2;
 - “Community Committee” means the Community Committee established by section 8E;
 - “direct recording electronic voting machine” or “DRE voting machine” means any mechanical, electronic or electro-optical machine that can —

- (a) be activated by a voter to mark or record his or her vote for any candidate on a ballot display on the machine;
- (b) process the vote by means of a computer program;
- (c) instantaneously record and store that vote within a memory device within the machine; and
- (d) sort and count votes marked or recorded on all ballot displays on that machine,

and includes any computer program that is used in the operation of the machine;

“direct recording electronic voting system” or “DRE voting system” means any voting system using DRE voting machines;

“election” means an election for the purpose of electing the President;

“election advertising” means any poster, banner, notice, circular, handbill, illustration, article, advertisement or other material that can reasonably be regarded as intended —

- (a) to promote or procure the electoral success of a candidate at an election; or
- (b) to otherwise enhance the standing of the candidate with the electorate in connection with that election,

and such material is election advertising even though it can reasonably be regarded as intended to achieve any other purpose as well and even though it does not expressly mention the name of the candidate, but excludes any button, badge, pen, pencil, balloon and any other thing prescribed by the Minister by notification in the *Gazette*;

“election agent” means a person named under section 43 by or on behalf of a candidate as his or her agent for an election and includes any candidate acting in his or her capacity of election agent;

“Election Judge” has the meaning given by the Constitution;

- “elector” means a person whose name is entered in the register as an elector;
- “electoral division” means an electoral division specified in a notification for the time being in force under section 8 of the Parliamentary Elections Act 1954;
- “overseas elector” means an elector who is registered under the Parliamentary Elections Act 1954 in any register of electors as an overseas elector;
- “overseas polling station” has the meaning given by the Parliamentary Elections Act 1954;
- “polling district” means a part of an electoral division subdivided under section 9 of the Parliamentary Elections Act 1954;
- “polling station” means any polling station established by or under the authority of the Returning Officer under section 18 for voters to cast their votes at an election, and includes any overseas polling station;
- “Presidential Elections Committee” means the Presidential Elections Committee established under Article 18 of the Constitution;
- “principal election agent” means an election agent of a candidate who has been appointed under section 43(2A) as the principal election agent;
- “register” or “register of electors” means the register of electors for any particular electoral division maintained under the Parliamentary Elections Act 1954;
- “Registration Officer” means the Registration Officer appointed under section 3 of the Parliamentary Elections Act 1954 and includes any Assistant Registration Officer so appointed;
- “reserved election” means an election reserved under Article 19B(1) of the Constitution read with section 5A, but excludes an election which is an open election under section 5B;

“Returning Officer” means the Returning Officer appointed under section 3;

“Sub-Committee” means any of the following Sub-Committees established by section 8E:

- (a) the Chinese Community Sub-Committee;
- (b) the Malay Community Sub-Committee;
- (c) the Indian and Other Minority Communities Sub-Committee;

“tendered votes list” means the list referred to in section 29;

“voter” means a person who, whether his or her name does or does not appear in a register of electors, applies to vote or votes at an election.

[6/2017]

(2) For the purposes of this Act —

- (a) the reference to the electoral success of a candidate at an election is a reference to the return of the candidate at that election;
- (b) the reference to the doing of anything mentioned in paragraph (a) or (b) of the definition of “election advertising” in relation to a candidate includes a reference to the doing so by prejudicing the electoral prospects of any other candidate or by prejudicing the other candidate’s standing with the electorate; and
- (c) the reference to a candidate at an election includes a reference to a person who, on or after the date of the issue of a writ for that election, is declared (by himself, herself or others) as seeking nomination as a candidate at that election.

[6/2017]

Appointment of Returning Officer and Assistant Returning Officers

3.—(1) The Minister may appoint a Returning Officer and any number of Assistant Returning Officers as the Minister thinks fit.

(2) An Assistant Returning Officer has all the powers and may perform all the duties of the Returning Officer.

(3) Any reference in this Act to the Returning Officer is deemed, unless the context otherwise requires, to include a reference to an Assistant Returning Officer.

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

Appointment of clerks and interpreters

4.—(1) The Returning Officer may appoint any number of clerks and interpreters that may be necessary for the purposes of this Act.

(2) The appointments made under subsection (1) may be revoked at any time.

Appointment of acting Returning Officer

5. If the Returning Officer is, by sickness or other cause, prevented or disabled from performing any of his or her duties under this Act and there is no time for any other person to be appointed by the Minister, the Returning Officer may appoint one of the Assistant Returning Officers to act for him or her.

PART 1A

COUNTING OF RESERVED ELECTIONS AND QUALIFICATIONS OF PRESIDENT

Reserved elections: how counted

5A.—(1) The Schedule has effect for the purposes of determining whether an election is reserved under Article 19B(1) of the Constitution.

[6/2017]

(2) After the Returning Officer declares a person to be elected as President, the Returning Officer must add the person, and the community (if any) the person belongs to, to the Schedule.

[6/2017]

- (3) For the purposes of subsection (2) —
- (a) if a community certificate was issued to the person, the person is considered to belong to the community stated on the community certificate; and
 - (b) if no community certificate was issued to the person, the person is considered not to belong to the Chinese community, the Malay community or the Indian or other minority communities.

[6/2017]

(4) If a person has been added to the Schedule and the Election Judge subsequently declares that the person's election is void or that the return of the person is undue, the Returning Officer must remove the entry in the Schedule relating to the election affected by the declaration.

[6/2017]

(5) An amendment to the Schedule under subsection (2) or (4) must be made by notification in the *Gazette*.

[6/2017]

Further provisions on community requirement

5B.—(1) If an election under a writ is reserved for one community under Article 19B(1) of the Constitution and the election wholly fails, elections under all subsequent writs are to be open elections until a person is elected as President.

[6/2017]

(2) The following provisions apply if an election under a writ is reserved for 2 communities under Article 19B(1) of the Constitution:

- (a) Article 19B(2)(b)(i) of the Constitution applies to that election;
- (b) if that election wholly fails, Article 19B(2)(b)(ii) of the Constitution applies to the election under the next writ;
- (c) if the election under the next writ wholly fails, elections under all subsequent writs are to be open elections until a person is elected as President.

[6/2017]

(3) The following provisions apply if an election under a writ is reserved for 3 communities under Article 19B(1) of the Constitution:

- (a) Article 19B(2)(c)(i) of the Constitution applies to that election;
- (b) if that election wholly fails, Article 19B(2)(c)(ii) of the Constitution applies to the election under the next writ;
- (c) if the election under the next writ wholly fails, Article 19B(2)(c)(iii) of the Constitution applies to the election under the third writ;
- (d) if the election under the third writ wholly fails, elections under all subsequent writs are to be open elections until a person is elected as President.

[6/2017]

(4) Despite Article 19B(2) of the Constitution, a person does not need to belong to any community to be elected as President in an open election under subsection (1), (2)(c) or (3)(d).

[6/2017]

(5) For the purposes of this section, an election under a writ is deemed to have wholly failed only if no person stands or will stand nominated as a candidate on nomination day.

[6/2017]

Further provisions on private sector service requirement

5C.—(1) The Minister may make regulations to —

- (a) specify how the Presidential Elections Committee is to calculate and determine shareholders' equity for the purposes of Article 19(4)(a)(ii) and (b)(ii) and (5)(a)(ii), (b)(ii) and (c)(ii) of the Constitution;
- (b) specify how the Presidential Elections Committee is to calculate and determine profit after tax for the purposes of Article 19(4)(a)(iii) of the Constitution;
- (c) prescribe what constitutes an insolvency event for the purposes of Article 19(4)(a)(iv) of the Constitution; and

- (d) prescribe the information to be provided by an applicant in relation to paragraphs (a), (b) and (c).

[6/2017]

(2) In making regulations under subsection (1)(a) or (b), the Minister must have regard to, to the extent that they are applicable —

- (a) the accounting standards made or formulated under Part 3 of the Accounting Standards Act 2007 by the Accounting Standards Council established by that Act; and

- (b) the accounting standards generally accepted in Singapore before 1 November 2007.

[6/2017]

(3) In making regulations under subsection (1)(c), the Minister must have regard to the general law relating to the insolvency of companies.

[6/2017]

PART 2

ELECTIONS

Division 1 — Issuance of writ, etc.

[6/2017]

Timing of poll and writ of election

6.—(1) Any poll for the election of the President must be conducted as follows:

- (a) where the office of the President becomes vacant prior to the expiration of the term of office of the incumbent, within 6 months after the date the office of President becomes vacant;

- (b) in any other case, not more than 3 months before the date of expiration of the term of office of the incumbent.

(2) For the purposes of every election to the office of President, the Prime Minister must issue a writ under the public seal, addressed to the Returning Officer.

(3) Every such writ must be in the prescribed form and must specify the date or dates (called in this Act nomination day) not being less than 10 days nor more than one month after the date of the writ and the place or places of nomination (called in this Act the place of nomination).

[6/2017]

(4) Upon receipt of the writ, the Returning Officer must proceed to hold the election in the manner provided in this Act.

Notice of time and place of election

7. On the Prime Minister issuing a writ, the Returning Officer must 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 prescribed form to be published in the *Gazette* at least 4 clear days before nomination day.

Failure of election

7A.—(1) Whenever an election wholly fails, a fresh writ may be issued by the Prime Minister at any time for the holding of another election, except that where the election has failed because of the death of a candidate after the election has been reported as contested but before polling day, then section 16(7) and (8) applies.

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

(3) Where a fresh writ is issued under subsection (1), sections 6 and 7 apply to that writ.

(4) For the purposes of this Act, an election shall have wholly failed if no candidate is nominated or returned as elected at that election.

*Division 2 — Presidential Elections Committee
and Certificate of Eligibility*

Application for certificate of eligibility

8.—(1) A person desiring to be elected as President must apply in the prescribed manner to the Presidential Elections Committee for a certificate of eligibility.

[6/2017]

(2) An application for a certificate of eligibility must be made within the period —

(a) starting on —

(i) if the office of President falls vacant before the incumbent's term expires, the date on which the office of President fell vacant; or

(ii) in any other case, the date that is 3 months before the expiry of the incumbent's term; and

(b) ending on the date which is 5 days after the date of the writ.

[6/2017]

Consideration of application

8A.—(1) Subject to subsection (2), the Presidential Elections Committee must issue a certificate of eligibility in the prescribed form to an applicant if the Committee is satisfied that —

(a) the applicant is a person of integrity, good character and reputation for the purposes of Article 19(2)(e) of the Constitution; and

(b) the applicant has met the service requirements in Article 19(2)(g) of the Constitution.

[6/2017]

(2) The Presidential Elections Committee —

(a) may, subject to paragraph (b), reject an application if it is not made according to this Act; and

(b) must reject an application if the applicant did not submit a community declaration in accordance with Division 3.

[6/2017]

Time for deciding application

8B. The Presidential Elections Committee must issue a certificate of eligibility to an applicant, or inform an applicant in writing of its decision not to issue a certificate of eligibility, no later than the day before nomination day.

[6/2017]

Certificate to be conclusive

8C. A certificate of eligibility is conclusive of the matters it certifies and is not subject to appeal or review in any court.

[6/2017]

Immunity of Presidential Elections Committee

8D.—(1) The Presidential Elections Committee is not, in the absence of malice on its part, liable to any action at the suit of any person in respect of —

- (a) any statement which the Committee makes in the discharge of any of its functions under this Act, whether the statement is made orally or in writing; or
- (b) the publication of any document prepared by the Committee in the course of performing its functions under this Act.

[6/2017]

(2) Subsection (1) does not limit or affect any other right, privilege or immunity that the Presidential Elections Committee has, apart from this section, as a defendant in any action.

[6/2017]

*Division 3 — Community Committee
and Community Certificate*

Establishment of Community Committee and Sub-Committees

8E.—(1) For the purposes of Article 19B of the Constitution, the Community Committee is established and consists of the following 16 persons:

- (a) the chairperson;
- (b) 5 members belonging to the Chinese community;

- (c) 5 members belonging to the Malay community;
- (d) 5 members belonging to the Indian or other minority communities.

[6/2017]

(2) The chairperson is to be appointed by the Prime Minister on the nomination of the Presidential Council for Minority Rights.

[6/2017]

(3) The 5 members who belong to the Chinese community —

- (a) are to be appointed by the Prime Minister on the nomination of the Presidential Council for Minority Rights after consulting such organisations of the Chinese community as the Council sees fit; and

- (b) constitute the Chinese Community Sub-Committee.

[6/2017]

(4) The 5 members who belong to the Malay community —

- (a) are to be appointed by the Prime Minister on the nomination of the Presidential Council for Minority Rights after consulting such organisations of the Malay community as the Council sees fit; and

- (b) constitute the Malay Community Sub-Committee.

[6/2017]

(5) The 5 members who belong to the Indian or other minority communities —

- (a) are to be appointed by the Prime Minister on the nomination of the Presidential Council for Minority Rights after consulting such organisations of the Indian or other minority communities as the Council sees fit; and

- (b) constitute the Indian and Other Minority Communities Sub-Committee.

[6/2017]

(6) One member of each Sub-Committee is to be appointed as the chairperson of the Sub-Committee and the appointment must be made by the Prime Minister on the nomination of the Presidential Council for Minority Rights.

[6/2017]

Submission of community declaration

8F.—(1) A person desiring to be elected as President must submit a community declaration in the prescribed form to the Community Committee.

[6/2017]

(2) A person making a community declaration must make one (and only one) of the following statements:

- (a) that the person considers himself or herself to be a member of the Chinese community, and wishes to apply for a community certificate stating that the person belongs to the Chinese community;
- (b) that the person considers himself or herself to be a member of the Malay community, and wishes to apply for a community certificate stating that the person belongs to the Malay community;
- (c) that the person considers himself or herself to be a member of the Indian or other minority communities, and wishes to apply for a community certificate stating that the person belongs to the Indian or other minority communities;
- (d) that the person does not consider himself or herself to be a member of the Chinese community, the Malay community, or the Indian or other minority communities.

[6/2017]

(3) A community declaration must be submitted within the period —

- (a) starting on —
 - (i) if the office of President falls vacant before the incumbent's term expires, the date on which the office of President fell vacant; or
 - (ii) in any other case, the date that is 3 months before the expiry of the incumbent's term; and
- (b) ending on the date which is 5 days after the date of the writ.

[6/2017]

Consideration of community declaration in reserved elections

8G.—(1) This section applies to a reserved election.

[6/2017]

(2) The Community Committee must accept a community declaration submitted to the Committee and notify the declarant in writing of the acceptance, subject to the following provisions:

- (a) subject to paragraph (b), the Community Committee may reject a community declaration if it is not made according to this Act;
- (b) the Community Committee must reject a community declaration if —
 - (i) the declarant did not apply for a certificate of eligibility; or
 - (ii) the declarant does not state that he or she considers himself or herself to be a member of the community to which the election is reserved.

[6/2017]

(3) If the Community Committee accepts a community declaration, the Committee must then refer the community declaration to the Sub-Committee for the community to which the election is reserved.

