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**Notification No. B 34** — The Parliamentary Elections (Amendment) Bill is published for general information. It was introduced in Parliament on 10 September 2018.

# **Parliamentary Elections (Amendment) Bill**

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**Bill No. 34/2018.**

*Read the first time on 10 September 2018.*

A BILL

*i n t i t u l e d*

An Act to amend the Parliamentary Elections Act (Chapter 218 of the 2011 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act is the Parliamentary Elections (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 9

2. Section 9 of the Parliamentary Elections Act (called in this Act the principal Act) is amended —

(a) by deleting the word “and” at the end of subsection (1)(b);

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

15 “(c) prepare or cause to be prepared maps or other images in such detail and with such markings as sufficient to delineate the polling districts into which that electoral division has been subdivided; and

(d) publish in the *Gazette* a notice containing —

20 (i) particulars of the website at which the maps or other images of the polling districts mentioned in paragraph (c) may be accessed online, and the place at which such maps or other images may be inspected, by the public; and

25 (ii) the distinguishing letter or letters assigned to each such polling district.”; and

30 (c) by deleting the words “publish in the *Gazette* a notice specifying in relation to that electoral division the particulars mentioned in subsection (1)(c)” in subsection (2) and substituting the words “take the steps mentioned in subsection (1)(c) and (d) for that electoral division”.

### Amendment of section 11

#### 3. Section 11 of the principal Act is amended —

- (a) by deleting the word “The” in subsection (8) and substituting the words “Subject to subsection (9C), the”;
- (b) by deleting subsection (9B) and substituting the following subsections: 5

“(9B) Despite subsection (9), the Registration Officer may, without holding any public inquiry —

- (a) allow any claim in respect of which no objection is made if the Registration Officer is satisfied that the claim should be allowed, and insert the claimant’s name in the register and, where applicable, register the claimant as an overseas elector; or 10
- (b) reject any claim if the Registration Officer is satisfied that — 15
- (i) the claimant was not a citizen of Singapore on the prescribed date mentioned in section 5(4);
- (ii) the claimant was below 21 years of age on the prescribed date mentioned in section 5(4); or 20
- (iii) where the claimant claims to be entitled to have the claimant’s name entered in the register for an electoral division on the ground of a change in the claimant’s residential address, the new address specified in the claimant’s claim is not the address of any premises in that electoral division. 25 30

(9C) Subsections (8) and (10) do not apply to a claim rejected by the Registration Officer under subsection (9B)(b).”; and

- (c) by deleting the word “Where” in subsection (10) and substituting the words “Subject to subsection (9C), where”.

### **Amendment of section 28**

#### **4. Section 28 of the principal Act is amended —**

5 (a) by inserting, immediately after the words “on his behalf, shall” in subsection (1), the words “, in accordance with subsection (2),”;

10 (b) by deleting the words “8% of the total allowances payable to a Member of Parliament in the preceding calendar year, rounded to the nearest \$500” in subsection (1) and substituting the words “the applicable amount specified in subsection (1AA)”;

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

15 “(1AA) For the purpose of subsection (1), the applicable amount is —

20 (a) in the case of a general election, the amount of the fixed monthly allowance payable to an elected Member of Parliament for the month immediately before the date of dissolution of Parliament, rounded to the nearest \$500; and

25 (b) in the case of a by-election, the amount of the fixed monthly allowance payable to an elected Member of Parliament for the month immediately before the date of issue of the writ for the by-election, rounded to the nearest \$500.”;

30 (d) by deleting the words “and pay that sum into the Consolidated Fund” in subsection (1B); and

- (e) by deleting subsection (2) and substituting the following subsection:

“(2) The deposit of the sum required under subsection (1) must be made through an electronic funds transfer system designated by the Returning Officer for that purpose, or by a bank draft or a certified cheque, or in such other form or manner as the Returning Officer allows.”.

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### **Amendment of section 30**

5. Section 30(2) of the principal Act is amended by deleting the words “to the Returning Officer” in paragraph (a) and substituting the words “in person to the Returning Officer, in the manner specified in subsection (3), at the place of nomination”.

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### **Amendment of section 31**

6. Section 31 of the principal Act is amended —

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- (a) by deleting the word “The” and substituting the words “Subject to subsection (2), the”;
- (b) by deleting the words “sections 29 and 32” and substituting the words “sections 29, 29A, 30 and 32”; and
- (c) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

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“(2) A person seeking to be a candidate for election in an electoral division may be refused entry to the place of nomination unless —

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(a) the person is issued a political donation certificate under section 18(4) of the Political Donations Act (Cap. 236);

(b) the person is accompanied by at least 6 others as his proposer, seconder and assentors; and

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(c) where that electoral division is a group representation constituency —

(i) the person is a member of a group of persons which satisfies the requirements of section 27A(3);

(ii) the person is accompanied by all of the other members of that group; and

(iii) at least one of the members of that group is certified under section 27A(6)(b) as belonging to the community designated for that constituency under section 8A(1)(b).

