



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**PRESIDENTIAL ELECTIONS ACT 1991**

**2020 REVISED EDITION**

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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 —

“access”, in relation to any content, means to encounter, read, view, hear or otherwise experience the content, and includes —

- (a) access that is subject to a precondition, such as the use of a password;
- (b) access by way of push technology;
- (c) access by way of a standing request; and
- (d) access for a limited period of time only;

*[Act 9 of 2023 wef 01/06/2023]*

“ballot box” includes a ballot container;

“ballot display” means an electronic video display, image or representation of a ballot paper on a screen;

“banner” means any continuous piece of fabric or other flexible material, or one or more pieces of fabric or other flexible material joined into a continuous piece —

- (a) on which content is printed, written, drawn or depicted in such a way as to be fully legible in windless conditions; and
- (b) that is attached (by rope, wire or otherwise) to any building or structure or to any pole or flagstaff projecting vertically, horizontally or at an angle,

but not a banner carried during a procession;

*[Act 9 of 2023 wef 01/06/2023]*



“billboard” means any of the following:

- (a) a hoarding, signboard or free-standing advertising structure on which content is printed, written, drawn, affixed or depicted in such a way as to be fully legible;
- (b) a sign or panel which —
  - (i) has an electronically controlled or a digitally controlled (or both) illuminated display surface; and
  - (ii) allows for different content to be shown, changed, animated or illuminated in different ways and at different intervals on that sign or panel;
- (c) a wall, ceiling or other like substantially flat and fixed surface, on which content is painted, written, drawn or depicted in such a way as to be fully legible;
- (d) a blimp, a gas-inflated balloon or other like object which is attached or anchored to the ground and upon which content is displayed,

but not a poster, placard, picture, photograph or balloon carried during a procession;

*Examples*

- (a) A sky sign on or above the roof, parapet or eaves of a building.
- (b) An animated billboard.
- (c) A computer monitor, screen or digital display panel or similar appliance designed to be used primarily for the reception and display of any content capable of being received, or received and displayed, as visual images (whether moving or still) with or without sound, from a broadcasting service.

*[Act 9 of 2023 wef 01/06/2023]*

“by electronic means” means by using an electronic service;

*[Act 9 of 2023 wef 01/06/2023]*

“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;

“content” means information or material —

- (a) whether in the form of text;
- (b) whether in the form of speech, music or other sounds;
- (c) whether in the form of colours or visual images (animated or otherwise), pictorial or graphic form (for example, an anthropomorphic or a humanlike depiction);
- (d) whether in any other form; or
- (e) whether in any combination of forms;

*[Act 9 of 2023 wef 01/06/2023]*

“conveyance” means any aircraft, train, vehicle, vessel or other mode of transport, whether of passengers or goods or both;

*[Act 9 of 2023 wef 01/06/2023]*

“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 information or 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 information or 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;

*[Act 9 of 2023 wef 01/06/2023]*

“election advertising regulations” means regulations made under section 42Q;

*[Act 9 of 2023 wef 01/06/2023]*

“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;

“election meeting” has the meaning given by section 62A(4);

*[Act 9 of 2023 wef 01/06/2023]*

“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;

“electronic service” means —

(a) a service that allows end-users of the service to access content using a broadcasting service or telecommunication service for carrying messages or other content (whether between persons and persons, things and things or persons and things); or

(b) a service that delivers content to persons having equipment appropriate for receiving that content, where the delivery of the service is by a broadcasting service or telecommunication service described in paragraph (a),

and includes a social media service (as defined in section 42R(1));

*[Act 9 of 2023 wef 01/06/2023]*

“end-user”, in relation to an electronic service, means a person that, and whether or not in the course of business —

(a) has access to content or something which contains content, by means of the electronic service; or

(b) communicates content, or something which contains content, by means of the electronic service;

*[Act 9 of 2023 wef 01/06/2023]*

“entity” means —

(a) a body corporate (including a limited liability partnership);

(b) an unincorporated association;

(c) a partnership;

(d) a body politic;

(e) a body of individuals who together form a body; or

(f) a person other than an individual;

*[Act 9 of 2023 wef 01/06/2023]*

“flag” means a continuous piece of fabric or other flexible material, or one or more pieces of fabric or other flexible material joined into a continuous piece —

(a) on which content is printed, written, drawn or depicted in such a way as to be normally not legible in windless conditions; and

(b) that is attached (by rope, wire or otherwise) to a pole or flagstaff projecting vertically, horizontally or at an angle,

and includes a flag, bunting, ribbon or streamer of any colour or colours but not a flag, bunting or streamer carried during a procession;

*[Act 9 of 2023 wef 01/06/2023]*

“foreign entity” means an entity that —

(a) is constituted or organised under a law of a foreign country, even if registered under any written law; or

(b) has its principal place of business in a foreign country, even if incorporated under any written law;

*[Act 9 of 2023 wef 01/06/2023]*

“foreigner” means an individual who is not a citizen of Singapore;

*[Act 9 of 2023 wef 01/06/2023]*

“grounds” means land in Singapore that has a boundary fence or another structure or feature to mark the boundary of the land;

*[Act 9 of 2023 wef 01/06/2023]*

“non-online election advertising” means election advertising that is not online election advertising;

*[Act 9 of 2023 wef 01/06/2023]*

“nursing home” means any premises that are —

(a) licensed as a private hospital under the Private Hospitals and Medical Clinics Act 1980; and

(b) used or intended to be used for the reception of, and the provision of nursing for, persons suffering or convalescing from any sickness, injury or infirmity;  
*[Act 9 of 2023 wef 01/06/2023]*

“official sign” means a poster, banner or other notice for an election prepared by, or with the authority of, the Returning Officer as required by or for the purposes of this Act;

*[Act 9 of 2023 wef 01/06/2023]*

“online election advertising” means election advertising that is published in any way that renders the election advertising accessible from the Internet;

*[Act 9 of 2023 wef 01/06/2023]*

“online location” means any website, webpage, chatroom or forum, or any other similar thing in electronic or digital form that is accessible from the Internet;

*[Act 9 of 2023 wef 01/06/2023]*

“ordinary polling station” means a polling station established in Singapore under section 18(1);

*[Act 9 of 2023 wef 01/06/2023]*

“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 —

- (a) an ordinary polling station;
- (b) a special polling station; or
- (c) an overseas polling station;

*[Act 9 of 2023 wef 01/06/2023]*

“postal voting papers” means —

- (a) a ballot paper designed and intended to be used exclusively for the postal voting method (called in this Act a postal ballot paper); and
- (b) an envelope designed and intended to be used exclusively to contain a postal ballot paper (called in this Act a return envelope);

*[Act 9 of 2023 wef 01/06/2023]*

“postal voting period”, for an election, means the period —

- (a) starting the day immediately after the day of nomination at the election; and
- (b) ending (and including) the eve of polling day in Singapore at the election;

*[Act 9 of 2023 wef 01/06/2023]*

“poster” means any of the following:

- (a) any paper, plastic, corflute or other inflexible material on which content is printed, written, drawn or depicted in such a way as to be fully legible;
- (b) any text, any colours or visual images (animated or otherwise) or any pictorial or graphic form, which is projected on to any external surface of a building or structure by light or any other means;
- (c) any billboard,

but not a placard carried during a procession;

*[Act 9 of 2023 wef 01/06/2023]*

“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) or treated to have been appointed under section 43(2B) or (2C) as the principal election agent;

*[Act 9 of 2023 wef 01/06/2023]*

“public place” means —

- (a) any place in Singapore (open to the air or otherwise) to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee, and whether or not access to the place may be restricted at particular times or for particular purposes; or
- (b) a part of a place in Singapore that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public;

*[Act 9 of 2023 wef 01/06/2023]*

“publicly display”, for any content, means to display, exhibit, screen or project the content —

- (a) in a public place in order that another person may see the content;
- (b) in or on a conveyance (whether mobile or stationary) used for public passenger transport and which is in a public place in order that another person may see the content; or
- (c) in any place in a way so that anyone in a public place can see the content from inside or outside the firstmentioned place;

*[Act 9 of 2023 wef 01/06/2023]*

“publish” means making available to the general public, or any section of the public, in whatever form and by whatever means, including broadcasting (by wireless telegraphy or otherwise) and transmitting on the Internet;

*[Act 9 of 2023 wef 01/06/2023]*

“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;

“special polling station” means a polling station established in Singapore under section 30A(1);

*[Act 9 of 2023 wef 01/06/2023]*

“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;

“telecommunication service” has the meaning given by section 2 of the Telecommunications Act 1999;

*[Act 9 of 2023 wef 01/06/2023]*

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

“third party”, in relation to an election, means a person who is neither a candidate at the election nor an election agent of a candidate at the election;

*[Act 9 of 2023 wef 01/06/2023]*

“traditional election advertising” means non-online election advertising in the form of a banner, flag or poster;

*[Act 9 of 2023 wef 01/06/2023]*

“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]

(3) Where any content is published by electronic means, the content is to be taken to be published in Singapore if —

- (a) any person physically present in Singapore accesses or is capable of having access to the content, even if the content originates wholly outside Singapore or is published by a person outside Singapore or the origin of which cannot be determined; or
- (b) the content originates in Singapore, even if none of the persons capable of having access to the content is physically present in Singapore.

[Act 9 of 2023 wef 01/06/2023]

(4) In determining for the purposes of this Act whether a person is physically present in Singapore, it is to be assumed that the person will not falsify or conceal the person’s identity or location.

[Act 9 of 2023 wef 01/06/2023]

(5) Without limiting the definition of “content” in subsection (1) —

- (a) any content consisting of or including a hyperlink is taken to include the content accessed directly via the hyperlink; and

- (b) any content consisting of or including an image or item on which data is stored electronically is taken to include content accessed directly by means of the image or item.

*[Act 9 of 2023 wef 01/06/2023]*

- (6) Without limiting the definition of “publish” in subsection (1) —

- (a) any non-online election advertising, and any other election advertising that is not published by electronic means, is taken to be published in Singapore if it is left in such a position and in such circumstances as to indicate that it is intended to be available for collection by members of the public who are in a public place;

- (b) any content is taken to be published by electronic means by an end-user of an electronic service if the end-user causes the content to be accessible to, or forwards the content to, or shares the content with, any other end-user or end-users of the electronic service, on or by the electronic service; and

- (c) any content that was published before and by electronic means so as to be accessible from the Internet, is taken to be published again on each day that any subsequent step is taken on that day to amplify the access to the content from the Internet by persons physically present in Singapore.

*[Act 9 of 2023 wef 01/06/2023]*

- (7) In this Act, any election advertising relates to an election if the election advertising contains an express or implicit reference to —

- (a) the election;
- (b) an individual who is a candidate at the election in his or her capacity as a candidate; or
- (c) an issue submitted or otherwise before electors in the election.

*[Act 9 of 2023 wef 01/06/2023]*

- (8) For the purposes of this Act, any postal voting paper or any ballot box used at an overseas polling station that is required by this Act to be received by the Returning Officer by a specified time is regarded as received only when it is actually received by the

Returning Officer, or an authorised representative of the Returning Officer, in Singapore.

*[Act 9 of 2023 wef 01/06/2023]*

### **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 Committee appointed under that Act; and  
*[Act 36 of 2022 wef 01/04/2023]*
- (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]

(3) If an application for a certificate of eligibility is made by a person who is below 45 years of age as at nomination day or, if there is more than one nomination day, the latest of those days —

(a) the Presidential Elections Committee is not required to consider the application; and

(b) the application is deemed to be withdrawn.

[Act 9 of 2023 wef 01/06/2023]

### 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]

(3) To avoid doubt, subsection (2)(b) includes a case in a reserved election where the applicant does not state in his or her community declaration that he or she considers himself or herself to be a member of the community to which the election is reserved.

[Act 9 of 2023 wef 01/06/2023]

### 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, 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]

[Act 9 of 2023 wef 01/06/2023]

(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, 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]

[Act 9 of 2023 wef 01/06/2023]

(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 full name (as stated in the identity card of the person), identity card number and occupation of the person seeking nomination;

[Act 9 of 2023 wef 01/06/2023]

- (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) The deposit of the sum required under subsection (1) must be made through an electronic fund transfer system designated by the

Returning Officer for that purpose, or by a bank draft or a certified cheque, or in any other form or manner as the Returning Officer allows.

*[Act 9 of 2023 wef 01/06/2023]*

(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) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

(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 in person to the Returning Officer, in the manner specified in subsection (3), at the place of nomination between 11 a.m. and 12.30 p.m. on nomination day.