[6/2017]

(4) In a case referred to a Sub-Committee for a community under subsection (3) —

- (a) the Sub-Committee must consider whether the declarant belongs to that community and report its conclusions to the Community Committee;
- (b) the Sub-Committee must be guided by the merits of the case without regard to legal forms and technicalities, or to whether the evidence before it is in accordance with the law of evidence or not;
- (c) if the Sub-Committee concludes that the declarant belongs to that community, the Community Committee must issue a community certificate to the declarant stating that the declarant belongs to that community; and

- (d) if the Sub-Committee concludes that the declarant does not belong to that community, the Community Committee must reject the declarant's application for a community certificate and inform the declarant in writing.

[6/2017]

Consideration of community declaration in non-reserved elections

8H.—(1) This section applies to an election other than a reserved election.

[6/2017]

(2) The Community Committee must accept a community declaration submitted to the Committee and notify the declarant in writing of the acceptance, subject to the following provisions:

- (a) subject to paragraphs (b) and (c), the Community Committee may reject a community declaration if it is not made according to this Act;
- (b) subject to paragraph (c), if the declarant states that he or she does not consider himself or herself to be a member of the Chinese community, the Malay community or the Indian or other minority communities, the Community Committee may, instead of accepting the community declaration, invite the declarant to submit another community declaration;
- (c) the Community Committee must reject a community declaration if the declarant did not apply for a certificate of eligibility.

[6/2017]

(3) If the Community Committee accepts a community declaration by a declarant who wishes to apply for a community certificate in relation to a community, the Community Committee must refer the community declaration to the Sub-Committee for that community.

[6/2017]

(4) In a case referred to a Sub-Committee for a community under subsection (3) —

- (a) the Sub-Committee must consider whether the declarant belongs to that community and report its conclusions to the Community Committee;
- (b) the Sub-Committee must be guided by the merits of the case without regard to legal forms and technicalities, or to whether the evidence before it is in accordance with the law of evidence or not;
- (c) if the Sub-Committee concludes that the declarant belongs to that community, the Community Committee must issue a community certificate to the declarant stating that the declarant belongs to that community; and
- (d) if the Sub-Committee concludes that the declarant does not belong to that community, the Community Committee must —
 - (i) reject the declarant's application in writing; or
 - (ii) invite the declarant to submit another community declaration.

[6/2017]

(5) In considering whether to invite a person to submit another community declaration under subsection (2)(b) or (4)(d)(ii), the Community Committee must be guided by the merits of the case without regard to legal forms and technicalities, or to whether the evidence before it is in accordance with the law of evidence or not.

[6/2017]

(6) If the Community Committee invites a person to submit another community declaration under subsection (2)(b) or (4)(d)(ii), the Community Committee —

- (a) must specify the time within which the person must submit the fresh community declaration, which must be no later than 3 days before nomination day;
- (b) may require the person to provide such information as may be specified; and
- (c) may specify such other terms that the person must comply with.

[6/2017]

(7) If a person submits another community declaration on an invitation under subsection (2)(b) or (4)(d)(ii) —

- (a) the person is deemed to have withdrawn his or her earlier community declaration;
- (b) the Community Committee may decline to accept the later community declaration if it does not comply with the terms of the invitation; and
- (c) the later community declaration must be dealt with according to subsections (2), (3) and (4) (so far as they are applicable), except that the Community Committee may not invite the person again to submit another community declaration.

[6/2017]

(8) If a person declines to submit another community declaration despite an invitation under subsection (2)(b) or (4)(d)(ii) —

- (a) if the invitation is made under subsection (2)(b), the Community Committee must accept the community declaration earlier submitted by the person; and
- (b) if the invitation is made under subsection (4)(d)(ii), the Community Committee must reject the person's application for a community certificate.

[6/2017]

(9) To avoid doubt, a person may not submit another community declaration except on the invitation of the Community Committee under subsection (2)(b) or (4)(d)(ii).

[6/2017]

Time for issuing community certificate, etc.

8I. The Community Committee must, no later than the day before nomination day, do one of the following things in respect of a community declaration:

- (a) inform the declarant that the community declaration is not accepted;
- (b) if the community declaration is accepted and includes an application for a community certificate —

- (i) issue a community certificate to the declarant; or
 - (ii) inform the declarant in writing that it has rejected the application;
- (c) if the community declaration is accepted and does not include an application for a community certificate, notify the declarant in writing of the acceptance.

[6/2017]

Decision to be final; certificate to be conclusive

8J.—(1) The decisions (however named) of the Community Committee and its Sub-Committees in relation to a community declaration are final and are not subject to appeal or review in any court.

[6/2017]

(2) A community certificate is conclusive of the matters it certifies and is not subject to appeal or review in any court.

[6/2017]

Immunity of Community Committee and Sub-Committees

8K.—(1) The Community Committee is not, in the absence of malice on its part, liable to any action at the suit of any person in respect of —

- (a) any statement which the Committee makes in the discharge of any of its functions under this Act, whether the statement is made orally or in writing; or
- (b) the publication of any document prepared by the Committee in the course of performing its functions under this Act.

[6/2017]

(2) Subsection (1) does not limit or affect any other right, privilege or immunity that the Community Committee has, apart from this section, as a defendant in any action.

[6/2017]

(3) Subsections (1) and (2) apply to a Sub-Committee.

[6/2017]

Procedure of Community Committee and Sub-Committees

8L.—(1) A decision of the Community Committee must be made by a simple majority of the members present and voting, except that in the case of an equality of votes, the chairperson or the member presiding has a casting vote in addition to his or her original vote.

[6/2017]

(2) The Community Committee may act despite the absence of any member.

[6/2017]

(3) Subject to this section, the Community Committee may regulate its own procedure.

[6/2017]

(4) The validity of any proceedings of the Community Committee is not affected by any defect in the appointment of any member of the Committee.

[6/2017]

(5) Regulations may be made under section 81 to provide for regulating and facilitating the performance by the Community Committee of its functions under this Act.

[6/2017]

(6) Subsections (1) to (5) apply, with the necessary modifications, to a Sub-Committee.

[6/2017]

Division 4 — Nomination Proceedings

[6/2017]

Nomination papers

9.—(1) Any person eligible for election to the office of President in accordance with the provisions of the Constitution may be nominated as a candidate for election to the office of President.

(2) Each candidate is to be nominated by means of a nomination paper signed by 2 persons as proposer and seconder, respectively, and by not less than 4 other persons all of whose names must appear in any register of electors.

- (3) Every nomination paper must —
- (a) set out the name, identity card number and occupation of the person seeking nomination;
 - (b) contain a statement, signed by that person, to the effect that he or she consents to the nomination; and
 - (c) contain a statutory declaration in the prescribed form by the person seeking nomination stating —
 - (i) that he or she is qualified to be elected to the office of President;
 - (ii) that on nomination day he or she is not a member of any political party; and
 - (iii) that he or she understands the President's role under the Constitution, including any particular aspect of the President's role stated in the prescribed form.

[6/2017]

- (4) Each candidate must at the time of his or her nomination deliver to the Returning Officer —
- (a) a political donation certificate issued to the candidate by the Registrar of Political Donations under section 18(4) of the Political Donations Act 2000;
 - (b) a certificate of eligibility issued to the candidate;
 - (c) if the election is a reserved election, a community certificate stating that the candidate belongs to the community to which the election is reserved; and
 - (d) if the election is not a reserved election —
 - (i) if the candidate submitted a community declaration that included an application for a community certificate —
 - (A) a community certificate issued to the candidate; or
 - (B) the written decision of the Community Committee rejecting the application; or

- (ii) if the candidate submitted a community declaration that did not include an application for a community certificate —
 - (A) the Community Committee's written notification that the community declaration is accepted; and
 - (B) a statutory declaration that the candidate does not consider himself or herself to be a member of the Chinese community, the Malay community or the Indian or other minority communities.

[6/2017]

(5) If any statutory declaration which is required by subsection (3)(c) to be made is not so made, or any certificate or document which is required to be delivered under subsection (4) is not so delivered, the nomination of the candidate is deemed to be void.

[6/2017]

(6) The Returning Officer may, at any time between the date of the notice referred to in section 7 and 12 noon of nomination day, supply a form of nomination paper to any registered elector requiring the form.

Deposits by candidates

10.—(1) A candidate, or some person on the candidate's behalf, must 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 under section 6 and 12 noon of nomination day, a sum equal to 3 times the amount of deposit referred to in section 28(1) of the Parliamentary Elections Act 1954.

(1A) In default of a deposit under this section being so made, the candidate is deemed to have withdrawn his or her candidature under section 13.

(2) The Returning Officer must immediately give a receipt for any sum deposited under this section and must pay that sum into the

Treasury and that sum must be dealt with in accordance with the provisions of this Act.

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

(4) If a candidate is not nominated as a candidate for election, an election has wholly failed or if, after the deposit under this section is made, the candidate withdraws his or her candidature under section 13, the deposit must be returned to the person by whom the deposit was made.

(4A) If the candidate dies after the deposit is made and before the poll has commenced, the deposit, if made by the candidate, must be returned to the candidate's legal personal representative or, if not made by the candidate, must be returned to the person by whom the deposit was made.

(5) If a candidate who has made the required deposit is not elected and the number of votes polled by the candidate does not exceed one-eighth of the total number of votes polled, the amount deposited is forfeited and must be paid into the Consolidated Fund.

(5A) In any other case, the amount so deposited must be returned to the candidate —

- (a) where the candidate is elected, as soon as the candidate has taken the oath or made affirmation as President; and
- (b) where the candidate is not elected, as soon as practicable after the result of the election is declared.

(6) For the purposes of this section —

- (a) the number of votes polled is 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 Returning Officer must, on giving notice under section 7 of the issue of a writ, specify in the notice the amount to be deposited under subsection (1).

Proceedings on nomination day

11.—(1) The Returning Officer must, on nomination day, attend at the place of nomination from 11 a.m. until 12 noon to receive nominations papers and political donation certificates issued by the Registrar of Political Donations and certificates issued under section 8 (called in this Act nomination papers).

(2) Every such nomination paper and certificate must be delivered to the Returning Officer, in duplicate and in person, by the person seeking nomination accompanied by his or her proposer, seconder and at least 4 assentors, at the place of nomination between 11 a.m. and 12 noon (both times inclusive) on nomination day, and if not so delivered, must be rejected.

(3) The Returning Officer must immediately cause a copy of the nomination papers to be posted in a conspicuous position outside the place of nomination.

(4) The Returning Officer must permit the candidates and their proposers, seconders and assentors and one other person (if any) appointed by each candidate in writing to be present on nomination 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 by the Returning Officer.

(5) Before 12.30 p.m. on nomination day at an election, any candidate may, by writing under his or her hand, indicate to the Returning Officer which of his or her names mentioned in the nomination paper the candidate desires should be omitted and which should be specified by initial only.

(6) 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 the candidate desires should be specified by initial.

Amendment of nomination papers

11A.—(1) Subject to subsection (3), where the Returning Officer detects in any nomination paper —

- (a) an error or omission, or what appears to be an error or omission, which may amount to a ground for rejecting the nomination paper or allowing an objection to the nomination paper; or
- (b) anything which may affect the validity of the nomination paper and the Returning Officer considers that it can be corrected before 12 noon on nomination day,

the Returning Officer may, before making his or her decision under section 11 or 12, give the candidate or person seeking nomination (as the case may be) a reasonable opportunity to correct the error or omission before 12 noon on nomination day.

(2) Subject to subsection (3), where any error or omission in a person's nomination paper is brought to the attention of the candidate or person seeking nomination (whether by the Returning Officer under subsection (1) or following an objection made under section 12), the candidate or person seeking nomination (as the case may be) may, at any time before 12 noon on nomination day but no later, take such action as may be necessary to correct the error or omission in his or her nomination paper.

(3) Nothing in subsection (1) or (2) authorises any candidate or person seeking nomination to substitute a different person —

- (a) as a candidate for election; or
- (b) as proposer, seconder or assentor.

(4) In this section, “error” has the meaning given by section 82.

Objections to nomination papers

12.—(1) Objection may be made to a nomination paper only on all or any of the following grounds:

- (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 qualified to be elected to the office of President;

(d) that the provisions of section 10 have not been observed.

(2) An objection to a nomination paper must not be allowed unless it is made to the Returning Officer between 11 a.m. and 12.30 p.m. on nomination day.

(3) Every objection must be in writing signed by the objector and must specify the ground of objection.

(4) The Returning Officer may himself or herself lodge an objection on any of the grounds set out in subsection (1).

(5) The Returning Officer must with the least possible delay decide on the validity of every objection and inform the candidate concerned of his or her decision, and, if the objection is allowed, of the grounds of his or her decision.

(6) If the Returning Officer disallows any objection, his or her decision is final and conclusive and is not to be called in question in any court; but if the Returning Officer allows the objection, his or her decision is subject to reversal on an application under section 71.

Withdrawal of candidature

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

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

Persons entitled to be present during nomination proceedings

14. The following persons, and no others, are entitled to be present at the proceedings specified in sections 11 and 13:

(a) the candidates;

(b) each candidate's proposer, seconder and assentors;

- (c) one other person (if any) appointed in writing by each candidate;
- (d) the Returning Officer and any other person authorised by the Returning Officer to assist him or her at such proceedings; and
- (e) any other person with the written permission of the Returning Officer to be present at those proceedings.

Division 5 — Uncontested Elections

[6/2017]

Uncontested elections

15.—(1) If, on nomination day after the decision by the Returning Officer of any objection which may have been lodged, only one candidate stands nominated, the Returning Officer must immediately —

- (a) declare the nominated candidate to be elected to the office of President; and
- (b) cause the name of the person so elected to be published in the *Gazette*.

(2) Nothing in sections 11 and 12 prevents the Returning Officer from exercising any of his or her powers under subsection (1) before 12.30 p.m. if, at 12 noon on nomination day for an election, only one candidate stands nominated.

Division 6 — Contested Elections

[6/2017]

Contested elections

16.—(1) If, on nomination day after the decision by the Returning Officer of any objections which may have been lodged, more than one candidate stands nominated for election to the office of President, the Returning Officer must —

- (a) immediately adjourn the election to enable a poll to be taken in accordance with the provisions of this Act; and

(b) allot to each candidate an approved symbol which must be printed on the ballot paper opposite the name of that candidate.

(1A) Subject to subsection (3A), the Returning Officer may, in his or her discretion, allot to any candidate some other symbol selected by the candidate.

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

(3) Subject to subsections (1) and (1A), the determination of the approved symbol to be allotted to each candidate must be made by lot by the Returning Officer.

(3A) A candidate must not be allotted any symbol which is of any racial or religious significance or which denotes or implies an affiliation with any political party.

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

(5) Subject to section 6(1), the Returning Officer must cause to be published in the *Gazette* a notice in the prescribed form specifying —

- (a) the date on which the poll will be taken, the date being not earlier than the 10th day, and not later than the 56th day, after the date of publication of the notice in the *Gazette* (called in this Act polling day);
- (aa) whether a direct recording electronic voting system will be used at the poll and if so, a brief description of the system and the electoral division which will use the system at the poll;
- (ab) the day and hours of the poll at every overseas polling station;
- (b) 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; and

(c) the locations of the polling stations.