(3) Subsection (2) only applies to the initial entry of a person seeking to be a candidate for an election to a place of nomination for that election.”.

### **Amendment of section 37**

7. Section 37 of the principal Act is amended by deleting subsections (1) to (6) and substituting the following subsections:

“(1) Before the poll in any electoral division opens at a polling station, the presiding officer or the senior presiding officer at that station must cause a notice of the poll to be displayed on or at a conspicuous place outside that station.

(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.”.

### **Amendment of section 39**

**8.** Section 39 of the principal Act is amended —

(a) by deleting the words “or section 56C or under section 50C(3)(b)” in subsection (3) and substituting the words “, or under section 50C(3)(b), 56C or 56DA”;

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(b) by deleting the words “the polling agent or agents of each candidate” in subsection (4)(c) and substituting the words “the polling agents admitted to the station under this section”; and

(c) by deleting subsections (5) and (5A) and substituting the following subsection:

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“(5) The number of polling agents that may be admitted to a polling station for an electoral division must not exceed —

(a) where the electoral division is a group representation constituency, the number calculated in the prescribed manner for the group of candidates contesting the election in the electoral division; and

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(b) in any other case, the number calculated in the prescribed manner for the candidate contesting the election in the electoral division.”.

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### **Amendment of section 40**

**9.** Section 40 of the principal Act is amended —

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(a) by deleting the word “and” at the end of subsection (2)(a);

(b) by deleting the full-stop at the end of paragraph (b) of subsection (2) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(c) a clearly demarcated area within which a voter must mark his vote for a candidate.”;

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(c) by deleting the words “specified in section 37(5) and (6); and” in subsection (3)(a) and substituting the words “of their surnames and, if there are 2 or more candidates with the same surname, of their other names;”;

5 (d) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:

“(aa) a list of the groups of candidates, arranged alphabetically in English in the order of the surname of the first candidate in each group and, if 2 or more of such candidates have the same surname, of their other names;”;  
and

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(e) by deleting the full-stop at the end of paragraph (b) of subsection (3) and substituting the word “; and”, and by  
15 inserting immediately thereafter the following paragraph:

“(c) a clearly demarcated area within which a voter must mark his vote for a group of candidates.”.

### **New section 40A**

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**10.** The principal Act is amended by inserting, immediately after section 40, the following section:

#### **“Candidates’ photographs on ballot papers**

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**40A.—**(1) The Returning Officer must include on every ballot paper in an election a photograph of a candidate at the election 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

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(b) the photograph is in accordance with the Returning Officer’s specifications and requirements to ensure accuracy and consistency.

(2) In the case of an election in a group representation constituency, the photographs of the candidates in each group of candidates at the election must be arranged from left to right in the order in which the candidates' names appear on the ballot paper in the election. 5

(3) If subsection (1)(a) or (b) is not complied with for any candidate at an election, the Returning Officer must indicate in the area designated for that candidate's photograph on the ballot paper in the election that there is no photograph for that candidate. 10

(4) The Returning Officer must cause to be published, as soon as practicable after the issue of the writ for an election and in such manner as will secure adequate publicity to the candidates at the election, the Returning Officer's specifications and requirements under subsection (1)(a) and (b) for the election." 15

#### **Amendment of section 42**

**11.** Section 42 of the principal Act is amended —

(a) by deleting the words “, name and description” in subsection (2A)(b) and substituting the words “and name”;

(b) by deleting the word “The” in subsection (3) and substituting the words “Subject to subsection (3AA), the”; 20

(c) by inserting, immediately after subsection (3), the following subsection:

“(3AA) 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.”; and 25

(d) by inserting, immediately after subsection (7), the following subsection:

“(8) The Minister may, by order in the *Gazette*, amend the Second Schedule.”. 30

### **Amendment of section 48A**

**12.** Section 48A of the principal Act is amended —

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

5                   “(3) The Returning Officer must cause notice of every direction made under subsections (1) and (2) to be published in the *Gazette* at least 2 clear days before polling day.”; and

10                   (b) by deleting the words “writing to each candidate or his election agent” in subsections (4) and (5) and substituting in each case the words “the *Gazette*”.