*[Act 9 of 2023 wef 01/06/2023]*

(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.—**(1) Subject to subsection (2), the following persons, and no others, are entitled to be present at the proceedings specified in sections 11, 11A, 12 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.  
*[Act 9 of 2023 wef 01/06/2023]*
- (2) A person seeking to be a candidate for election to the office of President may be refused entry to the place of nomination unless —
- (a) the person is issued a political donation certificate; and
  - (b) the person is accompanied by 6 other persons as his or her proposer, seconder and assentors.  
*[Act 9 of 2023 wef 01/06/2023]*
- (3) Subsection (2) only applies to the initial entry of a person seeking to be a candidate for an election to the place of nomination for that election.  
*[Act 9 of 2023 wef 01/06/2023]*

### *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 and special polling station;  
*[Act 9 of 2023 wef 01/06/2023]*
- (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 for the electoral division as many ordinary polling stations as are necessary for the poll —

(i) within each polling district of the electoral division; and

(ii) in a polling district of another electoral division which has a common boundary with the firstmentioned electoral division, but only if the Returning Officer is satisfied that doing so is conducive to the voting convenience of a large number of electors of the electoral division who reside near that common boundary;

*[Act 9 of 2023 wef 01/06/2023]*

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

*[Act 9 of 2023 wef 01/06/2023]*

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

*[Act 9 of 2023 wef 01/06/2023]*

(1A) A single ordinary polling station in a polling district of an electoral division may be established for the conduct of a poll in another electoral division only if the polling district has a common boundary with a polling district of the other electoral division.

*[Act 9 of 2023 wef 01/06/2023]*

(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.

(5) Where an ordinary polling station or a special polling station is located in any grounds, the Returning Officer —

(a) may designate —

(i) an entrance to those grounds as a designated entrance to the polling station; and

(ii) the routes that electors have to use to access the polling places within the polling station and the polling booths or other facilities for voting in accordance with this Act, including paths, hallways and doorways; and

(b) if a designation under paragraph (a)(i) is made, must indicate or cause to be indicated by a presiding officer the designated entrance to those grounds by displaying an official sign at that entrance.

*[Act 9 of 2023 wef 01/06/2023]*

## **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 subsection (2) but without affecting section 52 (on plural voting), a person must not be admitted —

- (a) to an ordinary polling station to vote in person at an election unless the person is allotted under section 18(1)(c) to that ordinary polling station;
- (b) to an overseas polling station to vote in person at an election unless the person —
  - (i) is registered as an overseas elector;



- (ii) is not designated under section 13A(3A) of the Parliamentary Elections Act 1954 as a postal voter for that election; and
  - (iii) is allotted under section 13A(3A) of the Parliamentary Elections Act 1954 to that overseas polling station; or
- (c) to a special polling station to vote in person at an election unless the person is allotted under section 30B(1) to that special polling station.

[Act 9 of 2023 wef 01/06/2023]

(2) Where an elector for any electoral division is employed as a presiding officer, police officer, or in any other official capacity at an ordinary polling station or a special polling station, and it is inconvenient for him or her to vote at the ordinary 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 other polling station is deemed, for the purposes of this section, to be the polling station allotted to that elector.

[Act 9 of 2023 wef 01/06/2023]

(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) [*Deleted by Act 9 of 2023 wef 01/06/2023*]

(4) Unless the Returning Officer, by notification in the *Gazette* under this section or section 33C(3)(b), 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]

[Act 9 of 2023 wef 01/06/2023]

- (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 agents admitted to the polling station under this section, 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.

*[Act 9 of 2023 wef 01/06/2023]*

(6) The number of polling agents of each candidate that may be admitted to a polling station must not exceed the number calculated in the prescribed manner.

*[Act 9 of 2023 wef 01/06/2023]*

(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.

**22A.** *[Repealed by Act 9 of 2023 wef 01/06/2023]*

### **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 and name of the voter, as stated in the copy of the register of electors, must be called out;

*[Act 9 of 2023 wef 01/06/2023]*

(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, by reason of blindness or other physical disability, is unable to vote 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.

*[Act 9 of 2023 wef 01/06/2023]*

(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.

(1A) An elector who is allotted to a special polling station under section 30B(1) for the purposes of the poll and who —

- (a) attends in person at a polling place in the special polling station to record his or her vote; or
- (b) has his or her vote taken by a mobile polling team, deployed at the special polling station,

must be treated under this section as having recorded his or her vote at the election in the electoral division for which he or she is registered.

*[Act 9 of 2023 wef 01/06/2023]*

(1B) An overseas elector —

- (a) who is designated under section 13A(3A) of the Parliamentary Elections Act 1954 as a postal voter for the purposes of the poll in an election; and
- (b) who applies for postal voting papers to be issued to him or her during the postal voting period for that election,

must be treated under this section as having recorded his or her vote at the election in the electoral division for which he or she is registered.

*[Act 9 of 2023 wef 01/06/2023]*

(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.

**Special polling arrangements to meet voting needs of certain voters**

**30A.**—(1) The Returning Officer may, for the purposes of the poll in an election —

- (a) establish all or part of a nursing home as a special polling station; or
- (b) authorise all or any of the following special polling arrangements to be provided to service the voting needs of electors who are in-patients or residents of the nursing home during the election period of the election by enabling them to record their votes there in that poll:
  - (i) by establishing one or more polling places within the nursing home for those in-patients or residents to attend in person to record their votes;
  - (ii) by deploying one or more mobile polling teams to visit those in-patients or residents to take the votes of those in-patients or residents, as the case may be.

(2) In determining whether to establish a special polling station under subsection (1) in a nursing home for the purposes of the poll in an election, the Returning Officer must have regard to whether there is or is likely to be, during the election period of the election, a significant number of electors who are in-patients or residents of the nursing home and who —

- (a) are unable or likely to be unable to travel to the ordinary polling stations allotted to them respectively under section 18(1) except with great difficulty; but
- (b) are able to vote at the nursing home by marking a ballot paper personally or in the manner allowed under section 25(7).

(3) In addition, the Returning Officer must have regard to the following factors in determining whether to authorise special polling arrangements by way of mobile polling to be made available under subsection (1)(b)(ii):

- (a) the number of electors who are in-patients or residents of the nursing home with any physical condition, serious illness or infirmity that will preclude the electors' attendance in person at a polling place in the special polling station;
- (b) the practicality of establishing and deploying mobile polling teams to take the votes of those electors, having regard to their numbers and the resources required for doing so;
- (c) the existence of any peculiar circumstances within the nursing home applying to those electors and their voting needs.

(4) Subject to subsection (5) and regulations made under section 30C, a poll and voting at a special polling station by electors who are in-patients or residents of a nursing home where the special polling station is established must be conducted, as far as practicable, in the same manner as that in which a poll and voting at an ordinary polling station on polling day is conducted.

(5) Despite sections 62, 63 and 64, the person in charge of a nursing home where a special polling station is established under subsection (1) may lawfully inform a presiding officer who is a member of a mobile polling team deployed at that special polling station that a visit to an in-patient or a resident of the nursing home is forbidden on medical grounds, and the mobile polling team must then not visit the in-patient or resident to take the in-patient's or resident's vote.

*[Act 9 of 2023 wef 01/06/2023]*

### **Voting at special polling station is in lieu of voting at ordinary voting station**

**30B.**—(1) Where a special polling station is determined to be established under section 30A(1) in a nursing home for the purposes of the poll in an election, the Returning Officer must, without delay, allot the special polling station to every person —

- (a) whose name is entered in the certified register of electors in operation;

- (b) who is entitled to have his or her name so entered or retained in that register of electors; and
  - (c) who is an in-patient or a resident of the nursing home during the election period of that election.
- (2) An elector who is allotted to a special polling station under subsection (1) may —
- (a) attend in person at a polling place in the special polling station to record his or her vote at an election, or have his or her vote taken by a mobile polling team; or
  - (b) attend in person at the ordinary polling station allotted to him or her under section 18(1)(c) to record his or her vote at an election,
- but not at both in respect of the same election.

*[Act 9 of 2023 wef 01/06/2023]*

### **Regulations relating to special polling arrangements**

**30C.**—(1) Subject to subsection (2) and section 81B, the Minister may make regulations to modify the application of any provision of this Act to the conduct of polls in any special polling station established in a nursing home, including but not limited to —

- (a) the preparation by or under the authority of the Returning Officer of the list of electors allotted to the special polling station;
- (b) the manner of voting at the special polling station and the taking of votes by mobile polling teams;
- (c) fixing the maximum number of polling agents who may be admitted to a special polling station;
- (d) the admission of any person who is employed by the nursing home (whether or not a citizen of Singapore) into any polling place in the special polling station or authorising the presence of such an employee in the special polling station, for the purpose of providing any assistance to the presiding officers, mobile polling team or any elector at the special polling station;

- (e) the procedure on the closing of the poll at the special polling station; and
  - (f) the procedure on the counting of the votes cast at the special polling station, including the recounting of such votes.
- (2) Regulations made under subsection (1) —
- (a) must not authorise any person to vote more than once at an election;
  - (b) must provide for a record of every vote cast at a special polling station, including votes taken by a mobile polling team, but the vote record must not contain any means of identifying the person who cast the vote; and
  - (c) must be consistent with the principles laid down in any provision of this Act that is modified by those regulations.

*[Act 9 of 2023 wef 01/06/2023]*

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

(2) The ballot box or boxes unopened 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 counting place (which may or may not be a polling station) as the Returning Officer may specify; and

[Act 9 of 2023 wef 01/06/2023]

(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 a principal counting place (which may or may not be a counting place) as the Returning Officer may specify.

[Act 9 of 2023 wef 01/06/2023]

(1A) [*Deleted by Act 9 of 2023 wef 01/06/2023*]

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

[6/2017]

[Act 9 of 2023 wef 01/06/2023]

(3) [*Deleted by Act 9 of 2023 wef 01/06/2023*]

(4) [*Deleted by Act 9 of 2023 wef 01/06/2023*]

### 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 votes may be counted manually or by mechanical or electronic means.

*[Act 9 of 2023 wef 01/06/2023]*

(5A) The Returning Officer must, while counting the votes, take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

*[Act 9 of 2023 wef 01/06/2023]*

(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).

**32A.** [*Repealed by Act 9 of 2023 wef 01/06/2023*]

### **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) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

### **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 36E(1)(b) (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*.

*[Act 9 of 2023 wef 01/06/2023]*

(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 under section 22(5) or every other person so authorised under regulations made under section 30C(1)(d), or at the counting of the votes, must, before so attending, make an oath of secrecy, substantially in the prescribed form.

*[Act 9 of 2023 wef 01/06/2023]*

(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 authorised under section 22(5) and every person authorised under regulations made under section 30C(1)(d) 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.

*[Act 9 of 2023 wef 01/06/2023]*

(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 — Overseas Voting*

#### **Voting at overseas polling station**

**36A.**—(1) The hours of any poll at an overseas polling station for any contested election must be not less than 4 hours and may start 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.

(2) Subject to any regulations made under section 36F, a poll (including an advance poll) and voting at an overseas polling station must be conducted, as far as practicable, in the same manner as that in which a poll and voting at an ordinary polling station on polling day in Singapore is conducted.

*[Act 9 of 2023 wef 01/06/2023]*

**Postal voting by overseas electors designated as postal voters**

**36B.**—(1) An overseas elector for an electoral division who is designated under section 13A(3A) of the Parliamentary Elections Act 1954 as a postal voter for an election may record his or her vote at the poll in the election either —

- (a) by using the postal voting method in accordance with the manner prescribed under this section; or
- (b) by attending in person at a polling place in the ordinary polling station allotted to him or her under section 18(1)(c),

but not at both in respect of the same election.

(2) However, an overseas elector who intends to record his or her vote in person under subsection (1)(b) at the ordinary polling station allotted to him or her must first make and subscribe to the declaration set out in the prescribed form before he or she is given a ballot paper at that ordinary polling station.

(3) To record his or her vote by the postal voting method at the poll in an election, an overseas elector for an electoral division who is designated under section 13A(3A) of the Parliamentary Elections Act 1954 as a postal voter for the election must do all the following in the following sequence, before the end of the postal voting period of that election:

- (a) apply to the Returning Officer, once the postal voting period of that election starts and in the manner prescribed by regulations made under section 36F, for postal voting papers to be issued to the overseas elector;
- (b) mark the overseas elector's vote on the postal ballot paper comprised in the postal voting papers issued on application, fold the postal ballot paper and insert it in the return envelope comprised in the postal voting papers so issued, and seal the return envelope in accordance with the regulations made under section 36F;
- (c) take the steps prescribed by regulations made under section 36F with respect to those postal voting papers in order to indicate the date of posting or sending;

- (d) as soon as practicable after the return envelope is sealed, the overseas elector or a person to whom the overseas elector has entrusted the sealed return envelope for posting or delivery, must post or deliver the sealed return envelope to the Returning Officer in Singapore.