(6) In computing time for the purpose of subsection (5)(a), the last day of the period must 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 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 must, upon being satisfied of the fact of the death —

(a) countermand the notice for the poll; and

(b) appoint by notice in the *Gazette* a fresh date, time and place for the nomination of candidates for election, at least 4 clear days before the fresh date fixed for such nomination.

(8) In the case referred to in subsection (7), all proceedings with reference to the election must be commenced afresh, except that no fresh nomination is necessary in the case of the candidates who stood nominated at the time of the countermand of the poll.

Polling day to be public holiday

17. Polling day at any election is 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.

Polling districts and polling stations

18.—(1) The Returning Officer must, for the purposes of the poll in any electoral division —

(a) establish a sufficient number of polling stations within each polling district of the electoral division for the conduct of the poll;

(b) provide as many polling places within each polling station as the Returning Officer considers necessary; and

(c) allot the electors (including overseas electors) to the polling stations in the electoral division in such manner as the Returning Officer thinks convenient.

(2) The Returning Officer may use, free of charge, as a polling station any school in Singapore or part thereof for the purposes of any election.

(3) The Returning Officer must make good any damage done to, and defray any expenses incurred by the persons having control over, any school in Singapore or part thereof by reason of its being used as a polling station.

(4) A polling station comprises such premises or such area within any premises as are demarcated by or under the authority of the Returning Officer to be a polling station.

Presiding officers

19.—(1) The Returning Officer must appoint, and may revoke the appointment of, one or more persons (called in this Act presiding officers) to preside at each polling station.

(2) 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 is to exercise general supervision over the other presiding officers and over all arrangements for the conduct of the poll in that station.

(3) Each presiding officer must be supplied with a copy of that part of the register of electors containing the names of electors in the register assigned to the presiding officer's polling place.

(4) If any presiding officer is, by sickness or other cause, prevented from acting at any election and there is no time for another person to be appointed by the Returning Officer, the presiding officer may appoint a deputy to act for him or her.

(5) A presiding officer must as soon as possible report to the Returning Officer every appointment made under subsection (4) and every such appointment may be revoked by the Returning Officer, but without affecting the validity of anything already done by the deputy.

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

Facilities to be provided at polling stations

20.—(1) Before the poll opens at a polling station, the presiding officer or the senior presiding officer at that station must cause a notice about the poll to be displayed on or at a conspicuous place outside that station.

[6/2017]

(2) The notice mentioned in subsection (1) —

- (a) must contain such information, presented in such form or manner, as may be prescribed; and
- (b) must remain displayed on or at a conspicuous place outside the polling station until the poll closes at that station.

[6/2017]

(3) It is 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.

(4) The Returning Officer must determine, or may authorise the presiding officer or senior presiding officer to determine, in what manner the facilities mentioned in subsection (3) are to be distributed among the electors entitled to vote at that station.

(5) An election must not be questioned by reason of non-compliance with subsection (3) or (4) or any informality relative to polling stations.

Register of electors to be conclusive evidence of right to vote

21.—(1) A person who, by reason of circumstances existing on the day of an election, is by virtue of the provisions of this Act or the Parliamentary Elections Act 1954, not entitled to have his or her name entered or retained in any register of electors is not entitled to vote at the election.

(2) If the person mentioned in subsection (1) votes at the election, he or she shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 9 months or to both, and shall, on conviction, become incapable for a period of 3 years from the date of his or her conviction of being registered as an elector or of voting at any election under this Act or of being elected as the President or a Member of Parliament.

(3) The register of electors in operation in accordance with the Parliamentary Elections Act 1954 at the time of any election is conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at the election.

(4) The right to vote of any person whose name is for the time being contained in the register is not prejudiced by any appeal pending before a Revising Officer in respect of the inclusion of that person's name in the register.

(5) Any vote given by the person mentioned in subsection (4) during the pendency of that appeal is as good as though no such appeal were pending and is not affected by the subsequent decision of the appeal.

(6) In this section, "Revising Officer" means a Revising Officer appointed under section 12 of the Parliamentary Elections Act 1954.

Admittance to polling station

22.—(1) Subject to subsections (2) and (3A), a person must not be admitted to vote at any polling station except the one allotted to him or her.

(2) 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, and it is inconvenient for him or her to vote at the polling station which has been allotted to him or her, the Returning Officer may, by a certificate authorise the elector to vote at any other polling station and that polling station is deemed, for the purposes of this section, to be the polling station allotted to that elector.

(3) The certificate mentioned in subsection (2) must be given under the hand of the Returning Officer and must state the name of the elector, the elector's number, and description in the register of electors, and the fact that the elector is so employed as a presiding officer, police officer or in any other official capacity at a polling station.

(3A) An overseas elector is also entitled to be admitted to vote at the overseas polling station allotted to him or her by the Registration Officer under section 13A(3) of the Parliamentary Elections Act 1954.

(4) Unless the Returning Officer, by notification in the *Gazette* under this section, section 33C(3)(b), 36C or 36DA, appoints any other hour, the poll must open at 8 a.m. on the day appointed under section 16(5) and must close at 8 p.m. on that day.

[6/2017]

(5) The presiding officer must —

- (a) keep order in his or her polling station;
- (b) regulate the number of voters to be admitted at a time; and
- (c) 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.

(6) Not more than one polling agent of each candidate shall be admitted to any polling station, except 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.

(7) A polling agent whose name has not been notified to the presiding officer as required by section 45(1B) must not be admitted to a polling station.

(8) If any person misconducts himself or herself in a polling station or fails to obey the lawful orders of the presiding officer, that person 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 that person.

(9) The person removed under subsection (8) must not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(10) Any person removed under subsection (8) may, if charged with the commission in a polling station of any offence, be kept in custody until he or she can be brought before a magistrate.

(11) The powers conferred by this section must 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.

Voting by overseas electors

22A.—(1) Subject to section 52, any overseas elector who intends to cast his or her vote at the poll for a contested election may vote at —

- (a) the overseas polling station allotted to him or her by the Registration Officer under section 13A of the Parliamentary Elections Act 1954; or
- (b) the polling station in the electoral division allotted to him or her under section 18(1),

but not at both in respect of the same election.

(2) The hours of any poll for any contested election at an overseas polling station must be not less than 4 hours and may be carried out in advance of the poll on polling day in Singapore, except that every such poll at an overseas polling station must close not later than the close of the poll on polling day in Singapore.

(3) Except as otherwise provided by or under this section, any poll (including an advance poll) at an overseas polling station must be conducted in the same manner as that in which voting at a polling station within Singapore on polling day is conducted, and must be regarded as such for the purposes of this Act.

(4) The Minister may make regulations modifying the application of any provision of this Act to the conduct of polls in overseas polling stations, including in particular, the appointment of presiding officers for overseas polling stations, the procedures on closing of the poll and for the safe despatch of the sealed ballot boxes containing the votes cast to the Returning Officer in Singapore.

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

- (a) any Assistant Returning Officer or presiding officer;
- (b) any polling agent or election agent; or
- (c) any citizen of Singapore (whether or not a voter or an elector),

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

Poll by ballot and ballot papers

23.—(1) In the case of a poll at an election not using a DRE voting system, the votes must be given by ballot, and the ballot of each voter must consist of a paper (called in this Act a ballot paper).

(2) Every ballot paper must —

- (a) contain a list of the candidates in English, described, subject to section 11(5) and (6), as in their respective nomination papers, and arranged alphabetically in English in the order of their surnames, and, if there are 2 or more such candidates with the same surname, of their other names, and the symbol allotted to each candidate;
- (aa) clearly demarcate the area within which a voter must mark his or her vote for a candidate;
- (b) be in the prescribed form;
- (c) be capable of being folded;
- (d) have a number printed on the back; and

- (e) have attached a counterfoil with the same number printed on the face.

[6/2017]

(3) The official mark for the authentication of ballot papers must comprise a pattern, design, watermark or logo approved by the Returning Officer which must be affixed, stamped, overprinted or marked (by writing or otherwise), or any combination thereof, on the ballot paper in a particular manner approved by the Returning Officer.

Candidates' photographs on ballot paper

23A.—(1) The Returning Officer must include on every ballot paper in an election a candidate's photograph if —

- (a) the candidate delivers the photograph to the Returning Officer at such place, within such time, and in such form and manner, as the Returning Officer specifies; and
- (b) the photograph is in accordance with the Returning Officer's specifications and requirements to ensure accuracy and consistency.

[6/2017]

(2) If subsection (1)(a) or (b) is not complied with, the Returning Officer must indicate in the area designated on the ballot paper for the candidate's photograph that there is no photograph for the candidate.

[6/2017]

(3) The Returning Officer must cause to be published, as soon as practicable after the issue of the writ for the election and in such manner as will secure adequate publicity to the candidates, the Returning Officer's specifications and requirements under subsection (1)(a) and (b).

[6/2017]

Ballot boxes

24.—(1) Every ballot box must be so constructed that the ballot papers can be introduced into the box after it has been sealed or locked but cannot be withdrawn from the box unless the seal or lock is broken.

(2) The presiding officer at a polling station must, immediately before the commencement of the poll, and in the sight of such person as may be present in the polling station —

- (a) show that each ballot box to be used at the commencement of the poll is empty;
- (b) close the ballot box; and
- (c) ensure that the ballot box is sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

(3) The ballot boxes, after being sealed or locked in accordance with subsection (2), must be kept in the view of the presiding officer of the polling station for the receipt of ballot papers and must not be opened again until after the close of the poll.

(4) Subsections (2) and (3) apply to every ballot box used during a poll and it is sufficient compliance with those subsections if a ballot box, other than a ballot box used at the commencement of a poll, is shown and sealed or locked in accordance with subsection (2) before it is used.

Manner of voting

25.—(1) Each voter entitled to vote must be given one ballot paper and has one vote.

(2) The ballot paper must be delivered to the voter by the presiding officer or a person acting under the presiding officer's authority.

(3) Immediately before any ballot paper is delivered to a voter —

- (a) the ballot paper must, unless it already bears the complete official mark for the authentication of ballot papers, be affixed, stamped or marked (by writing or otherwise) by the presiding officer in the approved manner with that official mark or the remaining part thereof or initialled by the presiding officer;
- (b) the number, name and description of the voter, as stated in the copy of the register of electors, must be called out;

- (c) the number of the elector must be marked on the counterfoil; and
- (d) a mark must be placed in the register against the number of the elector to denote that he or she has received a ballot paper but without showing the particular ballot paper which he or she has received.

(4) Subject to subsection (4AA), the voter must, on receiving the ballot paper, immediately 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 must there secretly mark the paper as near as may be in accordance with the directions given for the guidance of voters under this Act.

[6/2017]

(4AA) The voter's mark on the ballot paper must be made in the area demarcated on the ballot paper for that purpose, and not elsewhere.

[6/2017]

(4A) The voter must then fold the paper so as to conceal his or her vote, and must put the paper so folded up into the ballot box.

(5) Every voter must vote without undue delay and must leave the polling station as soon as he or she has put his or her ballot paper into the ballot box.

(6) The presiding officer or any person authorised by the presiding officer may ask any voter if the voter understands the method of voting in accordance with this Act and may, if he or she 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 or she must carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any candidate.

(7) 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, must mark the ballot paper of the voter in the manner directed by the voter, and must cause the ballot paper to be placed in the ballot box.

(8) 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.

(9) During the taking of the poll, the presiding officer must cause to be exhibited outside his or her polling station a notice, in English, Malay, Chinese and Tamil, substantially in the prescribed form, giving directions for the guidance of voters in voting.

Compulsory voting

26.—(1) Every elector must record his or her vote at each election in the electoral division for which he or she is registered.

(2) The Returning Officer must, 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 who have failed to vote at the election and certify the list under the hand of the Returning Officer.

(3) Despite section 32(10) and (12), it is 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 connected inquiries.

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

(5) The Registration Officer must on receipt of such list cause the names of all persons appearing in the list to be expunged from the register of electors.

(6) The Registration Officer must give notice in the *Gazette* that such list has been received by him or her from the Returning Officer and that the 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 or near each electoral division and at such overseas registration centres 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 or her name to the register of electors.

(8) If any applicant under subsection (7) satisfies the Registration Officer that the applicant has a good and sufficient reason for not having recorded his or her vote, the applicant's name must be restored to the register without penalty, but where the applicant does not so satisfy the Registration Officer, the applicant's name must be restored to the register on payment to the Registration Officer of a sum of \$50.

(9) Any name to be restored to the register under subsection (8) must, except as otherwise provided in subsection (11), be restored on the day after the Registration Officer has satisfied himself or herself that the applicant has a good and sufficient reason for not recording his or her vote, or the day after the payment of the sum of \$50 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 the person's address and it appears from such change of address that the person is no longer residing in the same electoral division, the person's name must be restored to the appropriate register of the electoral division in which he or she is residing.

(11) Where a writ of election has been issued under section 6 for an election, no name may be restored to the register until after nomination day or, if a poll is to be taken, until after polling day.

Declarations by voters

27.—(1) The presiding officer at any polling station may, in his or her discretion, require any voter, before the voter is given a ballot paper, to furnish such evidence of the voter's identity as the presiding officer may consider necessary and to make and subscribe to all or any of the declarations set out in the prescribed form.

[6/2017]

(2) [*Deleted by Act 6 of 2017*]

(3) If any person fails to furnish such evidence of his or her identity or refuses to make any declaration required under subsection (1), the presiding officer may refuse to give him or her a ballot paper.

[6/2017]

(4) If any person wilfully makes a false statement in any declaration required under subsection (1), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 9 months or to both.

[6/2017]

Spoilt ballot papers

28.—(1) A voter who has inadvertently dealt with his or her ballot paper in such 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 (called in this Act a spoilt ballot paper).

(2) The spoilt ballot paper must be immediately cancelled by the presiding officer.

Tendered votes

29.—(1) If a person representing himself or herself to be a particular elector named in the register applies for a ballot paper after another person has voted as such elector, the applicant, on taking an oath of identity which may be administered by the presiding officer and which must be in the prescribed form, is entitled to receive a ballot paper and to vote in the same manner as any other voter.

(2) The ballot paper (called in this Act a tendered ballot paper) must be of a colour different from the other ballot papers, and, before being placed in a ballot box, must be endorsed by the presiding officer with the name of the voter and the voter's number in the register, and that number must be entered on a tendered votes list.

Closing of poll

30. No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll, except that if at that hour there is in the

polling station any voter to whom a ballot paper has been delivered, the voter must be allowed to record his or her vote.

Procedure on closing of poll

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

- (a) the unused and spoiled 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 must be secured by the presiding officer and sealed with the presiding officer's 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) Every presiding officer of a polling station must despatch each such packet and the ballot box or boxes in safe custody to the Returning Officer at the counting place where the votes cast at the polling station are to be counted in accordance with the provisions of this Act.

(4) Where the Returning Officer has specified a polling station to be a counting place under this Act, the presiding officer of the polling station must keep at that station every such packet and ballot box in safe custody pending counting of the votes thereat.

[6/2017]

Counting at counting places

31A.—(1) The Returning Officer may direct —

- (a) that the votes cast at any polling station or stations in Singapore be counted at such time and counting place

(which may or may not be a polling station) as the Returning Officer may specify; and

- (b) where more than one counting place is specified under paragraph (a), that the total number of votes given to each candidate at the poll be ascertained at such other time and place (called in this Act the principal counting place) as the Returning Officer may specify.