### **Amendment of section 49A**

**13.** Section 49A of the principal Act is amended —

15                   (a) by deleting subsections (1) and (2) and substituting the following subsections:

20                   “(1) Subject to section 56DB, every sealed ballot box containing votes cast at an overseas polling station at an election in an electoral division (called in this section the affected electoral division) must, in order for those votes to be counted in the election, reach the custody of the Returning Officer in Singapore —

                                  (a) within 10 days after polling day in Singapore for the election; or

25                               (b) where the Returning Officer extends time under subsection (2), within the extended time.

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

30                               (a) has made a declaration under section 49(7)(b) or (7E)(b) in the election; and

(b) is satisfied, for any reason, that any sealed ballot box containing votes cast at an overseas polling station in the election is not likely to reach the custody of the Returning Officer in Singapore within the time specified in subsection (1)(a). 5

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

(a) the counting of the votes cast at the overseas polling stations for the affected electoral division, and for every related electoral division specified in subsection (2B), stands postponed to the date specified by the Returning Officer under paragraph (b)(ii); and 10 15

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

(i) stating that the Returning Officer has extended the time; and 20

(ii) specifying the date on, the time at and the counting place in Singapore at which the votes cast at the overseas polling stations will be counted.

(2B) For the purposes of subsection (2A)(a), a related electoral division is — 25

(a) in the case of a general election, an electoral division (other than the affected electoral division) in the general election; or

(b) in the case of a by-election, an electoral division for which a by-election is held at the same time as the by-election for the affected electoral division.”; 30

(b) by deleting the words “such arrangements shall provide” in subsection (3) and substituting the words “the Returning Officer must arrange”; and

(c) by deleting subsection (4) and substituting the following subsection:

“(4) Section 49 applies to the counting of votes cast by overseas electors, with the necessary modifications.”.

### **Repeal and re-enactment of section 49B**

10 **14.** Section 49B of the principal Act is repealed and the following section substituted therefor:

#### **“Recounting of votes**

15 **49B.**—(1) The Returning Officer must conduct a recount of the votes cast in Singapore at an election in an electoral division if the difference between the number of votes given to the candidate or (as the case may be) group of candidates with the most votes and the number of votes given to any other candidate or (as the case may be) group of candidates 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.

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

25 (a) where a sole counting place is specified under this Act for the election, after the counting of the votes at the sole counting place is completed; or

30 (b) where more than one counting place is specified under this Act for the election, after the Returning Officer has ascertained the total number of votes given to each candidate or (as the case may be) group of candidates in the election under section 49(7D).

(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 as far as practicable the same procedure set out in sections 49 and 50.

(4) Where the Returning Officer has made a declaration under section 49(7)(b) or (7E)(b) in an election, this section applies, with the necessary modifications, to the counting of votes cast by overseas electors at that election.”.

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### **Amendment of section 50**

**15.** Section 50 of the principal Act is amended —

(a) by deleting the word “Where” in subsection (2) and substituting the words “Subject to subsection (2A), where”; and

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

“(2A) When determining whether a mark made on a ballot paper clearly indicates the voter’s intention and the candidate or group of candidates for whom the voter gives his 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 vote for a candidate or group of candidates.”.

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### **Amendment of section 52**

**16.** Section 52(1) of the principal Act is amended by deleting the formula and substituting the following formula:

“12 - B,”.

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### **New section 56BA**

**17.** The principal Act is amended by inserting, immediately after section 56B, the following section:

**“Changes to nomination proceedings, etc., on nomination day**

5 **56BA.**—(1) Despite any other provision of this Act, the Returning Officer may, on the day of nomination appointed for an election in an electoral division, exercise the powers conferred on him in this section if it appears to the Returning Officer on that day that the nomination proceedings for the election are, or are likely to be, obstructed, disrupted, undermined or seriously affected because of a disruptive event which arises before or during the nomination proceedings.

10 (2) If the disruptive event arises before the start of the nomination proceedings on the day of nomination, the Returning Officer may —

(a) do either or both of the following:

15 (i) change the hours of the nomination proceedings;

(ii) change the location of the place of nomination;  
or

(b) wholly abandon the nomination proceedings.

20 (3) If the disruptive event arises during the nomination proceedings on the day of nomination, the Returning Officer may —

25 (a) change the hours of the nomination proceedings by temporarily suspending the nomination proceedings for such period or, where the nomination proceedings are temporarily suspended under subsection (4), such further period as the Returning Officer determines, with or without changing the location of the place of nomination; or

30 (b) wholly abandon the nomination proceedings.

(4) Before making a decision under subsection (3), the Returning Officer may temporarily suspend the nomination proceedings for a period not exceeding 2 hours for the purpose of determining the decision to be made under that subsection.