(4) Where an overseas elector records his or her vote at a poll in an election by attending in person at a polling place in the ordinary polling station allotted to him or her under section 18(1)(c), any other vote that is purportedly recorded by the same overseas elector at the same election is void.

*[Act 9 of 2023 wef 01/06/2023]*

### **Pre-count examination of postal voting papers**

**36C.**—(1) Before starting the counting of any votes cast by the postal voting method at an election, the Returning Officer must, at the place and time directed under section 36D(1) and in the presence of the candidates and their counting agents as attend, produce all return envelopes containing, or purporting to contain, postal ballot papers that have been received by the Returning Officer in Singapore before the expiry of 10 days after polling day in Singapore for the election.

(2) The Returning Officer must then, if satisfied after due examination of those return envelopes, that —

- (a) a return envelope was received by the Returning Officer in Singapore before the expiry of 10 days after polling day in Singapore for the election;
- (b) that return envelope was posted or sent for delivery before the end of the postal voting period for the election;
- (c) that return envelope —
- (i) remains sealed;
  - (ii) has not been opened or tampered with; and
  - (iii) is not materially damaged so as to preclude authenticating that it was posted or delivered, or entrusted for posting or delivery, to the Returning Officer by an overseas elector who is designated under section 13A(3A) of the Parliamentary

Elections Act 1954 as a postal voter for the election;  
and

- (d) that return envelope was posted or delivered, or entrusted for posting or delivery, to the Returning Officer by an overseas elector who is designated under section 13A(3A) of the Parliamentary Elections Act 1954 as a postal voter for the election,

accept that return envelope and its contents for counting, but if the Returning Officer is not so satisfied, the Returning Officer must disallow from counting the postal voting papers comprising the return envelope and the postal ballot paper inside (if any), without opening the return envelope.

(3) In addition to subsection (2), where more than one return envelope was received by the Returning Officer in Singapore, before the expiry of 10 days after polling day in Singapore for the election, from or purportedly from an overseas elector who is designated under section 13A(3A) of the Parliamentary Elections Act 1954 as a postal voter for the election, the Returning Officer —

- (a) must regard the unopened return envelope not disallowed under subsection (2) and first handled by the Returning Officer during the examination of all return envelopes so received as containing the sole vote recorded by the overseas elector on a postal ballot paper, regardless —
- (i) when the postal ballot paper was actually marked;
  - (ii) when the unopened return envelope was posted, sent for delivery or delivered in relation to the other return envelopes which are not so disallowed; and
  - (iii) if that unopened return envelope first handled is empty; and
- (b) must disallow from counting all other unopened return envelopes from or purportedly from the same overseas elector and their contents, without opening these other return envelopes.

(4) Before disallowing from counting any postal voting papers under subsection (2) or (3), the Returning Officer must —

- (a) first, show the return envelope without opening it, to each candidate or the candidate's counting agent as attend; and
- (b) then, hear the views of the candidate or the candidate's counting agent thereon,

taking all proper precautions to prevent any person from opening the return envelope in question.

(5) The decision of the Returning Officer as to whether or not to disallow from counting any postal voting papers is final and is not to be questioned on an application under section 70.

(6) If the Returning Officer has accepted an unopened return envelope and its contents for counting, the Returning Officer must then —

- (a) open the unopened return envelope without destroying it;
- (b) withdraw the postal ballot paper; and
- (c) without inspecting the postal ballot paper or allowing another person to do so, set aside the postal ballot paper for counting.

(7) Where an unopened return envelope accepted for counting is found, upon opening under due authority under subsection (6), to contain more than one postal ballot paper, the Returning Officer must reject all the postal ballot papers as invalid unless all the postal ballot papers clearly indicate that the overseas elector intends to vote for the same particular candidate, in which case the Returning Officer must —

- (a) treat one of the postal ballot papers as representing the vote recorded by the overseas elector at the election; and
- (b) reject all the other postal ballot papers as invalid.

(8) 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 pre-count examination of postal voting papers.

[Act 9 of 2023 wef 01/06/2023]

### Counting of votes by overseas electors

**36D.**—(1) The votes cast at all overseas polling stations or by the postal voting method (collectively called in this section and section 36E overseas votes) must be counted at such place or places in Singapore and at such time as the Returning Officer directs.

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

(3) Every sealed ballot box containing votes cast at an overseas polling station and every vote cast by the postal voting method at an election must, in order for those votes to be counted in the election, reach the custody of the Returning Officer in Singapore within 10 days after polling day in Singapore for the election.

(4) Subject to subsection (3), the Returning Officer must arrange for the counting of the overseas votes in the presence of the candidates and their counting agents as attend as soon as practicable after the Returning Officer has received in Singapore —

- (a) all the sealed ballot boxes used at overseas polling stations during the poll; and
- (b) all the votes cast by the postal voting method.

(5) Despite section 32(2), the number of counting agents that may be appointed under section 32(1) to attend —

- (a) the counting of overseas votes at the counting place as directed under subsection (1); or
- (b) the pre-count examination of postal voting papers under section 36C,

must not exceed one or any other higher number prescribed in substitution by regulations made under section 36F for either paragraph (a) or (b) or both.

(6) Subject to regulations made under section 36F, the counting of votes cast by overseas electors must be conducted, as far as practicable, in the same manner as that in which counting of votes cast at ordinary polling stations is conducted.

*[Act 9 of 2023 wef 01/06/2023]*

### **Ascertaining final results**

**36E.**—(1) Where the Returning Officer has made a declaration under section 32(8)(b) or (8D)(b) —

- (a) the number of overseas votes given to each candidate must be added to the number declared by the Returning Officer as the number of votes cast in Singapore for each candidate; and
- (b) the Returning Officer must immediately declare the candidate to whom the greatest total number of votes is given to be elected.

(2) After the Returning Officer has made any declaration under subsection (1)(b), 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 overseas votes are counted must be sealed up in separate packets and placed in one or more ballot 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 sealed ballot box or boxes containing the ballot papers and other documents 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.

(3) Where the Returning Officer has made a declaration under section 32(8)(b) or (8D)(b) in an election, and a recount of the votes is to be conducted, section 32B applies, with the necessary modifications, to the counting of votes cast by overseas electors at that election.

*[Act 9 of 2023 wef 01/06/2023]*

### **Regulations for voting in overseas polling stations and postal voting**

**36F.**—(1) Subject to section 81B, the Minister may make regulations modifying the application of any provision of this Act to —

- (a) the conduct of polls in overseas polling stations, including in particular —
  - (i) the appointment of presiding officers for overseas polling stations;
  - (ii) the procedure on closing of the poll; and
  - (iii) the procedure for the safe despatch of the sealed ballot boxes containing the votes cast to the Returning Officer in Singapore; and
- (b) the counting (including recounting) of the votes cast at overseas polling stations and by the postal voting method, respectively.

(2) Unless the contrary intention appears, the regulations made under subsection (1) on the conduct of polls in overseas polling stations 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.

(3) Subject to section 81B, the Minister may make regulations relating to the postal voting method for a contested election, including regulations for or in respect of the following matters:

- (a) the period for an overseas elector to make an application for postal voting papers and the form and manner of such application;
  - (b) the period and manner for an overseas elector to access, download and print his or her postal ballot paper and return envelope from the prescribed website;
  - (c) the appointment of any authorised representative of the Returning Officer for the purposes of receiving return envelopes containing postal ballot papers;
  - (d) the procedure for the postal voting method, including any measures that are necessary to ensure the authenticity of any vote;
  - (e) the measures to ensure the safe custody of any return envelope received by the Returning Officer in Singapore;
  - (f) the form of any application for postal voting papers, a postal ballot paper or return envelope.
- (4) Regulations made under subsection (1) or (3) —
- (a) must not authorise any person to vote more than once at any election;
  - (b) must provide for a record of every vote cast at a polling station but the vote record must not contain any means of identifying the person who cast the vote; and
  - (c) must be consistent with the principles laid down in any provision of this Act that is modified by those regulations.

*[Act 9 of 2023 wef 01/06/2023]*

### **Other offences connected with postal voting**

**36G.**—(1) Any person to whom an envelope containing or purporting to contain a postal ballot paper is given by an overseas elector for the purpose of posting or delivery to the Returning Officer, or an authorised representative of the Returning Officer for the

purposes of receiving return envelopes containing postal ballot papers, and who has agreed to post or deliver the envelope, commits an offence if the person, without reasonable excuse, fails to post or deliver the envelope promptly.

(2) Any person guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$1,500.

(3) This section extends to a citizen of Singapore (whether or not a voter or an elector) who engages in any conduct wholly or partly outside Singapore that constitutes an offence described in subsection (1) as if the offence had been committed in Singapore.

*[Act 9 of 2023 wef 01/06/2023]*

### 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 return envelope or the official mark on any ballot paper or return envelope for its authentication;

*[Act 9 of 2023 wef 01/06/2023]*

(c) without due authority supplies any ballot paper or return envelope to any person;

*[Act 9 of 2023 wef 01/06/2023]*

(d) sells or offers to sell any ballot paper or return envelope to any person or purchases or offers to purchase any ballot paper or return envelope from any person;

*[Act 9 of 2023 wef 01/06/2023]*

- (e) not being a person entitled under this Act to be in possession of any ballot paper or return envelope which has been marked with the official mark in accordance with this Act, has any such ballot paper or return envelope in his or her possession;  
*[Act 9 of 2023 wef 01/06/2023]*
- (f) puts into any ballot box anything other than the ballot paper which he or she is authorised by law to put in;
- (fa) puts into any return envelope anything other than the postal ballot paper which he or she is authorised by law to put in;  
*[Act 9 of 2023 wef 01/06/2023]*
- (g) without due authority takes out of the polling station any ballot paper (other than a postal ballot paper) or is found in possession of any ballot paper (other than a postal ballot paper) outside a polling station;  
*[Act 9 of 2023 wef 01/06/2023]*
- (ga) without due authority intentionally opens, unseals or tampers with a sealed return envelope;  
*[Act 9 of 2023 wef 01/06/2023]*
- (gb) without due authority intentionally damages a sealed return envelope;  
*[Act 9 of 2023 wef 01/06/2023]*
- (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, return envelope, DRE voting machine, direct recording electronic voting equipment or marking instrument at an election, the property in the nomination paper, ballot box, ballot paper, return envelope, 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.

*[Act 9 of 2023 wef 01/06/2023]*

(5) A prosecution for an offence under this section may only be instituted with the consent of the Public Prosecutor.

(6) This section extends to a citizen of Singapore who engages in any conduct wholly or partly outside Singapore that constitutes an offence described in subsection (1) as if the offence had been committed in Singapore.

*[Act 9 of 2023 wef 01/06/2023]*

## *Division 2 — Corrupt Practices*

*[6/2017]*

## 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) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

(d) knowingly makes or publishes in Singapore, before or during any election, for the purpose of affecting the return of any candidate, content that is or contains any false statement of fact in relation to the personal character or conduct of the candidate;

*[Act 9 of 2023 wef 01/06/2023]*

(e) knowingly makes or publishes in Singapore, before or during any election, for the purpose of promoting or procuring the election of any candidate, content that is or contains any false statement of the withdrawal of any other candidate at the election;

*[Act 28 of 2021 wef 07/07/2022]*

*[Act 9 of 2023 wef 01/06/2023]*

(ea) being a candidate, knowingly makes the declaration required by section 55A falsely; or

*[Act 28 of 2021 wef 07/07/2022]*

(f) being a candidate or an election agent, knowingly makes the declaration as to election expenses required by section 56 or 56A falsely,

*[Act 9 of 2023 wef 01/06/2023]*

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) *[Deleted by Act 9 of 2023 wef 01/06/2023]*
- (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 (ea) or (f), to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

*[6/2017]*

*[Act 28 of 2021 wef 07/07/2022]*

(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)(d) or (e) is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

*[Act 9 of 2023 wef 01/06/2023]*

(4) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

(5) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

*Division 2A — Election Advertising**Subdivision (1) — Transparency and  
accountability requirements***Objects of this Division**

**42A.** The objects of this Division are to promote free and informed voting at elections by enhancing the following:

- (a) the transparency of the electoral system, by allowing voters to know who is communicating election advertising;
- (b) the accountability of those persons participating in public debate relating to any election, by making those persons responsible for their communications;
- (c) the traceability of communications of election advertising, by ensuring that obligations imposed by this Division in relation to those communications can be enforced.