(1A) The votes cast at all overseas polling stations must be counted at such place or places in Singapore as the Returning Officer directs.

(2) The Returning Officer must cause notice of every direction issued under subsections (1) and (1A) to be published in the *Gazette* at least 2 clear days before polling day.

[6/2017]

(3) Where polling at all polling stations established for the purposes of a poll is postponed under section 36C, the conduct of the counting of votes cast for the election shall stand postponed until such other time as the Returning Officer, by notice in the *Gazette*, specifies.

[6/2017]

(4) Where polling at any polling station established for the purposes of a poll is temporarily suspended, adjourned and postponed or abandoned and restarted under section 36C, the conduct of the count in respect of votes cast at the other polling stations which are specified in the direction under this section to be counted at the same counting place as votes cast at the firstmentioned polling station shall, even though the poll at the other polling stations has closed, stand postponed until such other time as the Returning Officer, by notice in the *Gazette*, specifies.

[6/2017]

Counting votes

32.—(1) Each candidate or any of his or her election agents may appoint an agent (called in this Act the counting agent) to attend the counting of the votes and must give written notice of the name and address of the counting agent so appointed to the Returning Officer.

(2) Each candidate or any of his or her election agents may appoint not more than one counting agent to attend the counting of votes at each counting place specified under this Act.

[6/2017]

(2A) The Returning Officer must make arrangements for counting the votes in the presence of such of the candidates and their counting agents as attend as soon as practicable —

- (a) where only one counting place is specified under this Act — after the Returning Officer has received all the ballot boxes used during the poll conducted in Singapore; or
- (b) where more than one counting place is specified under this Act, after —
 - (i) the procedure in section 31 has been complied with at the close of the poll if the counting place is also a polling station; and
 - (ii) the Assistant Returning Officer in charge of each counting place has received at his or her counting place all the ballot boxes containing the votes cast at the polling station or stations in Singapore which are specified in the direction to be counted at that counting place, subject to any directions from the Returning Officer to delay or postpone the counting.

[6/2017]

(3) The Returning Officer, his or her 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, the Returning Officer or a person authorised by him or her must, 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.

(5) The Returning Officer, while counting the votes, must 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.

(6) The Returning Officer must so far as practicable proceed continuously with counting the votes and must endorse “rejected” on any ballot paper which the Returning Officer may reject as invalid.

(7) The Returning Officer must not count the tendered ballot papers but must place them in separate packets according to the candidate whom they support and mark each packet with the name of the candidate, and must seal the packet and retain it unless it is required for the purposes of an application under section 71.

(8) Where only one counting place is specified under this Act, the Returning Officer must, when the counting of votes cast at all polling stations in Singapore is completed at the sole counting place or, if a recount thereof is conducted under section 32B, after that recount is completed, immediately act as follows:

- (a) where the total number of overseas electors lawfully entitled to vote at the election is less than the difference between the number of votes given to the candidates with the 2 greatest number of votes, the Returning Officer must declare the candidate to whom the greatest number of votes is given to be elected;
- (b) where the total number of overseas electors lawfully entitled to vote at the election is equal to or more than the difference between the number of votes given to the candidates with the 2 greatest number of votes, the Returning Officer must declare the number of votes cast in Singapore in favour of each candidate at the election, and the date and premises at which the votes cast by the overseas electors will be counted.

[6/2017]

(8A) Where more than one counting place is specified under this Act, the Returning Officer must, immediately after the counting of votes cast in Singapore is completed at the counting place under his or her charge and, if a recount thereof is conducted under section 32B, after that recount is completed, at each counting place —

- (a) announce to the candidates or their counting agents as attend the number of votes given to each candidate;
- (b) prepare a record (called in this Act the record of counting) in a prescribed form containing the number of votes given to each candidate and other results of the counting of votes at the counting place, and certify that record;
- (c) transmit to the principal counting place, by any means available, the results of the counting of votes at the counting place; and
- (d) seal up in an envelope the record of counting and despatch or deliver the envelope in safe custody to the principal counting place for that electoral division.

[6/2017]

(8B) Except with the sanction of the Returning Officer, no person other than —

- (a) the Returning Officer and such other officers and staff appointed by the Returning Officer to assist him or her in adding the votes cast for each candidate at the counting places and ascertaining the total number of votes given to each candidate at the poll; and
- (b) the candidates and their principal election agents,

may be present at the principal counting place during the addition of the votes.

(8C) At the principal counting place, the Returning Officer must, upon receipt of the results of the counting of votes at all counting places, ascertain the total number of votes given to each candidate at the poll by adding up the number of votes recorded for each candidate in the said results.

(8D) When the total number of votes cast at polling stations in Singapore for each candidate at an election is ascertained under subsection (8C), or if a recount thereof is conducted under section 32B, after that recount is completed, the Returning Officer must immediately act as follows:

- (a) where the total number of overseas electors lawfully entitled to vote at the election is less than the difference between the number of votes given to the candidates with the 2 greatest number of votes, the Returning Officer must declare the candidate to whom the greatest number of votes is given to be elected;
- (b) where the total number of overseas electors lawfully entitled to vote at the election is equal to or more than the difference between the number of votes given to the candidates with the 2 greatest number of votes, the Returning Officer must declare the number of votes cast in Singapore in favour of each candidate at the election, and the date and premises at which the votes cast by the overseas electors will be counted.

[6/2017]

(9) When, after the counting of votes (including any recount conducted under section 32B) is completed, 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 is deemed to have been given must be made by lot in the presence of the Returning Officer in such manner as the Returning Officer may determine.

[6/2017]

(10) After the Returning Officer has made any declaration under subsection (8) or (8D), the Returning Officer must ensure that the following procedures are complied with at every counting place and principal counting place:

- (a) all ballot papers and all other documents relating to the election at every counting place and principal counting place must be sealed up in separate packets and placed in any ballot box or boxes;
- (b) the ballot box or boxes must then be sealed with the seal of the Returning Officer and the seals of such of the candidates or their counting agents as attend and desire to affix their seals;

- (c) the sealed ballot box or boxes must be despatched and delivered in safe custody to the Returning Officer;
- (d) subject to subsection (11), the ballot papers and other documents in the sealed ballot box or boxes must be retained in safe custody for a period of 6 months;
- (e) the ballot papers and other documents must be destroyed at the end of the period of 6 months unless otherwise directed by order of the President.

(11) An Election Judge 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.

(11A) No Election Judge is to make such an order unless he or she is satisfied that the inspection, copy or production is required for the purpose of instituting or maintaining a prosecution or an application under section 71 in connection with the election.

(12) Except as provided in this section, no person is allowed to inspect any such ballot paper or document after it has been sealed up pursuant to subsection (10).

Counting of votes by overseas electors

32A.—(1) Subject to section 36DB, every sealed ballot box containing votes cast at an overseas polling station in an election must, in order for those votes to be counted in the election, reach the custody of the Returning Officer in Singapore —

- (a) within 10 days after polling day in Singapore for the election; or
- (b) where the Returning Officer extends time under subsection (2), within the extended time.

[6/2017]

(2) The Returning Officer may extend time by another 7 days if the Returning Officer —

- (a) has made a declaration under section 32(8)(b) or (8D)(b); and

- (b) is satisfied, for any reason, that any sealed ballot box containing votes cast at an overseas polling station in the election is not likely to reach the custody of the Returning Officer in Singapore within the time specified in subsection (1)(a).

[6/2017]

(2A) If the Returning Officer extends time under subsection (2) —

- (a) the counting of the votes cast at the overseas polling stations in the election stands postponed to the date specified by the Returning Officer under paragraph (b)(ii); and
- (b) the Returning Officer must, as soon as practicable, publish a notice in the *Gazette* —
- (i) stating that the Returning Officer has extended the time; and
 - (ii) specifying the date on, the time at and the counting place in Singapore at which the votes cast at the overseas polling stations in the election will be counted.

[6/2017]

(3) Subject to subsection (1), the Returning Officer must arrange for the counting of votes cast by overseas electors in the presence of the candidates and their counting agents as attend as soon as practicable after all the sealed ballot boxes used at overseas polling stations during the poll have been received by the Returning Officer in Singapore.

[6/2017]

(4) Section 32 applies to the counting of votes cast by overseas electors, with the necessary modifications.

[6/2017]

(5) Where the Returning Officer has made a declaration under section 32(8)(b) or (8D)(b), the number of votes given by overseas electors to each candidate must be added to the number declared by the Returning Officer as the number of votes cast in Singapore, respectively, for each candidate, and the Returning Officer must immediately declare the candidate to whom the greatest total number of votes is given to be elected.

(6) After the Returning Officer has made any declaration under subsection (5), the Returning Officer must ensure that the following procedures are complied with:

- (a) all ballot papers and all other documents relating to the election at every place where the votes of overseas electors are counted must be sealed up in separate packets and placed in any ballot box or boxes;
- (b) the ballot box or boxes must then be sealed with the seal of the Returning Officer and the seals of such of the candidates or their counting agents as attend and desire to affix their seals;
- (c) the sealed ballot box or boxes must be despatched and delivered in safe custody to the Returning Officer;
- (d) subject to section 32(11), the ballot papers and other documents in the sealed ballot box or boxes must be retained in safe custody for a period of 6 months;
- (e) the ballot papers and other documents must be destroyed at the end of the period of 6 months unless otherwise directed by order of the President.

Recounting of votes

32B.—(1) The Returning Officer must conduct a recount of the votes cast in Singapore at an election if the difference between the number of votes given to the candidate with the most votes and the number of votes given to any other candidate at the election is 2% or less of the total number of votes cast in Singapore (excluding rejected votes and tendered votes) at the election.

[6/2017]

(2) The recount of the votes under subsection (1) may be conducted only once, and must take place as soon as practicable —

- (a) in the case of a sole counting place specified under this Act for the election, after the counting of the votes at the sole counting place is completed; or
- (b) in the case of more than one counting place specified under this Act for the election, after the Returning Officer has ascertained the total number of votes given to each candidate in the election under section 32(8C).

[6/2017]

(3) Where a recount of the votes is to be conducted, the votes at the sole counting place or, if there is more than one counting place, at every counting place must be recounted and added following the same procedure set out in sections 32 and 33.

[6/2017]

(4) This section applies to the recounting of votes cast by overseas electors, with the necessary modifications.

[6/2017]

Votes to be rejected

33.—(1) The Returning Officer must reject as invalid the following ballot papers only:

- (a) any ballot paper which does not bear the complete official mark for the authentication of ballot papers or is not initialled by the presiding officer;
- (b) any ballot paper on which votes are given for more than one candidate;
- (c) any ballot paper on which anything is written or marked by which the voter can be identified except the printed number on the back;
- (d) any ballot paper which is unmarked;
- (e) any ballot paper which is void for uncertainty.

(2) Subject to subsection (2A), 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 the voter gives his or her vote, the Returning Officer must 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.

[6/2017]

(2A) When determining whether a mark made on a ballot paper clearly indicates the voter's intention and the candidate for whom the voter gives his or her vote, the Returning Officer must disregard any mark on the ballot paper that is not made within the area demarcated on the ballot paper for the voter to mark his or her vote for a candidate.

[6/2017]

(3) Before rejecting a ballot paper, the Returning Officer must show it to each candidate or the candidate's counting agent if present and hear his or her 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 as to whether or not any ballot paper is to be rejected is final and is not to be questioned on an application under section 71.

Approval of DRE voting systems

33A.—(1) A DRE voting system must not be used at any poll unless the DRE voting system is approved before the date of the writ of the election under section 6 by —

- (a) the Auditor-General; or
- (b) any person appointed by the Minister in consultation with the Auditor-General.

(2) The Auditor-General or person appointed under subsection (1) must not approve any DRE voting system for use at any election unless, after conducting such tests as he or she considers necessary in the presence of the Returning Officer and such representatives of any political party as are present, he or she is satisfied that the DRE voting system —

- (a) permits voting in secrecy;
- (b) permits each voter to vote from all the candidates as are nominated for the election;
- (c) operates safely and efficiently and accurately counts all votes cast for each candidate;
- (d) is set to detect voting errors and to reject all votes for any candidate when the number of votes recorded exceeds the number of votes that may lawfully be cast;
- (e) permits each voter to clearly see the ballot display;
- (f) is safe from fraudulent or unauthorised manipulation or operation;
- (g) ensures that all voting data stored in the DRE voting machines used is maintained regardless of electrical power surges or outages; and
- (h) is capable of providing records from which the operation of the DRE voting system may be audited and for verification of the accuracy of the recording and counting of votes, but does not allow for identification of any voter.

(3) Subject to subsection (1), a DRE voting system must not be used at a poll in any electoral division unless the Returning Officer specifies, by notice under section 16, that a DRE voting system will be used at the poll in that electoral division.

(4) Where a DRE voting system is to be used at any forthcoming poll in any electoral division in accordance with this section, the Returning Officer may, for the purpose of instructing electors, provide one or more demonstrations as to the use of the DRE voting system in one or more public places within that electoral division.

Approval of DRE voting machines and equipment

33B.—(1) It is the duty of the Returning Officer to provide at each polling station within every electoral division specified in the notice under section 16 —

- (a) a sufficient number of DRE voting machines and other direct recording electronic voting equipment approved

under subsection (2) for electors allotted to the polling station to cast their votes;

- (b) booths or other reasonable facilities within which approved DRE voting machines are to be placed to enable electors allotted to the polling station to record their votes screened from observation and to vote in accordance with the provisions of this Act; and
- (c) a sufficient number of other approved DRE voting machines, direct recording electronic voting equipment and other voting equipment in the event of any malfunction of all or any approved DRE voting machines at that polling station.

[6/2017]

(2) Not earlier than 4 clear days before polling day, the Auditor-General or person appointed by the Minister under section 33A(1) must inspect and conduct or cause to be inspected and conducted such tests on every DRE voting machine and direct recording electronic voting equipment to be used at a poll, and if he or she is satisfied that any such DRE voting machine and equipment are in the proper order for use at a poll, he or she must not later than on the eve of polling day —

- (a) approve the DRE voting machine and equipment so tested for use at the poll;
- (b) number the approved DRE voting machine;
- (c) seal with his or her seal and secure the approved DRE voting machine and direct recording electronic voting equipment against use until polling day and despatch it in safe custody to the Returning Officer who must store it in safe custody until polling day;
- (d) make a record containing the identification numbers of every such approved DRE voting machine and the respective polling stations to which each has been allocated; and

- (e) furnish a copy of the record to such candidate or the candidate's election agent who requests such a copy before polling day.

(3) Any inspection and test of DRE voting machines and direct recording electronic voting equipment under subsection (2) must be carried out —

- (a) on such date and at such time and premises as the Returning Officer may specify by public notice not less than 5 clear days before polling day; and
- (b) in the presence of such candidate or his or her election agent or polling agent as may be present at those premises on that date and time.

Pre-poll testing of DRE voting system, etc.