(5) Any decision of the Returning Officer to change the hours of the nomination proceedings under this section is subject to the following:

- (a) where subsection (2)(a)(i) applies, the nomination proceedings must start and conclude within the same day of nomination; 5
- (b) where subsection (3)(a) applies —
  - (i) the nomination proceedings must resume and conclude within the same day of nomination;
  - (ii) the aggregate of the period of time before the suspension, and the period of time upon the resumption, of the nomination proceedings for the delivery of nomination papers to the Returning Officer must not be less than one hour; and 10
  - (iii) the aggregate of the period of time before the suspension, and the period of time upon the resumption, of the nomination proceedings for the making of objections to a nomination paper must not be less than 90 minutes. 15

(6) Where a decision is made under subsection (2), (3) or (4), the Returning Officer must, as soon as practicable and in the manner specified in subsection (8), publish a notice containing the following information:

- (a) the temporary suspension (including the period of the suspension), the new start or the resumption (including the time of the new start or the resumption), or the abandonment (as the case may be) of the nomination proceedings; 25
- (b) the change (if any) in the location of the place of nomination. 30

(7) Where there is a change in the hours of the nomination proceedings under this section, the Returning Officer must specify in the notice mentioned in subsection (6) —



(a) a period of one hour (where subsection (2)(a)(i) applies) or the latest time (where subsection (3)(a) applies) for the delivery of nomination papers to the Returning Officer;

5 (b) a period of 90 minutes (where subsection (2)(a)(i) applies) or the latest time (where subsection (3)(a) applies) for the making of objections to a nomination paper;

10 (c) the latest time for depositing the sum required under section 28(1), correcting errors in nomination papers and withdrawal of candidature;

(d) the time at which the nomination of a candidate who is the subject of multiple nominations described in section 32A is deemed to be void; and

15 (e) the latest time by which a candidate may make his indication (regarding his name) to the Returning Officer under section 105(1).

(8) The notice mentioned in subsection (6) must be published —

20 (a) in the *Gazette*; or

(b) if publication in the *Gazette* is not practicable, in such manner as will secure adequate publicity in the electoral division to which the nomination proceedings relate.

25 (9) Where there is a change in the hours of the nomination proceedings or the location of the place of nomination under this section —

(a) that change is valid and sufficient;

30 (b) any time or place provided under this section in lieu of the time or place specified in the notice of the issue of the writ under section 25 for the election is deemed to be the time or place so specified for the nomination proceedings; and

(c) sections 27, 27B, 28, 29, 29A, 30, 32, 32A and 33 apply with such modifications as are necessary.

(10) The Minister may prescribe the manner in which any suspension, new start, resumption or abandonment of nomination proceedings under this section is to be carried out. 5

(11) In this section, “disruptive event” means any of the following:

(a) riot or open violence;

(b) the threat of riot or open violence;

(c) storm, tempest, flood or an occurrence of a similar kind; 10

(d) a health hazard;

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

(f) any other thing which endangers the safety of assistants, clerks, candidates or other persons authorised under section 31(1) to be present at the place of nomination, or causes difficulties in the physical conduct of the nomination proceedings.”. 15

### **Amendment of section 56C** 20

**18.** Section 56C of the principal Act is amended —

(a) by inserting, immediately after the word “period” in subsection (2)(i), the words “or, where polling at that polling station is temporarily suspended under subsection (2A), a further period”; and 25

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

“(2A) Before making a decision under paragraphs (i) to (v) of subsection (2), the Returning Officer may temporarily suspend the polling at the polling station mentioned in that subsection for a period not exceeding 2 hours for the purpose of 30

determining the decision to be made under those paragraphs.”.

### **New sections 56DA and 56DB**

5 **19.** The principal Act is amended by inserting, immediately after section 56D, the following sections:

#### **“Ballot box lost or destroyed after close of poll in Singapore**

10 **56DA.**—(1) The Returning Officer must wholly abandon the counting of all the votes cast at a polling station in Singapore (called in this section the affected polling station) at an election in an electoral division (called in this section the affected electoral division) if any sealed ballot box containing votes cast at the affected polling station in the election is lost or destroyed at any time —

- 15 (a) after the close of the poll at the affected 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 affected polling station.

20 (2) The Returning Officer must re-start (within 3 months after the dissolution of Parliament in the case of a general election) the polling at the affected polling station if the Returning Officer is satisfied that the aggregate of the following is equal to or more than the difference between the number of votes given in Singapore at the election in the affected electoral division to the candidates or (as the case may be) groups of candidates with the

25 2 greatest number of votes:

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

(3) The Returning Officer must, as soon as practicable, inform the candidates or (as the case may be) groups of candidates for the affected electoral division of the abandonment of the

counting of the votes cast at the affected polling station and whether the polling at the affected polling station must re-start.