*[Act 9 of 2023 wef 01/06/2023]*

**Published-by requirements**

**42B.—(1)** A person commits a corrupt practice if —

- (a) the person publishes, or causes to be published, in Singapore any content, or any thing containing content, at any time during the election period of an election;
- (b) the content is or includes election advertising that relates to the election; and
- (c) the election advertising does not include the information mentioned in subsection (3) —
  - (i) on or in it; or
  - (ii) if it is not reasonably practicable in the case of online election advertising to comply with sub-paragraph (i), in text or other form in an online location that is directly accessible from the online election advertising,

and in the manner (including language) prescribed by the election advertising regulations.

- (2) A person commits a corrupt practice if —
- (a) the person publicly displays, or causes to be publicly displayed, any content, or any thing containing content, at any time during the election period of an election;
  - (b) the content is or includes election advertising that relates to the election; and
  - (c) the election advertising does not include the information mentioned in subsection (4) on or in it and in the manner (including language) prescribed by the election advertising regulations.
- (3) The information required by subsection (1)(c) is as follows:
- (a) the identity particulars of every person who authorised the publishing of the election advertising;
  - (b) the identity particulars of every person who approved the content in the election advertising, if the content is approved by a person not in paragraph (a), before the election advertising was published;
  - (c) the identity particulars of every person for whom or at whose direction the election advertising was published if the person is not in paragraph (a) or (b);
  - (d) in the case where all or part of the production of the content that is or includes the election advertising, or the publication of the election advertising, is paid for in money or money's worth by the person or by another person —
    - (i) the fact that the production of the content that is or includes the election advertising, or the publication of the election advertising (as the case may be) is paid for; and
    - (ii) the identity particulars of every person who paid for the production of the content that is or includes the election advertising, or the publication of the election advertising, as the case may be;

- (e) the identity particulars of every printer of the election advertising, if the election advertising is printed.
- (4) The information required by subsection (2)(c) is as follows:
- (a) the identity particulars of every person who authorised the public display of the election advertising;
  - (b) the identity particulars of every person who approved the content in the election advertising, if the content is approved by a person not in paragraph (a), before the election advertising was publicly displayed;
  - (c) the identity particulars of every person for whom or at whose direction the election advertising was publicly displayed if the person is not in paragraph (a) or (b);
  - (d) in the case where all or part of the production of the content that is or includes the election advertising, or the public display of the election advertising, is paid for in money or money's worth by the person or by another person —
    - (i) the fact that the production of the content that is or includes the election advertising, or the public display of the election advertising (as the case may be) is paid for; and
    - (ii) the identity particulars of every person who paid for the production of the content that is or includes the election advertising, or the public display of the election advertising, as the case may be;
  - (e) the identity particulars of every printer of the election advertising, if the election advertising is printed.
- (5) In proceedings for an offence under subsection (1) or (2), it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the content published or publicly displayed is election advertising as described in subsection (1)(b) or (2)(b), as the case may be.
- (6) Any person who is guilty of a corrupt practice under subsection (1) or (2) —



- (a) 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; and
- (b) 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, and if at that date he or she has been elected as a Member of Parliament, his or her election shall be vacated from the date of the conviction.

(7) Where any election advertising that is printed is published or publicly displayed in the commission of a corrupt practice under subsection (1) or (2), the printer of the election advertising shall also be guilty of a corrupt practice and shall be liable on conviction to the same punishment and incapacity under this section as the person who caused to be published or publicly displayed the election advertising.

(8) A prosecution for a corrupt practice under this section must not be instituted without the consent of the Public Prosecutor.

(9) Subsection (1) does not apply to or in relation to publishing, or causing to be published, in Singapore any of the following:

- (a) any election advertising consisting only of permissible electoral matter and forming part of any of the following:
  - (i) any clothing that is intended to be worn on the body;
  - (ii) any article in the nature of a dress or clothing accessory, such as a lapel pin, tie, scarf, cap or hat;
  - (iii) any button, badge, mug, pen or pencil or any other small and portable promotional item prescribed in the election advertising regulations;
- (b) any communication of content between 2 or more individuals that is of a private or domestic nature by electronic means;
- (c) any publication of any content, in a way that renders the content accessible from the Internet, and by any individual who —

- (i) is a citizen of Singapore and is not a candidate or an election agent;
  - (ii) does so at no other person's direction and on no other person's behalf; and
  - (iii) does not receive or agree to receive, and who does not contract for, any money or money's worth, for or in connection with his or her publishing that content on the Internet;
- (d) any communication of content by means of an electronic service where the user-generated content enabled by that service is accessible substantially or only to a closed group of end-users employed or engaged in a business (whether or not carried on for profit) and solely for their use as a tool in the conduct of that business;
- (e) any publication of any news relating to an election by an authorised news agency;
- (f) any distribution, sale or otherwise making available of any literary work or artistic work in the course of the sale, or promotion of the sale, of the literary work or artistic work for not less than its commercial value, if the literary work or artistic work (as the case may be) was planned to be published regardless if there was any election;
- (g) any publishing or causing to be published, in Singapore, of election advertising in other circumstances prescribed by the election advertising regulations.
- (10) Subsection (2) does not apply to or in relation to publicly displaying, or causing to be publicly displayed, in Singapore any of the following:
- (a) any election advertising consisting only of permissible electoral matter and forming part of any of the following:
    - (i) any clothing that is intended to be worn on the body;
    - (ii) any article in the nature of a dress or clothing accessory, such as a lapel pin, tie, scarf, cap or hat;

- (iii) any button, badge, mug, pen or pencil or any other small and portable promotional item prescribed in the election advertising regulations;
- (b) any public display, handing out, distribution, sale or otherwise making available of any literary work or artistic work in the course of the sale, or promotion of the sale, of the literary work or artistic work for not less than its commercial value, if the literary work or artistic work (as the case may be) was planned to be published regardless if there was any election;
- (c) any public display of election advertising in other circumstances prescribed by the election advertising regulations.

*[Act 9 of 2023 wef 01/06/2023]*

### **Election advertising ban during cooling-off period**

**42C.—**(1) A person commits an offence if —

- (a) the person publishes, or causes to be published, in Singapore any content, or any thing containing content, at any time during the cooling-off period of an election;
- (b) the content is or includes election advertising that relates to the election; and
- (c) the person knows or ought reasonably to have known that the content is or includes election advertising that relates to the election.

(2) A person commits an offence if —

- (a) the person publicly displays, or causes to be publicly displayed, any content, or any thing containing content at any time during the cooling-off period of an election;
- (b) the content is or includes election advertising that relates to the election; and
- (c) the person knows or ought reasonably to have known that the content is or includes election advertising that relates to the election.

(3) Any person who is guilty of an offence under subsection (1) or (2) 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) In this section, “cooling-off period”, in relation to an election, means the period —

- (a) starting the eve of polling day; and
- (b) ending with the close of polling on polling day.

*[Act 9 of 2023 wef 01/06/2023]*

### **Exceptions to cooling-off period election advertising ban**

**42D.**—(1) Section 42C does not apply to or in relation to any of the following:

- (a) any election advertising consisting only of permissible electoral matter and forming part of any of the following:
  - (i) any clothing that is intended to be worn on the body;
  - (ii) any article in the nature of a dress or clothing accessory, such as a lapel pin, tie, scarf, cap or hat;
  - (iii) any button, badge, mug, pen or pencil or any other small and portable promotional item prescribed by the elections advertising regulations;
- (b) any public display, handing out, distribution, sale or otherwise making available of any literary work or artistic work in the course of the sale, or promotion of the sale, of the literary work or artistic work for not less than its commercial value, if the literary work or artistic work (as the case may be) was planned to be published regardless if there was any election.

(2) In addition, section 42C(1) does not apply to or in relation to any of the following:

- (a) any communication of content between 2 or more individuals that is of a private or domestic nature by electronic means;

- (b) any communication of content by means of an electronic service where the user-generated content enabled by that service is accessible substantially or only to a closed group of end-users employed or engaged in a business (whether or not carried on for profit) and solely for their use as a tool in the conduct of that business;
  - (c) any publication of any news relating to an election by an authorised news agency;
  - (d) any publication of election advertising in other circumstances prescribed by the election advertising regulations as excluded from section 42C(1).
- (3) In addition, section 42C(2) does not apply to or in relation to any of the following:
- (a) any non-online election advertising that —
    - (i) was lawfully publicly displayed before the start of the cooling-off period of the election concerned; and
    - (ii) is not relocated, altered or modified since the start of the cooling-off period;
  - (b) the public display of any non-online election advertising within or on an exterior wall or exterior window of the office or committee room of a candidate provided that the non-online election advertising —
    - (i) consists only of permissible electoral matter; and
    - (ii) is solely for the purpose of indicating that the office or room is the office or committee room of the candidate;
  - (c) any public display of election advertising in other circumstances prescribed by the election advertising regulations as excluded from section 42C(2).

*[Act 9 of 2023 wef 01/06/2023]*

*Subdivision (2) — Campaign controls for candidates***Online election advertising, etc., in campaign period**

**42E.**—(1) This section applies only to election advertising that is —

- (a) online election advertising published in Singapore; or
- (b) non-online election advertising published in Singapore by electronic means.

(2) A person commits an offence if —

- (a) the person publishes, or causes to be published, in Singapore, any content, or any thing containing content, at any time during the campaign period of an election;
- (b) the person is a candidate at the election, or is doing so on behalf of a candidate at the election;
- (c) the content is or includes election advertising that relates to the election; and

(d) the content is or includes —

(i) election advertising which the candidate or the candidate's election agent did not declare to the Returning Officer in accordance with the requirements of subsection (3); or

(ii) election advertising that —

(A) has a functionality prescribed in the election advertising regulations as impermissible for that form of election advertising; or

(B) does not have a functionality prescribed in the election advertising regulations as requisite for that election advertising.

(3) For the purposes of subsection (2)(d)(i), any election advertising to which subsection (1) applies must be declared by a candidate or the candidate's election agent to the Returning Officer, in accordance with the procedure prescribed in the election advertising regulations, and accompanied by such details about it

as may be prescribed (such as the online location or service used), at the following times:

- (a) no later than 12 hours after the start of the campaign period concerned, if the election advertising is published in Singapore within 12 hours after the start of the campaign period;
- (b) before the election advertising is published, if the election advertising is first published in Singapore after the start of that period unless otherwise allowed under paragraph (a).

(4) In proceedings for an offence under subsection (2), it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the content published is election advertising as described in subsection (2)(c).

(5) Any person who is guilty of an offence under subsection (2) 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.

(6) Subsection (2) does not apply to or in relation to any publishing in Singapore, at any time during the campaign period of an election, of election advertising in any circumstances that are prescribed by the election advertising regulations as excluded from that subsection.

*[Act 9 of 2023 wef 01/06/2023]*

### **Traditional election advertising in campaign period**

**42F.**—(1) This section and sections 42G, 42H and 42I apply only —

- (a) to traditional election advertising; and
- (b) during the campaign period of an election.

(2) A person commits an offence if —

- (a) the person publicly displays, or causes to be publicly displayed, any traditional election advertising during the campaign period of an election;
- (b) the person is a candidate at the election, or is doing so on behalf of a candidate at the election; and

(c) the traditional election advertising relates to the election.

(3) In proceedings for an offence under subsection (2), it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the content publicly displayed is traditional election advertising as described in subsection (2)(c).

(4) Any person who is guilty of an offence under subsection (2) 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.

(5) However, subsection (2) does not apply to or in relation to any of the following:

- (a) the public display of any traditional election advertising under the authority of a permit granted by the Returning Officer;
- (b) the public display of any traditional election advertising within or on an exterior wall or exterior window of the office or committee room of a candidate provided that the traditional election advertising —
  - (i) consists only of permissible electoral matter; and
  - (ii) is solely for the purpose of indicating that the office or room is the office or committee room of the candidate;
- (c) the public display of any traditional election advertising within a hall or room that is being or is about to be used for an election meeting;
- (d) any public display of traditional election advertising in other circumstances prescribed by the election advertising regulations as excluded from subsection (2).

*[Act 9 of 2023 wef 01/06/2023]*



**Maximum permissible number for traditional election advertising displayed**

**42G.**—(1) A person commits an offence if —

- (a) the person publicly displays, or causes to be publicly displayed, any traditional election advertising during the campaign period of an election;
- (b) the person is a candidate at the election, or is doing so on behalf of a candidate at the election;
- (c) the traditional election advertising relates to the election; and
- (d) the traditional election advertising is in excess of the maximum permissible number prescribed in the election advertising regulations for traditional election advertising in that same form.