33C.—(1) Immediately before the commencement of the poll in any electoral division specified in a notice under section 16(5), the presiding officer at every polling station within the electoral division must, and in the sight of such person as may be present at the polling station —

- (a) ensure that every DRE voting machine and direct recording electronic voting equipment delivered to the polling station for use at the poll is approved under section 33B(2) and still sealed and secured against use;
- (b) install the approved DRE voting machine and direct recording electronic voting equipment for use at the poll at the polling station;
- (c) inspect and test each DRE voting machine and direct recording electronic voting equipment so installed in the prescribed manner to ensure that it is functioning properly and take such corrective action (including replacement or repair) as is necessary to ensure that it is functioning properly; and
- (d) unsecure the DRE voting machine for use at the poll.

(2) The presiding officer at a polling station using DRE voting machines and direct recording electronic voting equipment at the poll

must periodically inspect or cause to be inspected the machines and equipment for tampering and damage or any malfunction while voting is in progress.

(3) If at any time before or after the commencement of a poll using a DRE voting system, the presiding officer at a polling station determines that the approved DRE voting machines or direct recording electronic voting equipment delivered to the polling station cannot be replaced or repaired promptly and that voting cannot be continued using the remaining approved DRE voting machines and approved direct recording electronic voting equipment without interfering substantially with the orderly conduct of the poll, the presiding officer must, with the approval of the Returning Officer —

- (a) immediately halt voting at that polling station if the poll has already commenced; and
- (b) make such necessary arrangements for voting at the polling station —
 - (i) to commence or resume (as the case may be) on the same day and close at such other hours as the Returning Officer may appoint, using either the same DRE voting system or ballot papers in accordance with the provisions of this Act; or
 - (ii) to be adjourned and conducted afresh on such other date as the Returning Officer may declare by notification in the *Gazette*, being a date not more than one week later, using either the same DRE voting system or ballot papers in accordance with the provisions of this Act.

DRE voting system procedures generally

33D.—(1) Except as otherwise provided in sections 33B and 33C and any regulations made under this section, any poll using any DRE voting system must be conducted in the same manner as that in which voting is conducted under sections 17 to 34, and is regarded as a poll for the purposes of this Act.

(2) The ballot image displayed on any approved DRE voting machine at any poll must be an identical representation in electronic form of the ballot paper used at the poll.

(3) The Minister may make regulations modifying the application of any provision of this Act to the conduct of polls using a DRE voting system, including in particular, prescribing the training of presiding officers in operating DRE voting systems, the procedures on opening and closing of such a poll, the manner of voting, the counting of votes and for the safe despatch or transmission of records of voting using DRE voting machines for counting, including recounting, if any.

Publication of result and statement of poll in *Gazette*

34.—(1) After declaring the result under section 32(8)(a) or (8D)(a) and counting of all votes cast by overseas electors or after declaring the result under section 32A(5) (as the case may be), the Returning Officer must immediately compile a statement of the poll in the prescribed form and must cause the statement and the name of the person elected to the office of President to be published in the *Gazette*.

(2) Despite the provisions of this Act, if the candidate who has been declared elected to the office of President under section 15 or 32 dies before the commencement of his or her term of office, the Prime Minister must immediately issue a fresh writ under section 6 and the provisions of this Act apply, with the necessary modifications, to that writ.

Failure to comply with provisions of this Act

35.—(1) An election is not 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 does not, if that act or thing is otherwise duly done, invalidate that act or thing.

Maintenance of secrecy at elections

36.—(1) Every officer, clerk, interpreter, candidate and agent authorised to attend at a polling station, or at the counting of the votes, must, before so attending, make an oath of secrecy, substantially in the prescribed form.

(2) The Returning Officer has 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 must maintain, and aid in maintaining, the secrecy of the voting in the station, and must 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.

(3A) The total number of voters who have voted at any polling station at any time before the poll is closed may, in the discretion of the presiding officer, be divulged to the candidate or the candidate's agent authorised to attend at the polling station.

(4) Every officer, clerk, interpreter, candidate or agent in attendance at a polling station, and every person must not —

(a) 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

(b) communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in the polling 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 polling station.

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes must maintain and aid in maintaining the secrecy of the voting, and must not —

- (a) attempt to ascertain at the counting the number on the back of any ballot paper; or
- (b) 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, is to communicate or attempt to communicate with any voter after the voter has received a ballot paper and before the voter has placed it in a ballot box, or after the voter has been authorised to use an approved DRE voting machine to record his or her vote and before the voter records his or her vote at the machine, as the case may be.

(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 \$1,500 or to imprisonment for a term not exceeding 9 months or to both.

Division 7 — Postponement and Adjournment of Elections

[6/2017]

Postponement of nomination day, etc.

36A.—(1) Despite any other provision of this Act, at any time before the nomination day for any election, the Prime Minister may postpone nomination day to another day, or change the place of nomination, because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks, candidates and other persons authorised under section 11 to

be present at the place of nomination, or to difficulties in the physical conduct of nomination proceedings.

(2) Any postponement of nomination day to another day, or any change in the place of nomination, under subsection (1) must be —

- (a) by notice in the *Gazette* describing the postponement of nomination day or the change in the place of nomination, as the case may be; or
- (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity to the general public describing the postponement of nomination day or the change in the place of nomination, as the case may be,

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

Change in hours for nomination of candidates, etc.

36B.—(1) Despite any other provision of this Act but subject to subsection (3), at any time before the nomination day for any election, the Returning Officer may change the hours for nomination proceedings to another time, because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks, candidates and other persons authorised under section 11 to be present at the place of nomination, or to difficulties in the physical conduct of nomination proceedings.

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

- (a) by notice in the *Gazette* describing the change in the hours for nomination proceedings; or
- (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity to the general public describing the change in the hours for nomination proceedings,

and any change so made is valid and sufficient.

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

- (a) must specify a period of one hour for the Returning Officer to receive nomination papers;
- (b) must specify a period of 90 minutes for the making of objections to any nomination paper;
- (c) must specify the latest time by which a candidate must make his or her deposit for the purposes of section 10, may correct errors in the nomination papers and may withdraw his or her candidature; and
- (d) must specify the latest time by which a candidate must make his or her indication (regarding his or her name) to the Returning Officer under section 11(5).

[6/2017]

(4) Any changes in time under subsection (1) in lieu of the hours fixed by the notice of the issue of the writ under section 7 for an election are deemed to be the hours for nomination proceedings so fixed, and sections 9 to 15 apply with such modifications as are necessary.

Adjournment, etc., of polling

36C.—(1) Despite any other provision of this Act, if at any time before the polling day appointed in respect of an election, it appears to the Returning Officer that the polling at all polling stations

established for the purposes of the poll is likely to be obstructed, disrupted, undermined or seriously affected because of —

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

which has arisen or is likely to arise before or during the polling at all of those polling stations, the Returning Officer may postpone the polling day for that election to another day, except that the postponed poll must be within the time delimited by Article 17A(2) of the Constitution.

[6/2017]

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

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or

- (f) any other reason related to the safety of presiding officers, clerks, interpreters, polling agents or voters within the polling station, or to difficulties in the physical conduct of voting,

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

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

(3) Any poll at an overseas polling station, if resumed or held in place of a postponed poll thereat, must close not later than the close of the poll on polling day in Singapore, and any poll held in place of a postponed poll at any polling station must be within the time delimited by Article 17A(2) of the Constitution.

[6/2017]

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

- (a) by notification in the *Gazette* declare the temporary suspension, adjournment, postponement, abandonment, restart or early termination (as the case may be) of polling at the polling station concerned and, where applicable, specify the date and time on and at which polling at that polling station is to resume, restart or be held in place of the suspended, adjourned, postponed or abandoned poll, as the case may be; or
- (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity to the general public for the temporary suspension, adjournment, postponement, abandonment, restart or early termination (as the case may be) of the polling and, where applicable, the date and time on and at which polling at that polling station is to resume, restart or be held in place of the suspended, adjourned, postponed or abandoned poll, as the case may be,

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

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

(6) Any temporary suspension, adjournment, postponement, abandonment, restart or early termination (as the case may be) of polling at a polling station pursuant to the exercise of any power under subsection (1) or (2) must be carried out in the prescribed manner.

(7) Nothing in this section restricts the exercise of any power under section 33C(3).

Voting at adjourned polling

36D. Where for any reason the polling at any polling station established for the purposes of the poll is so suspended or postponed under section 33C(3) or 36C, only those electors —

- (a) who are registered electors;
- (b) who are entitled to vote as electors at that polling station;
and
- (c) who have not already voted,

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

Ballot box lost or destroyed after close of poll in Singapore

36DA.—(1) The Returning Officer must wholly abandon the counting of all the votes cast at a polling station in Singapore (called in this section the affected polling station) in an election if any sealed ballot box containing votes cast at the affected polling station in the election is lost or destroyed at any time —

- (a) after the close of the poll at the affected polling station; and
- (b) before the ballot box reaches the counting place specified under this Act for the counting of the votes cast at the affected polling station.

[6/2017]

(2) The Returning Officer must restart (within the time delimited by Article 17A(2) of the Constitution) the polling at the affected polling station if the Returning Officer is satisfied that the aggregate of the following is equal to or more than the difference between the number of votes given in Singapore to the candidates with the 2 greatest number of votes:

- (a) the total number of affected electors lawfully entitled to vote in the election;
- (b) the total number of overseas electors lawfully entitled to vote in the election.

[6/2017]

(3) The Returning Officer must, as soon as practicable, inform the candidates of the abandonment of the counting of the votes cast at the affected polling station and whether the polling at the affected polling station must restart.

[6/2017]

(4) Where the polling at the affected polling station must restart, the counting of the votes cast at the overseas polling stations in the election stands postponed —

- (a) in the case where a sealed ballot box containing votes cast at an overseas polling station in the election is also lost or destroyed and section 36DB(2) applies in respect of that overseas polling station, to the date specified by the Returning Officer under section 36DB(5)(b)(ii); and
- (b) in any other case, to the date specified by the Returning Officer under subsection (5)(b)(iii).

[6/2017]

(5) The Returning Officer must, as soon as practicable, publish a notice in the *Gazette* —

- (a) stating that the Returning Officer has abandoned the counting of all the votes cast at the affected polling station; and
- (b) where subsection (2) applies, specifying —
 - (i) the date on which the polling is to restart, the hours of the poll and the location of the polling station in Singapore (whether or not at the same location as the affected polling station) where the poll will be conducted;
 - (ii) the date on, the time at and the counting place in Singapore at which the votes cast at the polling station during the restarted poll will be counted; and
 - (iii) the date on, the time at and the counting place in Singapore at which the votes cast at the overseas polling stations in the election will be counted.

[6/2017]

(6) Any restart of polling in an election or other change under this section is valid and sufficient, and any polling day or polling station specified by the Returning Officer under this section is deemed to be the polling day or polling station (as the case may be) specified in the notice published under section 16(5) in respect of that election.

[6/2017]

(7) Nothing in this section restricts the exercise of any power under section 33C(3).

[6/2017]

(8) The Minister may prescribe the manner in which the abandonment of the counting of votes, the restart of polling, or the counting of votes, under this section is to be carried out.

[6/2017]

(9) In this section, “affected electors”, in relation to an election, means the electors (excluding overseas electors) who are allotted to an affected polling station under section 18(1)(c) for the purposes of the election.

[6/2017]

Ballot box lost or destroyed after close of poll at overseas polling station

36DB.—(1) The Returning Officer must wholly abandon the counting of all the votes cast at an overseas polling station (called in this section the affected overseas polling station) in an election if any sealed ballot box containing votes cast at the affected overseas polling station in the election is lost or destroyed at any time —

- (a) after the close of the poll at the affected overseas polling station; and
- (b) before the ballot box reaches the counting place specified under this Act for the counting of the votes cast at the affected overseas polling station.

[6/2017]

(2) The Returning Officer must restart (within the time delimited by Article 17A(2) of the Constitution) the polling at the affected overseas polling station if the Returning Officer is satisfied that any of the following is equal to or more than the difference between the

number of votes given in Singapore to the candidates with the 2 greatest number of votes:

- (a) in the case where a sealed ballot box containing votes cast at a polling station in Singapore in the election is also lost or destroyed and section 36DA(2) applies in respect of that polling station, the aggregate mentioned in that section;
- (b) in any other case, the total number of overseas electors lawfully entitled to vote in the election.

[6/2017]

(3) The Returning Officer must, as soon as practicable, inform the candidates of the abandonment of the counting of votes cast at the affected overseas polling station and whether the polling at the affected overseas polling station must restart.

[6/2017]

(4) Where the polling at the affected overseas polling station must restart, the counting of the votes cast at the other overseas polling stations in the election stands postponed to the date specified by the Returning Officer under subsection (5)(b)(ii).

[6/2017]

(5) The Returning Officer must, as soon as practicable, publish a notice in the *Gazette* —

- (a) stating that the Returning Officer has abandoned the counting of all the votes cast at the affected overseas polling station; and
- (b) where subsection (2) applies, specifying —
 - (i) the date on which the polling is to restart, the hours of the poll and the location of the overseas polling station (whether or not at the same location as the affected overseas polling station) where the poll will be conducted; and
 - (ii) the date on, the time at and the counting place in Singapore at which the votes cast during the restarted poll and the votes mentioned in subsection (4) will be counted.

[6/2017]

(6) Any restart of polling in an election or other change under this section is valid and sufficient, and any polling day, polling hours or overseas polling station specified by the Returning Officer under this section is deemed to be the polling day, polling hours or overseas polling station (as the case may be) specified in the notice published under section 16(5) in respect of that election.

[6/2017]

(7) Nothing in this section restricts the exercise of any power under section 33C(3).

[6/2017]

(8) The Minister may prescribe the manner in which the abandonment of the counting of votes, the restart of polling, or the counting of votes, under this section is to be carried out.

[6/2017]

Adjournment, etc., of counting

36E.—(1) Despite any other provision of this Act, if at any time before or during the counting of votes in respect of an election, it appears to the Returning Officer that the counting of votes at any counting place is likely to be obstructed, disrupted, undermined or seriously affected because of —

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

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

- (g) temporarily suspend the counting at that counting place for a period not exceeding 2 hours, with or without changing the location of that counting place;
- (h) adjourn and postpone the counting at that counting place to another day, with or without changing the location of that counting place;
- (i) wholly abandon the counting of votes at that counting place if the Returning Officer is satisfied that counting thereat cannot be resumed or completed and that the number of votes to be counted will not affect the result of the election, and in the case of an abandoned recount of votes at that counting place, declare the election results using the results of the first count; or
- (j) wholly abandon the counting of votes at that counting place and restart (within the time delimited by Article 17A(2) of the Constitution) the polling at all polling stations which are specified under this Act to be counted at that counting place and the counting of the votes cast thereat, if the Returning Officer is satisfied that counting thereat cannot be resumed or completed and that the number of votes to be counted will affect the result of the election.