(4) Where the polling at the affected polling station must re-start, the counting of the votes cast at the overseas polling stations for the affected electoral division, and for every related electoral division, stands postponed —

(a) in the case where a sealed ballot box containing votes cast at an overseas polling station at the election in the affected electoral division is also lost or destroyed and section 56DB(2) applies in respect of that overseas polling station, to the date specified by the Returning Officer under section 56DB(5)(b)(ii); and

(b) in any other case, to the date specified by the Returning Officer under subsection (5)(b)(iii).

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

(a) stating that the Returning Officer has abandoned the counting of all the votes cast at the affected polling station; and

(b) where subsection (2) applies, specifying —

(i) the date on which the polling is to re-start, the hours of the poll and the location of the polling station in Singapore (whether or not at the same location as the affected polling station) where the poll will be conducted;

(ii) the date on, the time at and the counting place in Singapore at which the votes cast at the polling station during the re-started poll will be counted; and

(iii) the date on, the time at and the counting place in Singapore at which the votes cast at the overseas polling stations will be counted.

(6) Any re-start of polling in an election or other change under this section is valid and sufficient, and any polling day or polling

station specified by the Returning Officer under this section is deemed to be the polling day or polling station (as the case may be) specified in the notice published under section 34(6) or (as the case may be) 34A(6) for that election.

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

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

10 (9) In this section —

“affected electors”, in relation to an election in an electoral division, means the electors (excluding overseas electors) who are allotted to an affected polling station in the electoral division under section 36A(1)(c) for the purposes of the election;

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“related electoral division”, in relation to an affected electoral division, means —

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(a) in the case of a general election, an electoral division (other than the affected electoral division) in the general election; or

(b) in the case of a by-election, an electoral division for which a by-election is held at the same time as the by-election for the affected electoral division.

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

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**56DB.**—(1) The Returning Officer must wholly abandon the counting of all the votes cast at an overseas polling station (called in this section the affected overseas polling station) at an election in an electoral division (called in this section the affected electoral division) if any sealed ballot box containing votes cast at the affected overseas polling station at the election is lost or destroyed at any time —

- (a) after the close of the poll at the affected overseas polling station; and
- (b) before the ballot box could reach the counting place specified under this Act for the counting of the votes cast at the affected overseas polling station. 5

(2) The Returning Officer must re-start (within 3 months after the dissolution of Parliament in the case of a general election) the polling at the affected overseas polling station for the election in the affected electoral division if the Returning Officer is satisfied that any of the following is equal to or more than the difference between the number of votes given in Singapore at the election in the affected electoral division to the candidates or (as the case may be) groups of candidates with the 2 greatest number of votes: 10

- (a) in the case where a sealed ballot box containing votes cast at a polling station in Singapore at the election in the affected electoral division is also lost or destroyed and section 56DA(2) applies in respect of that polling station, the aggregate mentioned in that section; 15
- (b) in any other case, the total number of overseas electors lawfully entitled to vote at the election in the affected electoral division. 20

(3) The Returning Officer must, as soon as practicable, inform the candidates or (as the case may be) groups of candidates for the affected electoral division of the abandonment of the counting of votes cast at the affected overseas polling station and whether the polling at the affected overseas polling station for the election in the affected electoral division must re-start. 25

(4) Where the polling at the affected overseas polling station for the affected electoral division must re-start, the counting of the votes cast at all other overseas polling stations for the affected electoral division, and the overseas polling stations for every related electoral division, stands postponed to the date specified by the Returning Officer under subsection (5)(b)(ii). 30

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

5 (a) stating that the Returning Officer has abandoned the counting of all the votes cast at the affected overseas polling station; and

(b) where subsection (2) applies, specifying —

10 (i) the date on which the polling is to re-start, the hours of the poll and the location of the overseas polling station (whether or not at the same location as the affected overseas polling station) where the poll will be conducted; and

15 (ii) the date on, the time at and the counting place in Singapore at which the votes cast during the re-started poll and the votes mentioned in subsection (4) will be counted.

20 (6) Any re-start of polling in an election or other change under this section is valid and sufficient, and any polling day, polling hours or overseas polling station specified by the Returning Officer under this section is deemed to be the polling day, polling hours or overseas polling station (as the case may be) specified in the notice published under section 34(6) or (as the case may be) 34A(6) for that election.