(2) Any person who is guilty of an offence under subsection (1) 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.

(3) Strict liability applies to an offence under subsection (1).

(4) However, any traditional election advertising which is publicly displayed in any of the following circumstances is not countable for the purposes of subsection (1):

- (a) the public display of any traditional election advertising within or on an exterior wall or exterior window of the office or committee room of a candidate provided that the traditional election advertising —
  - (i) consists only of permissible electoral matter; and
  - (ii) is solely for the purpose of indicating that the office or room is the office or committee room of the candidate;
- (b) the public display of any traditional election advertising within a hall or room that is being or is about to be used for an election meeting;

- (c) any public display of traditional election advertising in other circumstances prescribed by the election advertising regulations as excluded from subsection (2).

[Act 9 of 2023 wef 01/06/2023]

### **Permissible locations for traditional election advertising display**

**42H.**—(1) A person commits an offence if —

- (a) the person publicly displays, or causes to be publicly displayed, any traditional election advertising during the campaign period of an election;
- (b) the person is a candidate at the election, or is doing so on behalf of a candidate at the election;
- (c) the traditional election advertising relates to the election;
- (d) the traditional election advertising is publicly displayed in a place which is not a permissible location; and
- (e) the person knows or has reason to believe that the place is not a permissible location.

(2) For the purposes of subsection (1)(d) and (e), a permissible location is any premises, or any conveyance, thing or structure, prescribed in the election advertising regulations as a permissible location for the purpose of this section.

(3) In proceedings for an offence under subsection (1), it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the content publicly displayed is traditional election advertising as described in subsection (1)(c).

(4) Any person who is guilty of an offence under subsection (1) 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.

(5) To avoid doubt, this section does not entitle any person to display any traditional election advertising on any premises, conveyance, thing or structure —

- (a) without the consent of the owner of the premises, conveyance, thing or structure;
- (b) without a licence, permit or other like approval required by or under any other written law; or
- (c) in a manner or in circumstances as to cause a serious and imminent risk of damaging other property or injuring another individual or an animal if the traditional election advertising does fall.

*[Act 9 of 2023 wef 01/06/2023]*

### **Restricted signage zone of polling station in Singapore**

**42I.—(1)** A person commits an offence if —

- (a) the person publicly displays, or causes to be publicly displayed, any traditional election advertising during the campaign period of an election;
- (b) the person is a candidate at the election, or is doing so on behalf of a candidate at the election;
- (c) the traditional election advertising relates to the election;
- (d) the traditional election advertising is publicly displayed within the restricted signage zone of any ordinary polling station or special polling station established for the conduct of a poll in that election; and
- (e) the person knows or has reason to believe that where the traditional election advertising is publicly displayed is within a restricted signage zone of such a polling station.

(2) In this section, “restricted signage zone”, for an ordinary polling station or a special polling station, means all of the following, unless otherwise provided in subsection (3):

- (a) the building, or part of the building, in which the following are, or are to be, located:
  - (i) any polling place of the polling station;
  - (ii) any polling booth or other facility for electors allotted to that polling station are to vote in accordance with this Act;

- (b) the area within 50 metres of the external edges of a building or part of a building mentioned in paragraph (a);
  - (c) if a building or part of a building mentioned in paragraph (a) is located in any grounds —
    - (i) the area in those grounds;
    - (ii) the area within 50 metres of any outer wall, fence or other structure or feature that marks the boundary of those grounds; and
    - (iii) if the Returning Officer or a presiding officer of that polling station has designated entrances to the grounds under section 18(5) — the area within 50 metres of each designated entrance to those grounds.
- (3) However, “restricted signage zone” does not include premises in the zone mentioned in subsection (2)(b) or (c) that are —
- (a) used as a residence;
  - (b) outside Singapore;
  - (c) used as an office by a candidate in an election; or
  - (d) other premises lawfully occupied by or under an arrangement with the Returning Officer.
- (4) In proceedings for an offence under subsection (1), it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the content publicly displayed is traditional election advertising as described in subsection (1)(c).
- (5) Any person who is guilty of an offence under subsection (1) 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) Subsection (1) does not apply to or in relation to —
- (a) any official sign; and
  - (b) any traditional election advertising prescribed by the election advertising regulations as excluded from subsection (1).

[Act 9 of 2023 wef 01/06/2023]

*Subdivision (3) — Controls on third party campaigning  
and foreigners*

**Unauthorised third party online election advertising**

**42J.—(1)** A person who is a third party at an election commits an offence if —

- (a) the third party publishes, or causes to be published, in Singapore, at any time during the election period of an election, any content, or any thing containing content, by electronic means in any way that renders the content accessible from the Internet;
- (b) the content is or includes online election advertising that relates to the election;
- (c) all or part of —
  - (i) the production of the content that is or includes the online election advertising; or
  - (ii) the publication of the online election advertising, is paid for in money or money's worth by the third party or by another person who may or may not be a third party; and
- (d) the third party knows or ought reasonably to have known that —
  - (i) the content is or includes online election advertising as described in paragraph (b); and
  - (ii) the production of the content that is or includes the online election advertising, or the publication of the online election advertising, is paid for in money or money's worth by the third party or by another person who may or may not be a third party.

(2) Any person who is guilty of an offence under subsection (1) 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.

(3) However, in any proceedings for an offence under subsection (1), it is a defence for the person charged to prove, on a

balance of probabilities, that the person was granted a written authority signed by a candidate or a candidate's election agent in the prescribed form when publishing or causing to be published the content in question.

(4) Subsection (1) does not apply to or in relation to any of the following:

- (a) any publication of any news relating to an election by an authorised news agency;
- (b) any publishing of content by electronic means or the public display of content in other circumstances prescribed by the election advertising regulations as excluded from subsection (1).

*[Act 9 of 2023 wef 01/06/2023]*

### **Unauthorised third party non-online election advertising**

**42K.—**(1) A person who is a third party at an election commits an offence if —

- (a) the third party at any time during the election period of an election —
  - (i) publishes, or causes to be published, in Singapore any content by electronic means in any way other than rendering the content accessible from the Internet; or
  - (ii) publicly displays, or causes to be publicly displayed, any content;
- (b) the content is or includes non-online election advertising that relates to the election; and
- (c) the third party knows or ought reasonably to have known that the content is or includes non-online election advertising that relates to the election.

(2) Any person who is guilty of an offence under subsection (1) 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.

(3) However, in any proceedings for an offence under subsection (1), it is a defence for the person charged to prove, on a balance of probabilities, that the person was granted a written authority signed by a candidate or a candidate's election agent in the prescribed form.

(4) Subsection (1) does not apply to or in relation to any of the following:

- (a) any publication of any news relating to an election by an authorised news agency;
- (b) any publishing of content by electronic means or public display of content in other circumstances prescribed by the election advertising regulations as excluded from subsection (1).

*[Act 9 of 2023 wef 01/06/2023]*

### **Ban on foreigners, etc., publishing or displaying election advertising**

**42L.—**(1) A person commits an offence if —

- (a) the person, at any time during the election period of an election —
  - (i) publishes, or causes to be published, in Singapore; or
  - (ii) publicly displays, or causes to be publicly displayed, any content, or any thing containing content;
- (b) the content is or includes election advertising that relates to the election;
- (c) the person is a foreigner or a foreign entity; and
- (d) the person knows or ought reasonably to have known that the content is or includes election advertising that relates to the election.

(2) Any person who is guilty of an offence under subsection (1) 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.

*[Act 9 of 2023 wef 01/06/2023]*

*Subdivision (4) — Supplementary provisions***Corrective directions for online election advertising**

**42M.**—(1) Where the Returning Officer reasonably believes that an offence under section 42C, 42E, 42J, 60B, 60C or 65(5) is being or has been committed, resulting in or involving publishing in Singapore by electronic means any online election advertising, the Returning Officer may, by written direction, require a relevant person —

- (a) to do one or more of the following as the Returning Officer considers appropriate:
  - (i) to take all reasonable steps to ensure the removal, from the social media service, relevant electronic service or internet access service (as the case may be) of the online election advertising identified in the direction;
  - (ii) to take all reasonable steps to disable access to the online election advertising on the social media service, relevant electronic service or internet access service (as the case may be) by end-users in Singapore who use or may use the service;
  - (iii) to take all reasonable steps so as to stop or reduce electronic communications activity involving, provision of or access to, or further electronic communications activity involving, further provision of or access to, that online election advertising by end-users in Singapore of the social media service, relevant electronic service or internet access service; and
- (b) to do so within the period specified in the written direction, or any extension of that period that the Returning Officer may allow in any particular case.

(2) Any relevant person who, without reasonable excuse, fails to comply with a direction given under 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 or to both.



- (3) In this section, “relevant person” means —
- (a) a candidate at an election;
  - (b) a third party in relation to an election who is connected with the commission of the offence but not a person mentioned in paragraph (c); or
  - (c) a provider of a social media service, a relevant electronic service or an internet access service.

*[Act 9 of 2023 wef 01/06/2023]*

### **Removal and confiscation of traditional election advertising**

**42N.**—(1) Where the Returning Officer reasonably believes that an offence under section 42C, 42F, 42G, 42H or 42I is being committed, the Returning Officer may direct a person —

- (a) to either remove or cause to be removed, or to otherwise stop any public display of, any traditional election advertising that is publicly displayed in connection with that offence; and
- (b) to do so within the period specified in the direction, or any extension of that period that the Returning Officer may allow in any particular case.

(2) Without affecting the right of the Returning Officer to exercise the powers under subsection (3), a person who, without reasonable excuse, fails to comply with any direction given to the person under subsection (1) commits 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.

(3) If any direction given under subsection (1) is not complied with to the satisfaction of the Returning Officer, the Returning Officer may carry out or take steps or cause to be carried out any work or any steps to be taken, which are in the Returning Officer’s opinion necessary to secure compliance with the direction, including all or any of the following:

- (a) remove or causing to be removed any traditional election advertising that is publicly displayed in connection with an offence under section 42C, 42F, 42G, 42H or 42I and

moving and detaining the traditional election advertising at a holding yard or other place;

- (b) stop any public display of any traditional election advertising that is publicly displayed in connection with an offence under section 42C, 42F, 42G, 42H or 42I.

(4) Any removed traditional election advertising moved or removed to a holding yard under subsection (3) —

- (a) must be dealt with in accordance with section 364(1) of the Criminal Procedure Code 2010 where the removed traditional election advertising is produced in any criminal trial;
- (b) is deemed to be forfeited to the Government where the owner of the removed traditional election advertising consents to its disposal; or
- (c) in any other case, must be returned to the owner of the removed traditional election advertising or reported to a Magistrate's Court.

*[Act 9 of 2023 wef 01/06/2023]*

## Evidence

**420.** In any proceedings for an offence under Subdivision (1), (2) or (3) —

- (a) an election advertising that includes a statement that its publication was authorised by a specified person;
- (b) an election advertising that includes a statement that it was printed by a specified person; or
- (c) material consisting of, or containing, a commentary on a candidate, or the issues being submitted to electors, that includes a statement that a specified person takes responsibility for the publication of the material,

is, in the absence of proof to the contrary, proof of that fact.

*[Act 9 of 2023 wef 01/06/2023]*

## Defences

**42P.**—(1) In any proceedings for an offence under Subdivision (1), (2) or (3), it is a defence to the charge if the accused proves, on a balance of probabilities, that —

- (a) the accused —
  - (i) did not know and could not reasonably have known that the offence would be or is being committed; and
  - (ii) took all reasonable steps and exercised all due diligence to prevent or stop the commission of the offence or further commission of that offence when the accused became aware that it was committed; or
- (b) the commission of the offence arose from circumstances beyond the accused's control.

(2) Every offence under Subdivision (1), (2) or (3) or any election advertising regulations is an arrestable offence within the meaning of the Criminal Procedure Code 2010.

*[Act 9 of 2023 wef 01/06/2023]*

## Election advertising regulations

**42Q.**—(1) Subject to section 81B, the Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Subdivision or Subdivision (1), (2) or (3).