[6/2017]

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

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

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

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

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

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

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

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

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

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

Adjournment, etc., of adding of counted votes

36F.—(1) Despite any other provision of this Act, if at any time before or during the adding of all the counted votes cast in respect of an election, it appears to the Returning Officer that the adding of those votes at the principal counting place is likely to be obstructed, disrupted, undermined or seriously affected because of —

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

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

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

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

- (a) announce to such of the candidates and their election agents attending the addition of the votes at the principal counting place, the temporary suspension, adjournment or postponement (as the case may be) of addition of votes at the principal counting place and where applicable, the date and time on and at which addition of votes at the principal counting place is to resume or to be held in place of the suspended, adjourned or postponed addition of votes, as the case may be; and
- (b) by notice in the *Gazette* declare the temporary suspension, adjournment or postponement (as the case may be) of the addition of the votes at the principal counting place and where applicable, specify the date and time on and at which addition of votes at the principal counting place is to resume or to be held in place of the suspended, adjourned or postponed addition of votes, as the case may be.

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

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

PART 3

OFFENCES AND CORRUPT AND ILLEGAL PRACTICES

Division 1 — Offences

[6/2017]

Offences**37.—(1)** Every person who —

- (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 or her possession;
- (f) puts into any ballot box anything other than the ballot paper which he or she 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, packet of ballot papers or any DRE voting machine or direct recording electronic voting equipment approved under section 33B(2) 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 or her 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 by a District Court to a fine and to imprisonment for a term not exceeding 5 years and shall become incapable for a period of 7 years from the date of his or her conviction of being registered as an elector or of voting at any election under this Act or of being elected as the President or a Member of Parliament.

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

(3) Every offence under this section is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

(4) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper, DRE voting machine, direct recording electronic voting equipment or marking instrument at an election, the property in the nomination paper, ballot box, ballot paper, DRE voting machine, direct recording electronic voting equipment 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 may only be instituted with the consent of the Public Prosecutor.

Personation

38.—(1) Every person who —

- (a) at an election applies for a ballot paper or to record his or her vote at a DRE voting machine in the name of some other person, whether that name be that of a person living or dead or of a fictitious person; or
- (b) having voted once at any such election, applies at the same election for a ballot paper or to record his or her vote at a DRE voting machine in his or her own name,

shall be guilty of the offence of personation.

(2) The offence of personation under this section shall be an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Treating

39.—(1) A person shall be guilty of treating if the person corruptly, by himself or herself 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 food, drink, refreshment, cigarette, entertainment or other provision or thing or any money or ticket or other means or device to enable the procuring of any such food, 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 the person corruptly accepts or takes any such food, 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 food, drink, refreshment, cigarette, entertainment or other provision or thing.

Undue influence

40. Every person who —

- (a) directly or indirectly, by himself or herself or by any other person on his or her behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or herself 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
- (b) 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 vote or refrain from voting at any election,

shall be guilty of the offence of undue influence.

Bribery**41.** Every person who —

- (a) directly or indirectly, by himself or herself or by any other person on his or her 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 on account of that elector or voter having voted or refrained from voting at any election under this Act;
- (b) directly or indirectly, by himself or herself or by any other person on his or her 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 on account of that elector or voter having voted or refrained from voting at any election under this Act;
- (c) directly or indirectly, by himself or herself or by any other person on his or her behalf, makes any such gift, loan, offer, promise, procurement or agreement referred to in paragraph (a) or (b) to or for any person in order to induce that person to procure or endeavour to procure the return of any person as President, or the vote of any elector or voter at any election under this Act;
- (d) directly or indirectly, by himself or herself or by any other person on his or her behalf, makes any such gift, loan, offer, promise, procurement or agreement 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) 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 President, or the vote of any elector or voter at an election under this Act;
- (f) 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 is to be expended in bribery at any election under this Act, or 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) being an elector or voter, before or during any election under this Act, directly or indirectly, by himself or herself or by any other person on his or her behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or herself 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) after any election under this Act, directly or indirectly, by himself or herself or by any other person on his or her 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) directly or indirectly, by himself or herself or by any other person on his or her 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 or her having assisted or agreed to assist any candidate, at an election, applies to that candidate or to an agent or agents of the candidate, 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; or
- (j) directly or indirectly, by himself or herself or by any person on his or her 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 or she 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,

shall be guilty of the offence of bribery.

Punishment for corrupt practice

42.—(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) publishes or causes to be published any election advertising during the period beginning with the day the

writ of election is issued for an election and ending with the start of polling day at that election which —

- (i) in the case of an election advertising that is, or is contained in, a printed document, does not bear on its face or, if there is more than one side of printed matter, on the first or last page of the document, the names of its printer, its publisher and the person for whom or at whose direction the election advertising is published; or
 - (ii) in the case of any other election advertising, does not bear, in the form and manner prescribed under section 60AA, the names of its publisher and the person for whom or at whose direction the election advertising is published;
- (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 an election agent, knowingly makes the declaration as to election expenses required by section 56 falsely,

shall be guilty of a corrupt practice and shall on conviction by a District Court be liable —

- (g) in the case mentioned in paragraph (a), to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (h) in the case mentioned in paragraph (b), to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both;

- (i) in the case mentioned in paragraph (c), to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both;
- (j) in the case mentioned in paragraph (d) or (e), to a fine or to imprisonment for a term not exceeding 12 months or to both; or
- (k) in the case mentioned in paragraph (f), to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

[6/2017]

(1A) Every person who is convicted of a corrupt practice shall become incapable for a period of 7 years from the date of his or her conviction of being registered as an elector or of voting at any election under this Act or of being elected as the President or a Member of Parliament.

(2) A prosecution for a corrupt practice (except any corrupt practice as defined in subsection (1)(d) or (e)) must not be instituted without the consent of the Public Prosecutor.

(3) Without affecting section 38, every offence of undue influence or bribery under section 40 or 41, and every other corrupt practice under subsection (1)(c), (d) or (e) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

(4) Where any election advertising is published in contravention of subsection (1)(c), the printer of the election advertising as well as the person for whom or at whose direction the election advertising is published shall each also be guilty of a corrupt practice and shall each be liable on conviction to the same punishment and incapacity under this section as the publisher of the election advertising.

[6/2017]

(5) Subsection (1)(c) does not apply in respect of —

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

- (b) the publication of a document directly by a person or a group of persons to their members, employees or shareholders, as the case may be;
- (c) the publication of any news relating to an election —
 - (i) in a newspaper in any medium by a person permitted to do so under the Newspaper and Printing Presses Act 1974; or
 - (ii) in a radio or television broadcast by a person licensed to do so under the Broadcasting Act 1994;
- (d) the telephonic or electronic transmission by an individual to another individual of the firstmentioned individual's own political views, on a non-commercial basis; or
- (e) such other circumstances or activities as the Minister may, by order in the *Gazette*, prescribe.

[6/2017]

*Division 3 — Election Agent,
Election Expenses and Illegal Practices*

[6/2017]

Nomination of election agents

43.—(1) On or before nomination day at an election, not more than 20 persons must be named in writing by or on behalf of each candidate as his or her election agents for that election.

(2) A candidate may name himself or herself as election agent, and is thereupon, so far as circumstances admit, subject to the provisions of this Act, both as a candidate and as an election agent.

(2A) On or before nomination day at an election, not more than one principal election agent for that election must be appointed by the candidate from among his or her election agents for that election.

(3) On or before nomination day, the names and addresses of the principal election agent and every election agent of each candidate must be declared in writing by the candidate or some other person on the candidate's behalf to the Returning Officer.

(3A) The Returning Officer must immediately, by affixing a notice in a conspicuous place outside his or her office, give public notice of the names and addresses of the principal election agent and every election agent so declared.

(4) The appointment of a principal election agent or an election agent, whether the person so appointed be any of the candidates or not, may be revoked.

(5) In the event of such revocation or of the death of a principal election agent or an election agent (as the case may be), whether the event is before, during or after the election, another principal election agent must or another election agent may then immediately be appointed.

(6) The name and address of the other principal election agent or election agent appointed under subsection (5) must be declared in writing to the Returning Officer, who must immediately give public notice of the name and address in accordance with subsection (3A).

Person convicted of corrupt practice not to be appointed election agent

44. A person must not be appointed an election agent if the person has, within 7 years prior to such appointment, been convicted of any corrupt practice under this Act or the Parliamentary Elections Act 1954.

Making of contracts through election agent

45.—(1) Every polling agent, clerk and messenger employed for payment on behalf of a candidate at an election must be appointed by his or her principal election agent or any of his or her election agents.

(1A) Every committee-room hired on behalf of a candidate must be hired by his or her principal election agent or any of his or her election agents.

(1B) The principal election agent or election agent (as the case may be) must inform the presiding officer at each polling station in writing of the name of the polling agent or agents he or she has appointed under subsection (1) to act at that polling station before the person is admitted to the polling station.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election is not enforceable against a candidate at the election unless made by the candidate or any of the candidate's election agents.

(3) Inability under this section to enforce a contract against a candidate does not relieve the candidate from the consequences of any corrupt or illegal practice committed by the candidate's agent.

Payment of expenses through election agent

46.—(1) Except as permitted by or pursuant to this Act, no payment and no advance or deposit is to 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 any election agent of the candidate.

(1A) 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 or deposit, must be paid to the candidate or any of the candidate's election agents and not otherwise.

(2) Subsections (1) and (1A) do not apply to any payment by the Returning Officer or to any sum disbursed by any person out of his or her own money for any small expense legally incurred by himself or herself, if the sum is not repaid to him or her.

(3) 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.

Period for sending in claims and making payments for election expenses

47.—(1) Every payment of \$10 or more 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 must, except 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 any of the candidate's election agents 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, is barred and must not be paid.

(2A) Subject to such exception as may be allowed pursuant to this Act, an election agent who pays a claim in contravention of subsection (2) shall be guilty of an illegal practice.

(3) Except as otherwise provided by this Act, the time limited by this Act for sending in claims is 14 days after the date of publication of the result of the election in the *Gazette* under section 34.

(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, must be paid within the time limited by this Act and not otherwise.

(4A) Subject to such exception as may be allowed pursuant to this Act, an election agent who makes a payment in contravention of subsection (4) shall be guilty of an illegal practice.

(5) Except as otherwise provided by this Act, the time limited by this Act for the payment of the expenses referred to in subsection (4) is 28 days after the date of publication of the result of the election in the *Gazette* under section 34.

(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 is not void, nor is the candidate subject to any incapacity under this Act by reason only of the payment having been made in contravention of this section.

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

(8) The claimant may bring an action for a disputed claim in any competent court; and any sum paid by a candidate or any of his or her election agents pursuant to the judgment or order of that court is 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 any election agent.

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

(10) Any sum specified in any order of leave under subsection (9) may be paid by the candidate or any of his or her election agents; and when paid pursuant to that leave is deemed to be paid within the time limited by this Act.

Remuneration of election agent

48.—(1) So far as circumstances admit, this Act applies to a claim for his or her remuneration by an election agent and to the payment thereof in like manner as if he or she were any other creditor.

(2) If any difference arises respecting the amount of the claim, the claim is a disputed claim within the meaning of this Act, and be dealt with accordingly.

Personal expenses of candidate and petty expenses

49.—(1) Any candidate at an election may pay any personal expenses incurred by him or her 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 or her must be paid by his or her principal election agent.

(2) The candidate must send to his or her principal 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 or her reasonable travelling expenses and the reasonable expenses of his or her living at hotels or elsewhere for the purposes of the election.

(4) Any person may, if so authorised in writing by any 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 must be paid by the election agent.

(5) A statement of the particulars of payments made by any person so authorised must be sent to the principal election agent within the time limited by this Act for the sending in of claims, and must be vouched for by a bill containing the receipt of that person.

Expenses in excess of maximum to be illegal practice

50.—(1) Subject to such exception as may be allowed pursuant to this Act, no sum is to be paid and no expense is to be incurred by any candidate at any election or any of his or her election agents, whether before, during, or after an election, on account of or in respect of the conduct or management of the election, in excess of \$600,000 or an amount equal to 30 cents for each elector on the registers, whichever is the greater.

(1A) The amount mentioned in subsection (1) must not include any expenditure incurred by the candidate for his or her personal expenses, or any fee paid to any 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.

(3) The Minister may by order amend the amount specified in subsection (1) and every such order must be presented to Parliament as soon as possible after publication in the *Gazette*.

(4) Where a writ of election has been issued under section 6 for an election, an order under subsection (3) must not be made until after nomination day or, if a poll is to be taken, until after polling day of that election.

Certain expenditure to be illegal practice

51.—(1) No payment or contract for payment is, for the purpose of promoting or procuring the election of any candidate at any election, to be made —

- (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) Despite 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, is not to be deemed to be an illegal practice within the meaning of this section; and
- (b) where electors or voters are unable at an election to reach their polling stations from their place of residence without crossing the sea, means may be provided for conveying those electors or voters by sea to 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.

Plural voting

52.—(1) Any person who votes as an elector —

- (a) in or in respect of an electoral division other than the electoral division in which the person is registered;
- (b) more than once at any election in or in respect of the same electoral division in which the person is registered as an elector; or

(c) in or in respect of more than one electoral division at an election,

shall be guilty of an illegal practice.

(2) The court before which a person is convicted under this section may in its discretion in the circumstances of any particular case mitigate or remit any penalty which may be imposed in respect thereof under section 61.

Use of motor vehicles at elections

53.—(1) Subject to this section, a person must not let, lend, employ, hire, borrow or use any motor vehicle for the purpose of conveyance of electors or voters to or from the poll.

(1A) A person knowingly acting in contravention of subsection (1) shall be guilty of an illegal practice, except that the candidate shall not be liable, nor shall the candidate's election be avoided, for an illegal practice under this subsection committed without his or her consent or connivance by any person other than any of his or her election agents.

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

(3) In subsection (2), "member of his or her family" means a person's spouse, parents and children.

(4) A person must not, between 8 a.m. and 8 p.m. on polling day 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 or her 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 \$500.

(6) The illegal practice and the offence under subsections (1A) and (4), respectively, are each an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Certain employment to be illegal

54.—(1) A person must not, for the purpose of promoting or procuring the election of any 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 following purposes or in the following capacities:

- (a) not more than 20 election agents;
- (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 electoral division.

(2) Subject to such exception as may be allowed pursuant to 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 or her shall be guilty of an illegal practice.

Saving for creditors

55. 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, do 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.

Return and declaration respecting election expenses

56.—(1) Within 31 days after the date of publication of the result of an election in the *Gazette*, the principal election agent of every candidate at that election must transmit to the Returning Officer a true return (called in this Act the return respecting election expenses), in the prescribed form, containing detailed statements as respects the candidate of —

- (a) all payments made by every election agent of the candidate together with all the bills and receipts referred to in section 47(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 any of the election agents of the candidate are aware;
- (d) all unpaid claims (if any) of which any of the election agents of the candidate are aware in respect of which application has been made or is about to be made to an Election Judge; and
- (e) every donation accepted by every election agent or by the candidate for the purpose of expenses incurred or to be incurred on account of or in respect of the management of the election, naming every person from whom the donation may have been received.

(2) The return respecting election expenses must be signed by the principal election agent and must be accompanied by a statement made by the candidate and his or her principal election agent in the prescribed forms.

(3) Any candidate or principal election agent who fails to comply with the requirements of subsection (1) or (2) shall be guilty of an illegal practice and the provisions of this section are in addition to and not in derogation of section 42.