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

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

(9) In this section, “related electoral division”, in relation to an affected electoral division, means —

30 (a) in the case of a general election, an electoral division (other than the affected electoral division) in the general election; or

- (b) in the case of a by-election, an electoral division for which a by-election is held at the same time as the by-election for the affected electoral division.”.

### **Amendment of section 56E**

**20.** Section 56E of the principal Act is amended —

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(a) by inserting, immediately after the word “period” in subsection (1)(i), the words “or, where counting at that counting place is temporarily suspended under subsection (1A), a further period”;

(b) by deleting the words “in the direction under section 48A” in subsection (1)(iv) and substituting the words “under this Act”; and

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

“(1A) Before making a decision under paragraphs (i) to (iv) of subsection (1), the Returning Officer may temporarily suspend the counting of votes at the counting place mentioned in that subsection for a period not exceeding 2 hours for the purpose of determining the decision to be made under those paragraphs.”.

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### **Amendment of section 56F**

**21.** Section 56F of the principal Act is amended —

(a) by inserting, immediately after the word “period” in subsection (1)(i), the words “or, where the addition of votes at the principal counting place is temporarily suspended under subsection (1A), a further period”; and

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

“(1A) Before making a decision under paragraph (i) or (ii) of subsection (1), the Returning Officer may temporarily suspend the addition of votes at the principal counting place mentioned in that

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- (b) partially redact the identity card number of any individual disclosed in the return or statement.”; and
- (c) by deleting the words “the period of 6 months mentioned in subsection (2)(b)” in subsection (3) and substituting the words “one year after the date of publication of the notice mentioned in subsection (1)”.

### **New section 75A**

**25.** The principal Act is amended by inserting, immediately after section 75, the following section: 10

**“Supporting documents, etc., for returns respecting election expenses**

**75A.**—(1) A candidate and his election agent at an election must maintain, for the period specified in subsection (2), the following documents relating to the election (collectively called in this section the supporting documents): 15

(a) every bill and receipt mentioned in section 66(1) relating to the candidate;

(b) every written authority mentioned in section 68(4) given by the election agent. 20

(2) For the purposes of subsection (1), the period is one year after the date of publication of the notice under section 75(1) on the return respecting election expenses for the candidate in the election.

(3) The Returning Officer may, by written notice at any time during the period specified in subsection (2), require the candidate or the election agent, or both of those persons, to furnish, within such time as may be specified in the notice, any supporting document or any other information relating to the return respecting election expenses. 25 30

(4) The candidate or the election agent who is given a written notice under subsection (3) must comply with the notice.

(5) The candidate and the election agent are jointly and severally responsible for complying with the requirements of subsections (1) and (where applicable) (4).

(6) Any person who contravenes subsection (1) or (4) shall be guilty of an illegal practice.

(7) This section is in addition to and not in derogation of section 61.”.

### **Amendment of section 83**

26. Section 83 of the principal Act is amended by deleting subsection (8) and substituting the following subsection:

“(8) For the purposes of 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 one or more identifiable political parties, candidates or groups of candidates; or
- (b) prejudicing the electoral prospects of other political parties, candidates or groups of candidates at the election.”.

### **Amendment of section 88**

27. Section 88 of the principal Act is amended —

- (a) by deleting the words “of the principal election agent appointed for the group of candidates of whom the candidate is one or the sub-agent that his election agent authorised under section 62(6),” in subsection (1)(a);
- (b) by deleting the words “, or the principal election agent appointed for the group of candidates of whom the candidate is one, or the election agent authorised as a sub-agent under section 62(6),” in subsection (1)(b);
- (c) by deleting the words “or a principal election agent” in subsection (2);

- (*d*) by deleting the words “or the candidate and the principal election agent appointed for the group of candidates of whom the candidate is one, or the election agent authorised as a sub-agent under section 62(6), respectively,” in subsection (2); 5
- (*e*) by deleting the words “the election agent or principal election agent” in subsection (5) and substituting the words “the election agent”; and
- (*f*) by deleting the words “or principal election agent, as the case may be” in subsection (5). 10

### **Miscellaneous amendments**

**28.** The principal Act is amended —

- (*a*) by deleting subsection (4) of section 29;
- (*b*) by deleting the words “all or any of the declarations set out in Forms 13, 14 and 15” in section 44(1) and substituting the words “the declaration set out in Form 15”; 15
- (*c*) by deleting subsection (2) of section 44;
- (*d*) by deleting the words “any such declaration” in section 44(3) and (4) and substituting in each case the words “the declaration required under subsection (1)”; 20
- (*e*) by deleting the words “, in any direction made under section 48A(1), specified a polling station to be a counting place” in section 48(4) and substituting the words “specified a polling station to be a counting place under this Act”; 25
- (*f*) by deleting the words “in the direction made under section 48A(1)” in section 49(2) and substituting the words “under this Act”;
- (*g*) by deleting the words “in a direction made under section 48A(1)” in section 49(2A)(*a*) and (*b*) and (7A) and substituting in each case the words “under this Act”; 30
- (*h*) by deleting the words “section 48A(1)” in section 49(7) and substituting the words “this Act”;