(2) In particular, the Minister may make regulations for any of the following:

- (a) regulating any public display, by or on behalf of a candidate, of any traditional election advertising;
- (b) regulating the publishing in Singapore by electronic means, by or on behalf of a candidate, in connection with an election, any online election advertising and any non-online election advertising;
- (c) providing that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$1,000 or with imprisonment for a term not exceeding 12 months or with both;

- (d) providing for any saving, transitional and other consequential, incidental and supplemental provisions that are necessary or expedient.
  - (3) The election advertising regulations may prescribe —
    - (a) a maximum permissible number of traditional election advertising allowed to be publicly displayed by reference to the total number of electors; and
    - (b) different maximum permissible numbers for different types of traditional election advertising or for different forms of public display of traditional election advertising.
- [Act 9 of 2023 wef 01/06/2023]*

### **Supplementary interpretive provisions for election advertising controls**

- 42R.**—(1) In this Subdivision and Subdivisions (1), (2) and (3) —
- “a point” includes a mobile or potentially mobile point, whether on land, underground, in the atmosphere, underwater or anywhere else;
  - “authorised news agency” means the holder of —
    - (a) a permit granted under the Newspaper and Printing Presses Act 1974; or
    - (b) a broadcasting licence granted under section 8, or deemed granted under section 9, of the Broadcasting Act 1994;
  - “campaign period”, in relation to an election, means the period —
    - (a) starting immediately after nomination proceedings end on the day of nomination for that election and the election is adjourned under section 16(1)(a) to enable a poll to be taken in accordance with this Act; and
    - (b) ending with the start of cooling-off period for that election, as defined in section 42C(4);

“election period”, in relation to an election, means the period —

- (a) starting when a writ of election is issued under section 6 for the purposes of the election; and
- (b) ending with the close of polling on polling day at that election;

“functionality”, in relation to an electronic service or an internet access service, includes —

- (a) any feature that enables interactions of any description between end-users of the service;
- (b) any feature that enables end-users to search online locations or databases, index search results or otherwise retrieve information or material from the search results; and
- (c) any feature enabling an end-user to do anything as follows:
  - (i) creating a user profile, including an anonymous or a pseudonymous profile;
  - (ii) searching within the service for user-generated content or other users of the service;
  - (iii) forwarding content to, or sharing content with, other users of the service;
  - (iv) sharing content on any internet-based services;
  - (v) sending direct messages to or speaking to other users of the service, or interacting with them in another way (such as by playing a game);
  - (vi) expressing a view on content;

*Examples*

- (a) Applying a “like” or “dislike” button or other similar button.
- (b) Applying an emoji or a symbol of any kind.
- (c) Engaging in yes/no voting.

- (d) Rating or scoring content in any way.
- (vii) sharing current or historic location information with other users of the service, recording a user's movements or identifying which other users of the service are nearby;
  - (viii) following or subscribing to particular kinds of content or particular users of the service;
  - (ix) creating lists, collections, archives or directories of content or users of the service;
  - (x) tagging or labelling content present on the service;
  - (xi) uploading content relating to goods or services;
  - (xii) applying or changing settings on the service which affect the presentation of user-generated content on the service;
  - (xiii) accessing other Internet services through content present on the service (such as through hyperlinks);

“identity particulars” means —

- (a) for an individual — his or her full name as shown in his or her passport or other identity document and any other identifying particulars prescribed (if prescribed); or
- (b) for an entity —
  - (i) the full name of the entity; and
  - (ii) any other identifying particulars prescribed (if prescribed);

“internet access service” means a telecommunication service between a point in Singapore and another point in Singapore or between 2 points, one of which is in Singapore —

- (a) that —
  - (i) enables end-users to access content on the Internet using that service; or
  - (ii) delivers content to persons having equipment appropriate for receiving that content on the Internet, where the delivery of the service is by

a telecommunication service described in sub-paragraph (i); and

(b) that is covered by a licence under the Telecommunications Act 1999,

but excludes a social media service;

“MMS” means an electronic service that enables only the transmission of multimedia messages (such as visual or voice communication) from an end-user on a mobile telephone to another mobile telephone through a telecommunication service;

“money’s worth” means any service, any office or employment, or any goods or property (whether movable or immovable and whether tangible or intangible) and includes any of the following:

(a) any virtual voucher, virtual coupon, virtual credit, virtual coin or virtual token;

(b) any arrangement under which a party has —

(i) an encashable legal or equitable right to receive a financial benefit;

(ii) an encashable legal or equitable obligation to provide a financial benefit; or

(iii) a combination of one or more such rights and one or more such obligations;

(c) any right to receive money or something else that is money’s worth under this definition;

“permissible electoral matter” means all or any of the following, and nothing else:

(a) the name or image (or both) of a candidate as a candidate;

(b) the symbol allotted to a candidate under section 16;

“point-to-multipoint service” means an electronic service which allows an end-user to communicate content to more than one end-user simultaneously;

“relevant electronic service” means —

- (a) an electronic service that enables end-users to communicate, by means of email, with other end-users;
- (b) an online instant messaging service that enables end-users to communicate with other end-users;
- (c) a point-to-multipoint service;
- (d) an electronic service that enables end-users to play online games with other end-users; or
- (e) an electronic service that specialises in providing links or facilitating access to, or information about, online locations, such as (but not limited to) a search engine, directory service or web browser;

“SMS” means an electronic service that only enables the transmission of short text messages from an end-user on a mobile telephone to another mobile telephone through a telecommunication service;

“social media service” means an electronic service that satisfies all the following characteristics:

- (a) the sole or primary purpose of the service is to enable online interaction or linking between 2 or more end-users (including enabling end-users to share content for social purposes);
- (b) the service allows end-users to communicate content on the service;
- (c) such other characteristics as are prescribed;

“user-generated content”, in relation to an electronic service, means content —



- (a) that is —
  - (i) generated directly on the service by an end-user of the service; or
  - (ii) communicated by posting or sharing on the service by an end-user of the service; and
- (b) that may be accessed by another end-user of that service, or other users, of the service by means of that service.

(2) In this Subdivision and Subdivisions (1), (2) and (3), a person undertakes electronic communications activity in relation to any content if the person communicates or distributes the content on or by —

- (a) an SMS;
- (b) an MMS;
- (c) a service that renders the content accessible from the Internet, such as but not limited to on or by a social media service, a relevant electronic service or an internet access service; or
- (d) a broadcasting service or other electronic service (such as real-time transmission) for reception on a computer monitor, television screen, mobile device or similar medium equipment appropriate for receiving that content.

(3) For the purposes of section 42B(9)(b) or 42D(2)(a), whether any communication of content by electronic means is or is not of a private or domestic nature must be determined by having regard to all or any one of the following factors:

- (a) the number of individuals in Singapore who are able to access the content by means of the service;
- (b) any restrictions on who may access the content by means of the service (such as a requirement for approval or permission from a user, or the provider, of the service);
- (c) the relationship between the persons that the content is being or has been communicated;

(d) any other relevant factor.

(4) However, for the purposes of subsection (3), the following factors do not count as restrictions on access to content communicated by means of an electronic service:

- (a) a requirement to log in to or register with the electronic service (or part of such a service);
- (b) a requirement to make a payment or take out a subscription in order to access the electronic service (or part of such a service) or to access particular content communicated by means of that service;
- (c) inability to access the electronic service (or part of such a service) or to access particular content communicated by means of that service except by using particular technology or a particular kind of device (as long as that technology or device is generally available to the public).

(5) For the purposes of the definition of “money’s worth” in subsection (1), a right to receive, or an obligation to provide, a financial benefit is encashable if, and only if —

- (a) the benefit is money or money’s worth;
- (b) in the case of a right, the holder thereof intends to satisfy or settle it by receiving money or money’s worth;
- (c) in the case of an obligation, the party subject to it intends to satisfy or settle it by providing money or money’s worth; or
- (d) the financial benefit is readily convertible into money or money’s worth and there is a market for the financial benefit that has a high degree of liquidity.

(6) Any provision in this Subdivision or Subdivision (1), (2) or (3) or section 60B or 60C, or in the election advertising regulations, involving publishing content by electronic means extends to a person who engages in any conduct that constitutes an offence described in the respective provision —

- (a) wholly or partly in Singapore; or

(b) wholly outside Singapore and as a result of that conduct, the offence occurs wholly or partly in Singapore.

(7) For the purpose of subsection (6), where a person sends content or a thing containing content, or causes content or a thing containing content to be sent, by electronic means —

(a) from a point outside Singapore to a point in Singapore; or

(b) from a point in Singapore to a point outside Singapore,

that conduct is taken to have occurred partly in Singapore.

(8) To avoid doubt, nothing in this Act limits the operation of section 26 of the Electronic Transactions Act 2010 in relation to network service providers.

*[Act 9 of 2023 wef 01/06/2023]*

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

*[6/2017]*

**Appointment of election agents**

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

*[Act 9 of 2023 wef 01/06/2023]*

(2) A candidate may appoint 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.

*[Act 9 of 2023 wef 01/06/2023]*

(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.

(2B) Where there is no appointment in force under subsection (1), (2) or (2A) of any election agent of a candidate for an election, the candidate must be treated, and so far as circumstances admit and subject to the provisions of this Act —

(a) as a candidate, as an election agent and the principal election agent for that election; and

- (b) as appointed as an election agent and the principal election agent for that election and deemed so declared under subsection (3),

and any reference in this Act to an election agent or the principal election agent is construed to refer to the candidate acting in his or her capacity as an election agent or the principal election agent (as the case may be) by virtue of this subsection.

*[Act 9 of 2023 wef 01/06/2023]*

(2C) Where there is no appointment in force under subsection (2A) of the principal election agent for a candidate in an election, but there are appointments of 20 or fewer election agents under subsection (1) or (2) in force, the election agent determined in accordance with paragraph (a), (b) or (c) (whichever being applicable) must be treated as appointed as the principal election agent for that candidate in relation to that election and deemed declared under subsection (3) as the principal election agent:

- (a) where the appointments of those election agents are all declared under subsection (3) using an electronic system approved by the Returning Officer for the election — the election agent named in the declaration made earliest in time by the candidate;
- (b) where the appointments of those election agents are all declared under subsection (3) using the form approved by the Returning Officer for the election — the election agent whose name appears first on top in the vertical list of election agents so declared;
- (c) where the appointments of those election agents are declared under subsection (3) using a mix of an electronic system and the form approved by the Returning Officer for the election —
  - (i) the election agent named in the first declaration made using the electronic system and before any other declaration using the approved form; or
  - (ii) the election agent named in the declaration made using the approved form and before any other declaration using the electronic system or, if more

than one election agent is named in such a declaration made using the approved form, the election agent whose name appears first on top in the vertical list of election agents so declared.

*[Act 9 of 2023 wef 01/06/2023]*

(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 using an electronic system or a form approved by the Returning Officer for the election.

*[Act 9 of 2023 wef 01/06/2023]*

(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 or deemed declared.

*[Act 9 of 2023 wef 01/06/2023]*

(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).

*[Act 9 of 2023 wef 01/06/2023]*

### **Person convicted of corrupt practice, etc., not to be appointed election agent**

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

*[Act 9 of 2023 wef 01/06/2023]*

### **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 the candidate, his or her principal election agent or any of his or her election agents.

*[Act 9 of 2023 wef 01/06/2023]*

(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 candidate, 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 that has been appointed under subsection (1) to act at that polling station before the person is admitted to the polling station.

*[Act 9 of 2023 wef 01/06/2023]*

(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 permission 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.

*[Act 25 of 2021 wef 01/04/2022]*

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

*[Act 25 of 2021 wef 01/04/2022]*



**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) [*Deleted by Act 9 of 2023 wef 01/06/2023*]

**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) the number of polling agents of each candidate that may be admitted to each polling station under section 22(6);  
*[Act 9 of 2023 wef 01/06/2023]*
- (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.

### **Post-election declaration by candidates**

**55A.**—(1) Every candidate at an election must give to the Returning Officer a declaration that is in accordance with subsection (2), not later than the 7th day after the day that the result of the election is published under section 15(1)(b) or 34, as the case may be.

(2) The declaration required by subsection (1) to be given by a candidate must be made by the candidate, be in the prescribed form, and further state that, to the best of the knowledge and belief of the candidate —

- (a) no foreigner has been authorised by the candidate or his or her election agent under section 65(2) to conduct any election activity for the purpose of procuring the electoral success at that election of the candidate;
- (b) the conduct of any election activity by the candidate or his or her election agent for the purpose of procuring the electoral success at that election of the candidate, was not undertaken by the candidate or election agent pursuant to any impermissible arrangement; and
- (c) the conduct of any election activity for the purpose of procuring the electoral success at that election of the candidate, was not authorised by the candidate or his or her election agent, pursuant to any impermissible arrangement.

(3) For the purposes of this section, any declaration that is required by subsection (1) to be given to the Returning Officer must not be regarded as so given unless the declaration is actually received by the Returning Officer.

(4) Where any declaration which is required by subsection (1) to be given to the Returning Officer is not so given within the time delimited under subsection (1), the candidate shall be guilty of an

illegal practice; and the provisions of this subsection are in addition to and not in derogation of section 42.