(4) In this section, “donation” has the meaning given by section 3(1) of the Political Donations Act 2000, and a donation is accepted by a candidate or an election agent if it is accepted within the meaning of that Act.

Publication of receipt of return, etc.

57.—(1) When the Returning Officer receives any return respecting election expenses and the statements made in respect thereof, the Returning Officer must, as soon as possible, cause a notice of the date on which the return and statements in question were received by him or her and of the time and place at which they can be inspected to be fixed in some conspicuous place in his or her office and published in the *Gazette*.

(2) The Returning Officer must —

- (a) preserve all such returns and statements with the bills and vouchers relating thereto;
- (b) at all reasonable times during 6 months next after the publication in the *Gazette* of the notice mentioned in this section, permit any person to inspect them and to make extracts therefrom on payment of a prescribed fee; and
- (c) on payment of another prescribed fee, supply a copy or copies of any part thereof.

(3) After the end 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.

Employers to allow employees reasonable period for voting

58.—(1) Every employer must, on polling day, allow every elector in his or her employ a reasonable period for voting.

(1A) An employer must not make any deduction from the pay or other remuneration of any such elector or impose upon or exact from the elector any penalty by reason of the absence of the elector during that period.

(2) 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 or her employ of a reasonable period for voting shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

Badges, symbols, etc., prohibited on polling day and eve of polling day

59.—(1) Subject to subsection (4), a badge, symbol, rosette, favour, set of colours, flag, advertisement, handbill, placard or poster or any replica of a voting paper must not be worn, used, carried or displayed by any person or on any motor car, truck or other vehicle as political propaganda on polling day or on the eve of polling day at an election.

(2) The offence under subsection (3) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

(4) Nothing in this section precludes a candidate wearing on his or her person a replica of the symbol allotted to him or her under section 16.

Regulations for display of posters and banners

60.—(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 and for the determination of the places at which they may be so displayed.

(3) In this section —

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

“poster” includes any label, set of colours, drawing, painting, advertisement, handbill or placard or any replica of a voting paper.

[6/2017]

(4) Any person who commits an offence under such regulations shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

(5) Every offence under such regulations is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Regulations for other election advertising

60AA.—(1) The Minister may make regulations —

- (a) prescribing the form and manner in which details as to the names of the publisher of any election advertising not comprising printed matter and of the person for whom or at whose direction it is published must be included in such election advertising for the purpose of complying with section 42(1)(c)(ii); and
- (b) regulating election advertising and its publication during an election period on what is commonly known as the Internet by candidates or their election agents, including prescribing the features that must or must not appear or be used in any such election advertising.

[6/2017]

(2) Any person who contravenes any regulations made under subsection (1)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

[6/2017]

(3) Every offence under subsection (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

[6/2017]

(4) In this section, “election period” means the period beginning with the day the writ of election is issued for an election and ending with the start of polling day at the election.

[6/2017]

Election advertising ban

60A.—(1) Except as otherwise provided by or under subsection (2), a person must not, at any time on polling day or the eve of polling day at an election —

- (a) knowingly publish, or knowingly cause or permit to be published, any election advertising among any electors; or
- (b) knowingly display, or knowingly cause or permit to be displayed, any election advertising on any vehicle, thing or structure.

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

- (a) the distribution of a book, or the promotion of the sale of a book, for not less than its commercial value, if the book was planned to be published regardless of whether there was to be an election;
- (b) the publication of any news relating to an election —
 - (i) in a newspaper in any medium by a person permitted to do so under the Newspaper and Printing Presses Act 1974; or
 - (ii) in a radio or television broadcast by a person licensed to do so under the Broadcasting Act 1994;
- (c) the telephonic or electronic transmission by an individual to another individual of the firstmentioned individual's own political views, on a non-commercial basis;
- (d) any election advertising that was lawfully published or displayed before the start of the eve of polling day on what is commonly known as the Internet and that was not changed after its publication or display;
- (e) the continued lawful display or posting of posters or banners that have been displayed or posted before the start of the eve of polling day at any election; and
- (f) such activities or circumstances as the Minister may prescribe.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction by a District Court to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) It is a defence for a person charged with an offence under subsection (3) to prove —

- (a) that the contravention of that subsection arose from circumstances beyond his or her control; and

- (b) that he or she took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise,

and nothing in this subsection limits the operation of section 26 of the Electronic Transactions Act 2010 in relation to network service providers.

(5) Every offence under this section is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Blackout period for election survey results

60B.—(1) A person must not publish or permit or cause to be published the results of any election survey during the period beginning with the day the writ of election is issued for an election and ending with the close of all polling stations on polling day at the election.

[6/2017]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 12 months or to both.

[6/2017]

(3) The offence under subsection (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

[6/2017]

(4) In this section, “election survey” means an opinion survey of how electors will vote at an election or of the preferences of electors respecting any candidate or any issue with which an identifiable candidate is associated at an election.

[6/2017]

Exit polls ban on polling day

60C.—(1) A person must not publish or permit or cause to be published on polling day at an election before the close of all polling stations on that day —

- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might

reasonably be taken to be) based on information given by voters after they have voted; or

- (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.

[6/2017]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 12 months or to both.

[6/2017]

(3) The offence under subsection (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

[6/2017]

(4) In this section —

- (a) “forecast” includes estimates; and
- (b) the reference to the result of an election is a reference to the result of an election either as a whole or so far as any particular candidate at the election is concerned.

[6/2017]

Defence for election advertising offences

60D.—(1) It is a defence for a person charged with an offence under section 42(1) or (4), 60AA(2), 60A(3), 60B(2) or 60C(2) to prove —

- (a) that the contravention of section 42(1)(c), (d) or (e), 60A(1), 60B(1) or 60C(1) or any regulations made under section 60AA(1)(b) (as the case may be) arose from circumstances beyond the person’s control; and
- (b) that the person took all reasonable steps, and exercised all due diligence, to ensure that the contravention would not arise.

[6/2017]

(2) Nothing in subsection (1) limits the operation of section 26 of the Electronic Transactions Act 2010 in relation to network service providers.

[6/2017]

Punishment for conviction for illegal practice

61.—(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 \$2,000 and shall become incapable for a period of 3 years from the date of his or her conviction of being registered as an elector or of voting at any election under this Act or of being elected as the President or a Member of Parliament.

(2) A prosecution for an illegal practice must not be instituted without the consent of the Public Prosecutor.

(3) Nothing in this section prevents any police officer from exercising the powers conferred on him or her by Division 1 of Part 4 (other than section 20) and sections 34, 39, 40, 111, 258, 260, 261 and 280 of the Criminal Procedure Code 2010 in the case of non-arrestable offences or from exercising his or her powers to prevent a continuance of any illegal practice.

Prohibition of canvassing on polling day and eve of polling day

62.—(1) A person must not on polling day and the eve of polling day at an election —

- (a) by word, message, writing or in any other manner endeavour to persuade any person to give or dissuade any person from giving his or her vote at the election; or
- (b) visit an elector at his or her home or place of work for any purpose in connection with the election.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 12 months or to both.

(3) Despite the provisions of the Criminal Procedure Code 2010 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 subsection (1), the police officer, by virtue of his or her office, is empowered to enter and search any premises or place for the purpose of ascertaining whether such an offence is being committed.

(4) The offence under subsection (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

(5) For the purposes of this section, any person who, on polling day or on the eve of polling day, enters or is seen at more than 2 houses or places of work of electors in the same polling district other than his or her own home or place or work, is, unless the person proves the contrary, presumed to have committed an offence under subsection (1)(a) and (b).

Restrictions on election meetings

62A.—(1) Without affecting sections 12 and 13 of the Public Order Act 2009, and despite section 14 of that Act, all election meetings, wherever held, are prohibited on polling day and the eve of polling day at an election, and despite section 7 of that Act, no permit may be granted under Part 2 of that Act for such an election meeting even if a notice under section 6 of that Act is given in respect of that election meeting.

(2) Despite section 14 of the Public Order Act 2009, an election meeting must not take place within any public place that is designated as an unrestricted area under that section between nomination day and the day before the eve of polling day at an election (both days inclusive), unless the Commissioner of Police is notified under section 6 of that Act of the intention to hold the election meeting, and a permit is granted under section 7 of that Act in respect of that election meeting; and Part 2 of that Act applies to such an election meeting as if it does not take place within an unrestricted area.

(3) Any reference in the Public Order Act 2009 to an assembly or a procession that is unlawful under Part 2 of that Act includes a reference to an election meeting —

- (a) that is held in contravention of subsection (1) or (2); or
- (b) in the case of an election meeting that takes place in an unrestricted area within the meaning of section 14 of the Public Order Act 2009 —
 - (i) that is held on a date or at a time which differs from the date or time specified in relation to the election

meeting in the notice given under section 6 of that Act; or

- (ii) that is not in compliance with any requirement imposed by section 8(1) of that Act or any condition imposed under section 8(2) of that Act on organisers or persons taking part in that election meeting.

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

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

Prohibition of dissuasion from voting

63.—(1) A person must not between nomination day 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 or her vote at the election.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Despite the provisions of the Criminal Procedure Code 2010 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 subsection (1), the police officer, by virtue of his or her office, is empowered to enter and search any premises or place for the purpose of ascertaining whether such an offence is being committed.

(4) The offence under subsection (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Undue influence at or near polling station

64.—(1) Subject to subsection (2), a person must not —

- (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 or her 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.

(2) Every candidate or any of his or her election agents may open or maintain one office for each polling district, which must not be within a radius of 200 metres of any polling station, and the address of every such office must be registered by the candidate or his or her principal election agent with the Returning Officer before polling day.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) The offence under subsection (3) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Persons prohibited from conducting election activity

65.—(1) A person —

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

- (b) against whom an order of supervision has been made under section 30(1)(b) of the Criminal Law (Temporary Provisions) Act 1955;
- (c) who is an undischarged bankrupt; or
- (d) who is not a citizen of Singapore,

must not take part in any election activity.

[12/2018]

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

[6/2017]

(2) A person must not conduct any election activity unless the person is in possession of a written authority in the prescribed form signed by a candidate or any election agent of the candidate and issued on or after nomination day.

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

(4) Any candidate or election agent must, if so required by the Commissioner of Police, immediately 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 of supervision has been made under section 30(1)(b) of the Criminal Law (Temporary Provisions) Act 1955.

[12/2018]

(5) 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 not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) A candidate or election agent must not 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 of supervision has been made in respect of the person under section 30(1)(b) of the Criminal Law (Temporary Provisions) Act 1955.

[12/2018]

(7) Every offence under this section for contravening subsection (1), (1A) or (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

(8) In this section, “election activity” includes any activity which is done for the purpose of promoting or procuring the election of any candidate at any election other than clerical work wholly performed within enclosed premises.

(9) Nothing in this section prohibits the carrying out by any prescribed person, or person in a prescribed class of persons, of such type of work as is prescribed, being work that is performed solely pursuant to a contract for service entered into with a person authorised to conduct election activity under this section.

Unlawful assembly

66. 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 is deemed to be an unlawful assembly as defined in section 141 of the Penal Code 1871.

Offence to operate loudspeaker

67.—(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 subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 12 months.

(3) The offence under subsection (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

*Division 4 — Excuse for Corrupt and
Illegal Practice*

[6/2017]

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

68. Where, upon the hearing of an application under section 71 respecting an election under this Act, the Election Judge reports that a candidate at the election has been guilty by his or her 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 —

- (a) that no corrupt or illegal practice was committed at the election by the candidate or any of his or her election agents and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or any of his or her election agents;
- (b) that the candidate and his or her election agents 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 or her agents,

then the election of the candidate is not, by reason of the offences mentioned in the report, void.

Power of Election Judge to except innocent act from being illegal practice, etc.

69.—(1) Where, on application made, it is shown to an Election Judge by such evidence as seems to the Judge sufficient —

- (a) that any act or omission of a candidate at any election, or of his or her election agents 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 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.

(2) Upon the making of an order under subsection (1), the candidate, agent or person is not subject to any of the consequences under this Act of the act or omission mentioned in that subsection.

Authorised excuse for non-compliance with provisions as to return and declaration respecting election expenses

70.—(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 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 or her illness, or of the absence, death, illness or misconduct of his or her principal election agent or of any election agent or 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 principal election agent of the candidate applies to an Election Judge and shows that the failure to transmit the return and statements which he or she was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his or her illness, or of the death, illness or misconduct of any prior principal election agent of the candidate, or of the absence, death, illness or misconduct of any election agent or 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 Election 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 Election Judge seems fit, and after giving the other candidates, the Returning Officer and any elector an opportunity of being heard, make such order 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 Election Judge seems just.

(2) Where it appears to the Election 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 any candidate and his or her principal election agent, respectively, to comply with the provisions of this Act as to the return and statements respecting election expenses, the Election Judge must —

- (a) before making an order allowing the excuse mentioned in this section, order the person to attend before the Election Judge; and
- (b) unless the person attends and shows cause to the contrary, order the person to make the return and statements, or to deliver a statement of the particulars required to be contained in the return, as to the Election Judge appears just, and to make or deliver them within such time and to such other person and in such manner as the Election Judge may direct, or may order the person 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 Election Judge seems best calculated for carrying into effect the objects of this Act.

(4) An order allowing an authorised excuse relieves the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(5) Where it is proved by the candidate to the Election Judge that any act or omission of the principal 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 Election Judge is to relieve the candidate from the consequences of the act or omission on the part of his or her principal election agent.

(6) 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 called in this Act the date of the allowance of the excuse.

PART 4

GROUNDNS FOR AVOIDING ELECTIONS

Application for avoidance of election on certain grounds

71. The election of a candidate as President is to be declared to be void on an application made to an Election Judge 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 or her knowledge or consent or by any agent of the candidate;
- (d) that the candidate personally engaged a person as his or her 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 under this Act or the Parliamentary Elections Act 1954;
- (e) that the candidate was at the time of his or her election a person disqualified for election as President;

- (f) that the candidate intentionally or knowingly made a materially false or misleading statement of fact, or intentionally or knowingly failed to state a material fact, to the Presidential Elections Committee for the purpose of demonstrating his or her eligibility to be elected as President.

[6/2017]

PART 5

APPLICATIONS FOR AVOIDANCE OF ELECTION

Powers of Election Judge

72.—(1) Every application under section 71 must be heard by an Election Judge.

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

[40/2019]

(3) On the hearing of an application under section 71, the Election Judge may —

- (a) by order under his or her hand, compel the attendance of any person as a witness who appears to the Election Judge to have been concerned in the election to which the application refers; and
- (b) 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 application; and after the examination of a witness by the Election Judge, the witness may be cross-examined by or on behalf of the applicant and the respondent, or either of them.

(4) Any person who wilfully refuses to obey the order of the Election Judge under subsection (3)(a) shall be guilty of contempt of court under section 4(1) of the Administration of Justice (Protection) Act 2016.

[19/2016]

(5) The Election Judge is to be attended on the hearing of an application under section 71 in the same manner as if the Election Judge were a Supreme Court Judge sitting at assizes.

[40/2019]

(6) All interlocutory matters in connection with an application under section 71 may be dealt with and decided by an Election Judge.