(i) by deleting the word “allowed” in section 49(7), (7A), (7E) and (8) and substituting in each case the word “conducted”;

(j) by inserting, immediately after the word “etc.” in the section heading of sections 56A and 56B, the words “, before nomination day”;

(k) by deleting the words “section 29” in sections 56A(1)(f) and 56B(1)(f) and substituting in each case the words “section 31(1)”;

(l) by deleting the word “and” at the end of section 56B(3)(c);

(m) by deleting the full-stop at the end of paragraph (d) of section 56B(3) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(e) must specify the latest time by which a candidate may make his indication (regarding his name) to the Returning Officer under section 105(1).”;

(n) by deleting the words “and addresses” in section 61(1)(c)(i) and (ii);

(o) by deleting paragraph (b) of section 72(1) and substituting the following paragraph:

“(b) the number of polling agents that may be admitted to each polling station under section 39(5);”; and

(p) by deleting the words “details as to the names and addresses” in section 78A(1)(a) and substituting the words “the names”.

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## EXPLANATORY STATEMENT

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

- (a) to improve the conduct of nomination proceedings;
- (b) to formalise the inclusion of candidates' photographs on ballot papers;
- (c) to provide that the adjudication and counting of ballot papers must be based solely on the marks made by voters in the area demarcated on ballot papers for that purpose;
- (d) to remove the requirement for applications to be made for recount of votes, and to require the Returning Officer to carry out a recount of votes when the criterion for recount is met;
- (e) to address certain contingencies that may arise during an election;
- (f) to increase the number of non-constituency Members of Parliament (NCMPs);
- (g) to modify the reporting requirements relating to election expenses;
- (h) generally to improve the administration of the Act and election procedures.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 9 (on polling districts) to remove the requirement for the Registration Officer to publish in the Government *Gazette* the polling districts within an electoral division. Instead, the Registration Officer will publish maps or other images of the polling districts on the Elections Department's website. This will enhance administrative efficiency and also facilitate the public's viewing of the polling districts. The Registration Officer will continue to publish in the Government *Gazette* a notice when an electoral division is subdivided into polling districts, and that notice will provide the details of the website and physical place where the polling districts may be viewed.

Clause 3 amends section 11 (on claims and objections on registers of electors) to enable the Registration Officer to reject, without having to hold a public inquiry, a claim (to be included in the register of electors for an electoral division) if the claim is clearly without merit. To safeguard claimants' interests, the grounds on which the Registration Officer may reject a claim without holding a public inquiry are exhaustively defined in the new section 11(9B). These grounds are as follows:

- (a) the claimant was not a citizen of Singapore on the relevant cut-off date for the register;
- (b) the claimant was below 21 years of age on the relevant cut-off date;

- (c) where the claimant claims to be entitled to be included in the register on the ground that the claimant's address has changed, the new address provided by the claimant is not the address of any premises within the electoral division (e.g., the claimant provides a post office box address).

Currently, a claimant whose claim is rejected by the Registration Officer has a right to appeal against the rejection (under the current section 12). This right of appeal is also available to claimants whose claims are rejected without an inquiry under the amended section 11.

Clause 4 amends section 28 (on election deposits) to simplify the computation of election deposits. The clause also deletes the reference to cash payment of election deposits and, in its place, provides for election deposits to be made using electronic funds transfer systems (designated by the Returning Officer) or in such other form or manner as the Returning Officer allows (this gives the Returning Officer the flexibility to allow other modes of payment not mentioned in the amended section 28). The other methods of payment currently provided in the Act, i.e., by bank draft or certified cheque, will continue to be available.

Clause 5 amends section 30 (on objections to nomination papers) to clarify that an objection to a nomination paper has to be made in person to the Returning Officer at the place of nomination.

Clause 6 amends section 31 (on persons entitled to be present during nomination proceedings) to provide that a person seeking to be a candidate in an election may be refused entry to the place of nomination unless the person satisfies the requirements set out in the new section 31(2). These requirements only apply to the person's initial entry to the place of nomination.