(5) In this section —

“arrangement” includes a contract, an agreement, understanding or other arrangement of any kind, whether written or unwritten;

“foreign principal” has the meaning given by section 4 of the Foreign Interference (Countermeasures) Act 2021;

“foreigner” means an individual who is not a citizen of Singapore;

“impermissible arrangement”, in relation to a candidate or his or her election agent, means an arrangement —

(a) to which the candidate or election agent is party; and

(b) under which the candidate or election agent (as the case may be) is accustomed or under an obligation (whether formal or informal) to engage in conduct in accordance with the directions, instructions or wishes of a foreign principal or, where the foreign principal is a corporation, of the directors of the foreign principal.

[Act 28 of 2021 wef 07/07/2022]

### **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 form.

*[Act 9 of 2023 wef 01/06/2023]*

(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.

(5) The Returning Officer may issue one or more guidelines for the purpose of providing practical guidance or certainty in respect of any one or more of the requirements of this section what must be or need not be disclosed in any returns respecting election expenses.

*[Act 9 of 2023 wef 01/06/2023]*

(6) In proceedings for an illegal practice under this Act involving any return respecting election expenses —

- (a) compliance with a provision of any guideline issued under subsection (5) found by the court, to be relevant to a matter

to which a contravention or failure alleged in the proceedings relates; or

- (b) a contravention of or a failure to comply with, whether by act or omission, any such provision so found,

may be relied on by any party to those proceedings as tending to negative or establish any liability which is in question in those proceedings.

*[Act 9 of 2023 wef 01/06/2023]*

### **Corrections to returns respecting election expenses, etc.**

**56A.**—(1) Where the principal election agent of any candidate at an election becomes aware of any error or omission in any content contained in any return respecting election expenses which the principal election agent first transmitted under section 56 to the Returning Officer with respect to the candidate and the election (called in this section an original return) —

- (a) the principal election agent may apply to the Returning Officer to correct the error or omission in the original return, accompanied by —
  - (i) a fresh return respecting election expenses annotated with what content in the original return is corrected and how it is corrected; and
  - (ii) a fresh statement and declaration in the prescribed form, made together with the candidate, in relation to the return respecting election expenses annotated under sub-paragraph (i); and
- (b) the Returning Officer must give the principal election agent a reasonable opportunity to correct that error or omission unless subsection (3) applies.

(2) To avoid doubt, a principal election agent may make more than one application under this section to correct the original return.

(3) However —

- (a) no application under subsection (1) may be made; and



- (b) no correction may be made with respect to any original return earlier transmitted to the Returning Officer,

after the expiry of the time delimited by section 56(1) for the transmission to the Returning Officer of returns respecting election expenses and the statements relating thereto.

(4) Every fresh return respecting election expenses by the principal election agent of a candidate and every fresh statement and declaration relating thereto, if transmitted to the Returning Officer according to subsection (1), must be treated for the purposes of this Act as replacing any original return by the principal election agent and any statement and declaration relating to the original return.

(5) In this section, “error” has the meaning given by section 82(3).

(6) Nothing in this section affects section 70.

[Act 9 of 2023 wef 01/06/2023]

### **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 under section 56(1) or 56A(1), 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 online location maintained by the Government at which they can be inspected to be published in the *Gazette* and published in Singapore in any other manner that will secure adequate publicity in Singapore for the contents of the notice.

[Act 9 of 2023 wef 01/06/2023]

(2) The Returning Officer must —

- (a) preserve all such returns and statements with the bills and vouchers relating thereto; and

[Act 9 of 2023 wef 01/06/2023]

- (b) ensure that, for a period of 6 months starting the date the notice is published under subsection (1) in the *Gazette*, the online location specified in that notice is accessible at all times so that any person may inspect those returns

respecting election expenses and statements at that online location.

*[Act 9 of 2023 wef 01/06/2023]*

(c) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

(2A) Before permitting the inspection of any return or statement under subsection (2)(b), the Returning Officer must —

- (a) completely redact the address and contact number of any individual disclosed in the return or statement; and
- (b) partially redact the identity card number of any individual disclosed in the return or statement.

*[Act 9 of 2023 wef 01/06/2023]*

(3) After the end of one year after the date of publication of the notice mentioned in subsection (1), those documents may be destroyed or returned to the candidate if application for their return is made by the candidate before they are destroyed.

*[Act 9 of 2023 wef 01/06/2023]*

### **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.

**60.** [*Repealed by Act 9 of 2023 wef 01/06/2023*]

**60AA.** [*Repealed by Act 9 of 2023 wef 01/06/2023*]

**60A.** [*Repealed by Act 9 of 2023 wef 01/06/2023*]

### **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, or any content purporting to be any result of an 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]

[Act 9 of 2023 wef 01/06/2023]

(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 voters will vote at an election or of the preferences of voters

respecting any candidate or any issue with which an identifiable candidate is associated at an election.

[6/2017]

[Act 9 of 2023 wef 01/06/2023]

### **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 section 60B or 60C offence**

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

(a) that the contravention of section 42(1)(d) or (e), 60B(1) or 60C(1) (as the case may be) arose from circumstances beyond the person's control; and

*[Act 9 of 2023 wef 01/06/2023]*

(b) that the person took all reasonable steps, and exercised all due diligence, to ensure that the contravention would not arise.

*[6/2017]*

*[Act 9 of 2023 wef 01/06/2023]*

(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]*

*[Act 9 of 2023 wef 01/06/2023]*

### **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 the restricted zone of any polling station on polling day; or  
*[Act 9 of 2023 wef 01/06/2023]*
- (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 the restricted zone of any polling station.

*[Act 9 of 2023 wef 01/06/2023]*

(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.

(5) In this section, “restricted zone”, for a polling station, means all of the following, unless otherwise provided in subsection (6):

- (a) the building, or part of the building, in which the following are, or are to be, located:
  - (i) any polling place of the polling station;
  - (ii) any polling booth or other facility for electors allotted to that polling station are to vote in accordance with this Act;
- (b) the area within 200 metres of the external edges of a building or part of a building mentioned in paragraph (a);
- (c) if a building or part of a building mentioned in paragraph (a) is located in grounds —
  - (i) the area in the grounds;
  - (ii) the area within 200 metres of the boundary fence or another structure or feature that marks the boundary of those grounds; and
  - (iii) if the Returning Officer or a presiding officer of that polling station has designated entrances to the grounds under section 18(5) — the area within 200 metres of each designated entrance to those grounds.

*[Act 9 of 2023 wef 01/06/2023]*

(6) However, “restricted zone” for a polling station does not include premises in the zone mentioned in subsection (5)(b) or (c) that are outside Singapore.

*[Act 9 of 2023 wef 01/06/2023]*

### **Persons prohibited from conducting election activity**

**65.—**(1) A person —

(a) who is below 16 years of age;

*[Act 9 of 2023 wef 01/06/2023]*

(b) against whom an order of supervision has been made under section 30(1)(b) of the Criminal Law (Temporary Provisions) Act 1955; or

*[Act 9 of 2023 wef 01/06/2023]*

(c) who is a foreigner or foreign entity,

*[Act 9 of 2023 wef 01/06/2023]*

(d) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

must not take part in any election activity.

*[12/2018]*

(1A) *[Deleted by Act 9 of 2023 wef 01/06/2023]*

(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 below 16 years of age or is a foreigner or a foreign entity 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]

[Act 9 of 2023 wef 01/06/2023]

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

[Act 9 of 2023 wef 01/06/2023]

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

- (a) promoting or procuring the electoral success at any election for any candidate; or
- (b) prejudicing the electoral prospects at the election of any other candidate.

[Act 9 of 2023 wef 01/06/2023]

(8A) However, “election activity” excludes a third party publishing, or causing to be published, any content in any way that renders the content accessible from the Internet, where all or part of the production of the content or its publication is not paid for, in money or money’s worth, by the third party or by another person who may or may not be a third party.

[Act 9 of 2023 wef 01/06/2023]

(9) Nothing in this section prohibits the taking part in or conduct of election activity by any prescribed individual, or individual in a prescribed class of individuals, or 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.

[Act 9 of 2023 wef 01/06/2023]

### **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 section 55A**

**69A.**—(1) Where —

- (a) any declaration which is required by section 55A(1) to be given by a candidate at an election in an electoral division to the Returning Officer is not so given within the time delimited under that section, or being given contains a false statement; and
- (b) the candidate applies to an Election Judge or a Judge sitting in the General Division of the High Court and shows that the failure to give the declaration or the false statement in the declaration (as the case may be) has arisen by reason of the candidate's illness, 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 candidate,

the Judge may, after notice of the application, and on production of evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the Returning Officer and any elector

within the electoral division an opportunity of being heard, make such order for allowing an authorised excuse for the failure to give that declaration or for the false statement in that declaration (as the case may be) as the Judge considers just.

(2) The order under subsection (1) may make the allowance conditional upon the making of the declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) seems best calculated for carrying into effect the objects of this Act.

(3) An order under subsection (1) allowing an authorised excuse relieves the candidate applying for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(4) Where it is proved by the candidate to the Election Judge or a Judge sitting in the General Division of the High Court (as the case may be) that —

- (a) any act or omission of the candidate's election agent in relation to the conduct of election activity for the purpose of procuring the electoral success of the candidate, or the group of candidates of whom the candidate is part, was without the sanction or connivance of the candidate; and
- (b) the candidate took all reasonable means for preventing the act or omission,

the Judge must relieve the candidate from the consequences of the act or omission on the part of the candidate's election agent.

(5) The date of an order under subsection (1) or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them is referred to in this Act as the date of the allowance of the excuse.

*[Act 28 of 2021 wef 07/07/2022]*

**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 ordered to attend or ordered to produce documents, 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]

[Act 31 of 2022 wef 01/11/2022]

(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;
- (aa) at any time before the end of 21 days after the date of the publication of the result of the election in the *Gazette*, as to the declaration required by section 55A from the candidate whose election is questioned;  
*[Act 28 of 2021 wef 07/07/2022]*
- (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 permission of an

Election Judge within the time within which an application questioning the return or the election upon that ground may be made.

[Act 25 of 2021 wef 01/04/2022]

(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 or make and give the declaration required by section 55A, 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)(a) or the date of the publication of the results of the election in the *Gazette* mentioned in subsection (3)(aa), as the case may be.

[Act 28 of 2021 wef 07/07/2022]

### **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 —
  - (i) whose name was not on the register of electors assigned to the polling station at which the vote was recorded;
  - (ii) who is not allotted under section 13A(3A)(a)(i) or (ba)(i) of the Parliamentary Elections Act 1954 to the overseas polling station at which the vote was recorded or who is designated under section 13A(3A) of that Act as a postal voter for that election, in the case of a vote recorded at an overseas polling station;

- (iii) who is not allotted under section 18(1)(c) to the ordinary polling station at which the vote was recorded;
- (iv) who is not allotted under section 30B(1) to the special polling station at which the vote was recorded, in the case of a vote recorded at a special polling station; or
- (v) who has not been authorised to vote at the ordinary polling station or special polling station under section 22(2);

*[Act 9 of 2023 wef 01/06/2023]*

- (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.

#### **Regulations relating to crisis management at election**

**81A.**—(1) Subject to this section, the Minister may make regulations to enable contingency arrangements to be put in place, should they be required, to enable a Returning Officer to conduct a safe, orderly, efficient and timely election and support the resilience of Singapore’s democracy, because of a disruptive event which —

- (a) has occurred or is likely to occur, before or during any stage of an election, in Singapore or in a country where there is established one or more overseas polling stations; and
- (b) prevents or seriously interrupts, or is likely to prevent or seriously interrupt, the conduct of the election according to the provisions of this Act.

(2) Regulations made under subsection (1) may modify (so far as relevant) the application of any provision of this Act, or any regulations made under section 30C or 36F, to the conduct of nomination proceedings or a poll, or the counting at any counting place or principal counting place of votes cast, for an election because of a disruptive event.