Who may make application under section 71

73. An application under section 71 may be made to the Supreme Court —

- (a) in respect of section 71(a), (b), (c), (d) or (e), by any one or more of the following persons:
 - (i) any person who voted or had a right to vote at the election to which the application relates;
 - (ii) any person claiming to have had a right to be returned or elected at the election;
 - (iii) any person alleging himself or herself to have been a candidate at the election; and
- (b) in respect of section 71(f), by the Presidential Elections Committee.

[6/2017]

Relief which may be claimed

74. A person making an application under section 71 is entitled to claim in the application all or any of the following relief:

- (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 or she had a majority of lawful votes, a scrutiny.

Certificate of Election Judge as to validity of election

75.—(1) At the conclusion of the hearing of an application under section 71, the Election Judge must determine whether the President 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 must certify such determination to the Prime Minister.

(2) Upon a certificate being given under subsection (1), the determination of the Election Judge under that subsection is final; and the return must be confirmed or altered, or the Prime Minister must, by notice in the *Gazette*, order the holding of an election within 6 months of the determination.

Report of Election Judge as to corrupt or illegal practice

76.—(1) At the conclusion of the hearing of an application under section 71, the Election Judge must also report in writing to the Prime Minister —

- (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 or her 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 hearing to have been guilty of any corrupt or illegal practice.

(2) Before any person, not being a party to an application under section 71 nor a candidate on behalf of whom the office of President is claimed by such an application, is reported by an Election Judge under this section, the Election Judge must give the person an opportunity of being heard and of giving and calling evidence to show why the person should not be so reported.

(3) The Prime Minister must cause a copy of such report to be published in the *Gazette*.

Time for making application

77.—(1) Subject to subsections (2) and (3), every application under section 71 must be made within 21 days of the date of publication of the result of the election in the *Gazette*.

(2) An application under section 71 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 referred to in subsection (1) by the President whose election is questioned or by an agent of the President or with privity of the President or any of his or her election agents pursuant to or in furtherance of the corrupt practice may, so far as respects that corrupt practice, be made at any time within 28 days after the date of the payment or act.

(3) An application under section 71 questioning the return or the election upon an allegation of an illegal practice may, so far as respects that illegal practice, be made within the following time:

- (a) at any time before the end of 14 days after the date of the publication in the *Gazette* of the notice required by section 57 as to the election expenses of the President whose election is questioned;
- (b) if the application specifically alleges a payment of money or other act to have been made or done since that date by the President whose election is questioned or by an agent of the President or with the privity of the President or of any of his or her election agents pursuant to or in furtherance of the illegal practice alleged in the application, the application may be made at any time within 28 days after the date of the payment or other act.

(4) An application under section 71 made 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 an Election Judge within the time within which an application questioning the return or the election upon that ground may be made.

(5) 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 2 or more particulars and the excuse was allowed at different times, the date of the allowance of the last excuse must be substituted for the date of the publication in the *Gazette* of the notice mentioned in subsection (3).

Prohibition of disclosure of vote

78. An elector who has voted at any election must not, in any proceeding to question the election, be required to state for whom the elector has voted.

Votes to be struck off at scrutiny

79.—(1) On a scrutiny at the hearing of an application under section 71, only the following votes are to be struck off:

- (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 22;
- (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) votes given for any 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 must not be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his or her name entered on the register of electors.

(3) On a scrutiny, any tendered vote that is proved to be a valid vote must be added to the poll if any party to the application under section 71 applies for that vote to be so added.

Rejection of ballot paper by Returning Officer not to be questioned

80. On the making of an application under section 71, the decision of a Returning Officer whether or not a ballot paper must be rejected under section 33 must not be questioned.

PART 6

GENERAL

Regulations

81. 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.

Inaccurate description of persons and places

82.—(1) No omission and 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 is to 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.

(2) Without limiting subsection (1), a nomination paper must not be rejected, and an objection must not be allowed, on account of —

- (a) any error or omission in a nomination paper in relation to the description of, or any particulars in respect of, the candidate or person seeking nomination, or his or her proposer or seconder or any of his or her assentors, if the particulars contained in the nomination paper are sufficient to identify the candidate or person seeking nomination, or his or her proposer, seconder or assentor, as the case may be;
- (b) any error or omission with regard to any place specified in a nomination paper, if such place is otherwise sufficiently identifiable from the particulars given in the nomination paper; or

- (c) any error or omission that is corrected before 12 noon on nomination day in accordance with section 11A.
- (3) In this section —
- (a) “error” includes any misnomer, misspelling, misprint, misplacement, mistake, inaccuracy, omission, and any clerical, technical or printing error, and any error of any other description or nature; and
 - (b) “particulars” and “description” each includes anything stated or required to be stated in respect of any person or place in the nomination paper.

Publication of notices, etc.

83.—(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, the authority may, in addition to publishing the notice as required by this Act, exhibit copies of the notice in conspicuous places or within the electoral division to which the notice relates or take such other steps as the authority may consider necessary for giving publicity thereto.

(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 \$1,000.

(3) The offence under subsection (2) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

Offences by corporations

83A.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

[6/2017]

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the corporation; or
- (ii) an individual who is involved in the management of the corporation and is in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

[6/2017]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

[6/2017]

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[6/2017]

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

[6/2017]

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member is a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

[6/2017]

Offences by unincorporated associations or partnerships

83B.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,
is evidence that the unincorporated association or partnership had that state of mind.

[6/2017]

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

- (i) an officer of the unincorporated association or a member of its governing body;
- (ii) a partner in the partnership; or
- (iii) an individual who is involved in the management of the unincorporated association or partnership and who is in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

[6/2017]

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

[6/2017]

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters 5 and 5A of the Penal Code 1871; or

(b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

[6/2017]

(5) To avoid doubt, subsection (2) also does not affect the liability of the unincorporated association or partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

[6/2017]

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

[6/2017]

Composition of offences

84.—(1) The Returning Officer, or any officer of the Elections Department who is authorised by the Returning Officer, may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) a sum not exceeding \$500,

whichever is the lower.

[6/2017]

(2) The Minister may make regulations to prescribe the offences that may be compounded.

(3) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(4) All sums collected under this section must be paid to the Consolidated Fund.

THE SCHEDULE

Section 5A

PRESIDENTIAL TERMS COUNTED FOR THE PURPOSES OF RESERVED ELECTIONS

| <i>Term No.</i> | <i>President</i> | <i>Community that President belongs to</i> |
|-----------------|-----------------------------|--|
| 1 | President Wee Kim Wee | Chinese community |
| 2 | President Ong Teng Cheong | Chinese community |
| 3 | President S R Nathan | Indian community |
| 4 | President S R Nathan | Indian community |
| 5 | President Tony Tan Keng Yam | Chinese community |
| 6 | President Halimah Yacob | Malay community |

[6/2017; S 511/2017]

LEGISLATIVE HISTORY

PRESIDENTIAL ELECTIONS ACT 1991

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 27 of 1991 — Presidential Elections Act 1991

| | | |
|---------------------------|---|-----------------|
| Bill | : | 21/1991 |
| First Reading | : | 28 June 1991 |
| Second and Third Readings | : | 29 July 1991 |
| Commencement | : | 2 November 1992 |

Note: This Act was brought into force after it was revised in 1992.

2. Act 12 of 1993 — Presidential Elections (Amendment) Act 1993

| | | |
|---------------------------|---|------------------|
| Bill | : | 11/1993 |
| First Reading | : | 26 February 1993 |
| Second and Third Readings | : | 19 March 1993 |
| Commencement | : | 16 April 1993 |

3. Act 18 of 1994 — Statutes (Miscellaneous Amendments) Act 1994

(Amendments made by section 2 read with item (6) of the Schedule to the above Act)

| | | |
|---------------------------|---|---|
| Bill | : | 25/1994 |
| First Reading | : | 25 July 1994 |
| Second and Third Readings | : | 25 August 1994 |
| Commencement | : | 1 October 1994 (section 2 read with item (6) of the Schedule) |

4. Act 42 of 1996 — Parliamentary Elections (Amendment) Act 1996

(Amendments made by section 18 of the above Act)

| | | |
|---------------------------|---|-------------------------------|
| Bill | : | 29/1996 |
| First Reading | : | 1 October 1996 |
| Second and Third Readings | : | 28 October 1996 |
| Commencement | : | 12 November 1996 (section 18) |

5. Act 8 of 1998 — Holidays Act 1998

(Amendments made by section 11(4) of the above Act)

| | | |
|---------------------------|---|-------------------------------|
| Bill | : | 1/1998 |
| First Reading | : | 14 January 1998 |
| Second and Third Readings | : | 19 February 1998 |
| Commencement | : | 10 April 1998 (section 11(4)) |

6. Act 11 of 1999 — Presidential Elections (Amendment) Act 1999

| | | |
|---------------------------|---|------------------|
| Bill | : | 1/1999 |
| First Reading | : | 20 January 1999 |
| Second and Third Readings | : | 11 February 1999 |
| Commencement | : | 1 March 1999 |

7. Act 18 of 1999 — Parliamentary Elections (Amendment) Act 1999

(Amendments made by section 9 of the above Act)

| | | |
|---------------------------|---|-------------------------|
| Bill | : | 14/1999 |
| First Reading | : | 18 March 1999 |
| Second and Third Readings | : | 15 April 1999 |
| Commencement | : | 14 May 1999 (section 9) |

8. 1999 Revised Edition — Presidential Elections Act (Chapter 240A)

| | | |
|-----------|---|------------------|
| Operation | : | 30 December 1999 |
|-----------|---|------------------|

9. Act 20 of 2000 — Political Donations Act 2000

(Amendments made by section 37 of the above Act)

| | | |
|----------------------|---|-------------------------------|
| Bill | : | 15/2000 |
| First Reading | : | 9 May 2000 |
| Second Reading | : | 22 May 2000 |
| Notice of Amendments | : | 22 May 2000 |
| Third Reading | : | 22 May 2000 |
| Commencement | : | 15 February 2001 (section 37) |

10. Act 19 of 2001 — Parliamentary Elections (Amendment) Act 2001

(Amendments made by section 27 read with item (2) of the Schedule to the above Act)

| | | |
|---------------|---|---------------|
| Bill | : | 20/2001 |
| First Reading | : | 16 March 2001 |

| | | |
|----------------|---|---|
| Second Reading | : | 19 April 2001 |
| Third Reading | : | 20 April 2001 |
| Commencement | : | 15 May 2001 (section 27 read with item (2) of the Schedule) |

11. Act 19 of 2005 — Presidential Elections (Amendment) Act 2005

| | | |
|---------------------------|---|---------------|
| Bill | : | 8/2005 |
| First Reading | : | 18 April 2005 |
| Second and Third Readings | : | 16 May 2005 |
| Commencement | : | 6 June 2005 |

12. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005
(Amendments made by section 5 read with item (27) of the First Schedule to the above Act)

| | | |
|---------------------------|---|--|
| Bill | : | 30/2005 |
| First Reading | : | 17 October 2005 |
| Second and Third Readings | : | 21 November 2005 |
| Commencement | : | 1 January 2006 (section 5 read with item (27) of the First Schedule) |

13. 2007 Revised Edition — Presidential Elections Act (Chapter 240A)

| | | |
|-----------|---|---------------|
| Operation | : | 31 March 2007 |
|-----------|---|---------------|

14. Act 14 of 2008 — Parliamentary Elections (Amendment) Act 2008
(Amendments made by section 13 of the above Act)

| | | |
|---------------------------|---|---------------------------|
| Bill | : | 8/2008 |
| First Reading | : | 21 July 2008 |
| Second and Third Readings | : | 25 August 2008 |
| Commencement | : | 3 March 2009 (section 13) |

15. Act 11 of 2010 — Presidential Elections (Amendment) Act 2010

| | | |
|---------------------------|---|---------------|
| Bill | : | 5/2010 |
| First Reading | : | 11 March 2010 |
| Second and Third Readings | : | 27 April 2010 |
| Commencement | : | 1 July 2010 |

16. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 79 of the Sixth Schedule to the above Act)

| | | |
|----------------|---|--|
| Bill | : | 11/2010 |
| First Reading | : | 26 April 2010 |
| Second Reading | : | 18 May 2010 |
| Third Reading | : | 19 May 2010 |
| Commencement | : | 2 January 2011 (section 430 read with item 79 of the Sixth Schedule) |

17. 2011 Revised Edition — Presidential Elections Act (Chapter 240A)

| | | |
|-----------|---|--------------|
| Operation | : | 15 July 2011 |
|-----------|---|--------------|

18. Act 6 of 2017 — Presidential Elections (Amendment) Act 2017

| | | |
|---------------------------|---|-----------------|
| Bill | : | 2/2017 |
| First Reading | : | 9 January 2017 |
| Second and Third Readings | : | 6 February 2017 |
| Commencement | : | 1 April 2017 |

19. G.N. No. S 511/2017 — Presidential Elections Act (Amendment of Schedule) Notification 2017

| | | |
|--------------|---|-------------------|
| Commencement | : | 14 September 2017 |
|--------------|---|-------------------|

20. Act 19 of 2016 — Administration of Justice (Protection) Act 2016

(Amendments made by section 43 of the above Act)

| | | |
|---------------------------|---|-----------------------------|
| Bill | : | 23/2016 |
| First Reading | : | 11 July 2016 |
| Second and Third Readings | : | 15 August 2016 |
| Commencement | : | 1 October 2017 (section 43) |

21. Act 12 of 2018 — Criminal Law (Temporary Provisions) (Amendment) Act 2018

(Amendments made by section 10(4) of the above Act)

| | | |
|---------------------------|---|--------------------------------|
| Bill | : | 5/2018 |
| First Reading | : | 9 January 2018 |
| Second and Third Readings | : | 6 February 2018 |
| Commencement | : | 1 January 2019 (section 10(4)) |

22. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 122 of the Schedule to the above Act)

| | | |
|----------------------|---|---|
| Bill | : | 32/2019 |
| First Reading | : | 7 October 2019 |
| Second Reading | : | 5 November 2019 |
| Notice of Amendments | : | 5 November 2019 |
| Third Reading | : | 5 November 2019 |
| Commencement | : | 2 January 2021 (section 28(1) read with item 122 of the Schedule) |

Abbreviations

| | |
|-------------------|---|
| C.P. | Council Paper |
| G.N. No. S (N.S.) | Government Notification Number Singapore (New Series) |
| G.N. No. | Government Notification Number |
| G.N. No. S | Government Notification Number Singapore |
| G.N. Sp. No. S | Government Notification Special Number Singapore |
| L.A. | Legislative Assembly |
| L.N. | Legal Notification (Federal/Malaysian Subsidiary Legislation) |
| M. Act | Malayan Act/Malaysia Act |
| M. Ordinance | Malayan Ordinance |
| Parl. | Parliament |
| S.S.G.G. (E) No. | Straits Settlements Government Gazette (Extraordinary) Number |
| S.S.G.G. No. | Straits Settlements Government Gazette Number |

COMPARATIVE TABLE
PRESIDENTIAL ELECTIONS ACT 1991

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

| 2020 Ed. | 2011 Ed. |
|-----------------|--|
| — | 60A—(6) [<i>Deleted by Act 6 of 2017</i>] |
| — | (7) [<i>Deleted by Act 6 of 2017</i>] |