(3) Regulations made under subsection (1) may include providing for, or providing for the determination personally by the Returning Officer of —

- (a) a change in —
  - (i) the hours of those nomination proceedings, or of the conduct of the poll or the counting of votes cast, for the election; or

- (ii) the address of a place of nomination, polling station, counting place or principal counting place;
- (b) any of the following in relation to those nomination proceedings:
  - (i) a temporary suspension (not exceeding 2 hours);
  - (ii) a postponement or an adjournment and postponement of the day of nomination to a date no later than one month after the date of the writ;
- (c) any of the following in relation to voting at the poll at one or more polling stations:
  - (i) a temporary suspension (not exceeding 2 hours);
  - (ii) an adjournment and postponement of voting at the poll to a date no later than the 56th day after the date of publication of the notice of contested election in the *Gazette* under section 16(5)(a);
  - (iii) abandoning the poll and restarting it on a date no later than the 56th day after the date of publication of the notice of contested election in the *Gazette* under section 16(5)(a);
  - (iv) ending voting early;
- (d) any of the following in relation to the counting at one or more counting places or a principal counting place of votes cast:
  - (i) a temporary suspension (not exceeding 2 hours);
  - (ii) an adjournment and postponement of counting of votes cast to a date no later than the 56th day after the date of publication of the notice of contested election in the *Gazette* under section 16(5)(a);
  - (iii) abandoning the counting and restarting voting at the poll and counting of votes cast no later than the 56th day after the date of publication of the notice of contested election in the *Gazette* under section 16(5)(a);

- (e) abandoning the counting of votes cast at any polling station —
- (i) if any sealed ballot box containing votes cast at a polling station in the election is, because of a disruptive event, lost or destroyed at any time —
    - (A) after the close of the poll at a polling station; and
    - (B) before the ballot box could reach the counting place specified under this Act for the counting of the votes cast at the polling station; or
  - (ii) for any other reason,  
but only if the number of votes likely to have been cast at the polling station will not affect the result of the election;
- (f) wholly abandoning the poll at an overseas polling station in a foreign country or a special polling station in a nursing home because voting in person thereat cannot start or be resumed or completed due to special circumstances in the foreign country or nursing home, as the case may be;
- (g) any alternate method of voting by electors at the poll except that any alternate method of voting must be such that an elector casting his or her vote using that method for an election —
- (i) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the election that the person would be given if he or she were instead voting in person under sections 22 and 25; and
  - (ii) is able to indicate his or her vote in a way that, if he or she were instead marking a ballot paper in person, would satisfy the requirements of section 25;
- (h) the giving of public notice of —
- (i) any change, suspension, adjournment and postponement, abandonment, new start or

resumption mentioned in paragraph (a), (b), (c) or (d), as the case may be;

(ii) any abandoning of voting or the counting of votes mentioned in paragraph (e) or (f); and

(iii) any alternate method of voting mentioned in paragraph (g); and

(i) the witnessing or attesting to any thing (but not voting) through the use of remote communication technology, such as by video conferencing, tele-conferencing or other electronic means.

(4) Regulations made under subsection (1) —

(a) must not authorise any person to vote more than once at an election;

(b) must provide for a record of every vote cast at a polling station but the vote record must not contain any means of identifying the person who cast the vote;

(c) must make provision for, or in relation to, how this Act applies in relation to votes cast using an alternate method of voting; and

(d) must be consistent with the principles laid down in any provision of this Act that is modified by those regulations.

(5) Regulations made under subsection (1) may make different provisions in relation to different classes of voters affected differently by the same disruptive event occurring or about to occur at an election.

(6) However, nothing in this section limits or affects, or authorises the making of regulations that limit or affect, the operation of section 7A.

(7) In this section —

“counting”, of votes cast at an election, includes recounting and adding votes cast at the election;

“disruptive event” means —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) a storm, flood, eruption, earthquake, landslip or an occurrence (natural or otherwise) of a similar kind;
- (d) a health hazard;
- (e) a fire or a poor air quality episode involving smoke, or the activation of fire safety equipment (such as sprinklers or alarms);
- (f) the releasing into the environment or any part of the environment or otherwise exposing the public to any toxic chemical or any dangerous, hazardous, radioactive or harmful substance;
- (g) an accident associated with the operation of an aircraft, vessel, train or public passenger transport motor vehicle where the aircraft, vessel, train or public passenger transport motor vehicle is destroyed or damaged, or missing or completely inaccessible;
- (h) an unplanned and prolonged outage of any telecommunication or electricity service, or an information and communications system, which is essential for the proper conduct of an election according to the provisions of this Act; and
- (i) anything else related —
  - (i) to the safety of persons authorised to be present at a place of nomination, polling station, counting place or principal counting place; or
  - (ii) to difficulties in the physical conduct of nomination proceedings, a poll, or the counting or recounting of votes at any counting place or principal counting place, for an election;

“nomination proceedings” includes —

- (a) proceedings for the Returning Officer to receive nomination papers;
- (b) proceedings for the making of objections to any nomination paper;
- (c) proceedings where 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) proceedings by which a candidate may make his or her indication (regarding his or her name) to the Returning Officer under section 11(5).

[Act 9 of 2023 wef 01/06/2023]

### **Presentation to Parliament, etc.**

**81B.**—(1) All regulations made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

(2) Where a writ of election has been issued under section 6 for an election, no regulations may be made under this Act until after the day of nomination or, if a poll is to be taken, until after polling day of that election.

[Act 9 of 2023 wef 01/06/2023]

### **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.

### **Service of documents**

**85.**—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or,

if no address is so specified, the individual's residential address or business address;

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;

- (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or
  - (d) by sending it by email to the body corporate's or unincorporated association's last email address.
- (5) In addition, a document permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —
- (a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents;
  - (b) where by the exercise of reasonable diligence, the name of any individual or a body of persons to whom the document is to be served, or the business address, residential address or last email address of the individual or body, cannot be ascertained — by posting it on a website that is maintained by the Government and prescribed by the Minister by notification in the *Gazette* for this purpose; or
  - (c) by any other method authorised by the regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way.
- (6) Service of a document under this section takes effect —
- (a) if the document is sent by fax and a notification of successful transmission is received — on the day of transmission;
  - (b) if the document is sent by email — at the time that the email becomes capable of being retrieved by the person to whom it is sent;

- (c) if the document is sent by prepaid registered post — 2 days after the day the document was posted (even if it is returned undelivered); or
- (d) if the document is posted on a website mentioned in subsection (5)(b) — at the beginning of the day after the date on which that provision has been complied with.

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification, may be effected only with the person's prior consent (express or implied) to service in that way.

(8) This section does not apply to documents to be served in proceedings in court.

(9) In this section —

“Act” includes any subsidiary legislation made under this Act;

“business address” means —

- (a) in the case of an individual, the individual's usual or last known place of business in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document's contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

“document” includes a notice permitted or required by this Act to be served;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in Singapore.

*[Act 9 of 2023 wef 01/06/2023]*

## 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**

Date of First Reading	:	28 June 1991 (Bill No. 21/1991 published on 29 June 1991)
Date of Second and Third Readings	:	29 July 1991
Date of commencement	:	29 June 1991 (published date) 2 November 1992

#### **2. 1992 Revised Edition — Presidential Elections Act (Chapter 240A)**

Date of operation	:	9 March 1992
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#### **3. Act 12 of 1993 — Presidential Elections (Amendment) Act 1993**

Date of First Reading	:	26 February 1993 (Bill No. 11/1993 published on 27 February 1993)
Date of Second and Third Readings	:	19 March 1993
Date of commencement	:	16 April 1993

#### **4. Act 18 of 1994 — Statutes (Miscellaneous Amendments) Act 1994**

Date of First Reading	:	25 July 1994 (Bill No. 25/1994 published on 29 July 1994)
Date of Second and Third Readings	:	25 August 1994
Date of commencement	:	1 October 1994

#### **5. Act 42 of 1996 — Parliamentary Elections (Amendment) Act 1996**

Date of First Reading	:	1 October 1996 (Bill No. 29/1996 published on 2 October 1996)
Date of Second and Third Readings	:	28 October 1996

Date of commencement : 12 November 1996

**6. Act 8 of 1998 — Holidays Act 1998**

Date of First Reading : 14 January 1998  
(Bill No. 1/1998 published on  
15 January 1998)

Date of Second and Third : 19 February 1998  
Readings

Date of commencement : 10 April 1998

**7. Act 11 of 1999 — Presidential Elections (Amendment) Act 1999**

Date of First Reading : 20 January 1999  
(Bill No. 1/1999 published on  
21 January 1999)

Date of Second and Third : 11 February 1999  
Readings

Date of commencement : 1 March 1999

**8. Act 18 of 1999 — Parliamentary Elections (Amendment) Act 1999**

Date of First Reading : 18 March 1999  
(Bill No. 14/1999 published on  
19 March 1999)

Date of Second and Third : 15 April 1999  
Readings

Date of commencement : 14 May 1999

**9. 1999 Revised Edition — Presidential Elections Act (Chapter 240A)**

Date of operation : 30 December 1999

**10. Act 20 of 2000 — Political Donations Act 2000**

Date of First Reading : 9 May 2000  
(Bill No. 15/2000 published on  
10 May 2000)

Date of Second and Third : 22 May 2000  
Readings

Date of commencement : 15 February 2001

**11. Act 19 of 2001 — Parliamentary Elections (Amendment) Act 2001**

Date of First Reading : 16 March 2001  
(Bill No. 20/2001 published on  
17 March 2001)

Date of Second and Third Readings : 20 April 2001

Date of commencement : 15 May 2001

**12. Act 19 of 2005 — Presidential Elections (Amendment) Act 2005**

Date of First Reading : 18 April 2005  
(Bill No. 8/2005 published on 19 April 2005)

Date of Second and Third Readings : 16 May 2005

Date of commencement : 6 June 2005

**13. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**

Date of First Reading : 17 October 2005  
(Bill No. 30/2005 published on 18 October 2005)

Date of Second and Third Readings : 21 November 2005

Date of commencement : 1 January 2006

**14. 2007 Revised Edition — Presidential Elections Act (Chapter 240A)**

Date of operation : 31 March 2007

**15. Act 14 of 2008 — Parliamentary Elections (Amendment) Act 2008**

Date of First Reading : 21 July 2008  
(Bill No. 8/2008 published on 22 July 2008)

Date of Second and Third Readings : 25 August 2008

Date of commencement : 3 March 2009

**16. Act 11 of 2010 — Presidential Elections (Amendment) Act 2010**

Date of First Reading : 11 March 2010  
(Bill No. 5/2010 published on 11 March 2010)

Date of Second and Third Readings : 27 April 2010

Date of commencement : 1 July 2010

**17. Act 15 of 2010 — Criminal Procedure Code 2010**

Date of First Reading : 26 April 2010  
(Bill No. 11/2010 published on  
26 April 2010)

Date of Second and Third  
Readings : 19 May 2010

Date of commencement : 2 January 2011

**18. 2011 Revised Edition — Presidential Elections Act (Chapter 240A)**

Date of operation : 15 July 2011

**19. Act 6 of 2017 — Presidential Elections (Amendment) Act 2017**

Date of First Reading : 9 January 2017  
(Bill No. 2/2017)

Date of Second and Third  
Readings : 6 February 2017

Date of commencement : 1 April 2017

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

Date of commencement : 14 September 2017

**21. Act 19 of 2016 — Administration of Justice (Protection) Act 2016**

Bill : 23/2016

First Reading : 11 July 2016

Second and Third Readings : 15 August 2016

Commencement : 1 October 2017

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

Bill : 5/2018

First Reading : 9 January 2018

Second and Third Readings : 6 February 2018

Commencement : 1 January 2019

**23. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**

Date of First Reading : 7 October 2019  
(Bill No. 32/2019)

Date of Second and Third Readings : 5 November 2019

Date of commencement : 2 January 2021

**24. 2020 Revised Edition — Presidential Elections Act 1991**

Operation : 31 December 2021

**25. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021**  
(Amendments made by section 183 of the above Act)

Bill : 18/2021

First Reading : 26 July 2021

Second and Third Readings : 14 September 2021

Commencement : 1 April 2022

**26. Act 28 of 2021 — Foreign Interference (Countermeasures) Act 2021**  
(Amendments made by the above Act)

Bill : 24/2021

First Reading : 13 September 2021

Second and Third Readings : 4 October 2021

Commencement : 7 July 2022

**27. Act 31 of 2022 — Statutes (Miscellaneous Amendments) Act 2022**  
(Amendments made by the above Act)

Bill : 24/2022

First Reading : 12 September 2022

Second and Third Readings : 3 October 2022

Commencement : 1 November 2022

**28. Act 36 of 2022 — Accountancy Functions (Consolidation) Act 2022**  
(Amendments made by the above Act)

Bill : 29/2022

First Reading : 3 October 2022

Second and Third Readings : 9 November 2022

Commencement : 1 April 2023

**29. Act 9 of 2023 — Presidential Elections (Amendment) Act 2023**  
(Amendments made by the above Act)

Bill : 3/2023

First Reading	:	6 February 2023
Second and Third Readings	:	6 March 2023
Commencement	:	1 June 2023

### Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

**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.

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