These requirements are that the person must have a political donation certificate issued under section 18(4) of the Political Donations Act (Cap. 236) and be accompanied by at least 6 others as his or her proposer, seconder and assentors. In the case of a group representation constituency (GRC), the following additional requirements have to be met:

- (a) the person must belong to a group of persons seeking to be a group of candidates for election in that GRC;
- (b) the number of the members of the group must satisfy the number of candidates designated for that GRC;
- (c) all the members in the group must belong to the same political party, or must be seeking to stand as a group of independent candidates;
- (d) all the members in the group must be present;
- (e) at least one of the members in the group must be certified under the current section 27A(6)(b) as belonging to the community designated for that GRC.

Clause 7 amends section 37 (on facilities at polling stations) to remove the prescription in that section of the types of information to be included in the notices outside polling stations and to leave such details to be prescribed by the Minister in regulations made under the Act.

Clause 8 amends section 39 (on persons who may enter polling stations) to empower the Minister to prescribe in regulations made under the Act the method for computing the number of polling agents for each candidate or group of candidates who may enter a polling station. This will enable the number of polling agents in a polling station to be made proportionate to the number of voters allotted to the polling station, and give more flexibility to the Elections Department to design polling stations for efficient operation.

Clause 9 amends section 40 (on ballot papers) to stipulate that the ballot paper must have a clearly demarcated area for a voter to mark his or her vote for a candidate or a group of candidates. This ties with the amendments to section 50 (by clause 15) on how ballot papers are to be adjudicated and counted. The clause also makes certain consequential amendments arising from the amendments to section 37 (by clause 7).

Clause 10 inserts a new section 40A to formalise the inclusion of candidates' photographs on ballot papers, and to stipulate that the Returning Officer's specifications and requirements for a candidate's photograph must be satisfied before it will be included on the ballot paper.

Clause 11 amends section 42 (on manner of voting) to state that a voter's mark must only be made in the area demarcated on the ballot paper for that purpose. This ties with the amendments to section 50 (by clause 15) on how ballot papers are to be adjudicated and counted. The clause also empowers the Minister to amend the Second Schedule (on directions for guidance of voters) by order published in the *Gazette*.

Clause 12 amends section 48A (on counting places) to remove the current requirement for the Returning Officer to inform candidates or their election agents in writing as to the places where the votes will be counted or the postponement of counting due to certain contingencies described in that section. Instead, the Returning Officer will publish the information in the *Government Gazette*.

Clause 13 amends section 49A (on counting of overseas votes) to empower the Returning Officer to extend the time for the sealed ballot boxes from overseas polling stations to reach Singapore. Currently, an overseas ballot box must reach Singapore within 10 days after polling day in Singapore in order for the votes contained in that ballot box to be counted in an election. The amendments to that section confer a discretion on the Returning Officer to extend time by another 7 days for the overseas ballot boxes to reach Singapore if —



- (a) the total number of overseas electors is material to the election outcome (i.e., where the Returning Officer has made a declaration under section 49(7)(b) or (7E)(b)); and
- (b) the Returning Officer is satisfied that any of the overseas ballot boxes for the election is not likely to reach Singapore within the initial 10-day period.

If the Returning Officer extends time for the counting of overseas votes cast at an election in an electoral division, the counting of the overseas votes cast for any other electoral division in an election held at the same time will also be postponed, for operational efficiency, to another date specified by the Returning Officer.

Clause 14 repeals and re-enacts section 49B (on recounting of votes) to remove the requirement for a candidate or a candidate's counting agent to apply to the Returning Officer for a recount of votes. Under the re-enacted section, the Returning Officer must carry out a recount of the votes if the criterion for recount is met (the criterion for recount remains unchanged). Recounting of votes will only apply to votes cast at overseas polling stations if the total number of overseas electors is material to the election outcome.

Clause 15 amends section 50 (on adjudication and rejection of ballot papers) to require the Returning Officer to only consider the marks made by voters in the area demarcated on ballot papers for voters to mark their votes. Under the amended section, if a voter makes a mark outside of this area, the Returning Officer must disregard that mark when determining whether the voter has given his or her vote to any candidate or group of candidates and if so, to which candidate or group of candidates.

Clause 16 amends section 52 (on election of NCMPs) to increase the number of NCMPs. Currently, the number of NCMPs to be declared is the difference between 9 (base number) and the total number of elected Opposition Members of Parliament. The clause increases the base number to 12.

Clause 17 inserts a new section 56BA to enable the Returning Officer to deal with contingencies affecting the conduct of nomination proceedings on the day of nomination (nomination day).

If a contingency arises before the start of the nomination proceedings, the Returning Officer may change the hours of the nomination proceedings, change the location of the place of nomination, or do both, or abandon the nomination proceedings. If the Returning Officer decides to change the hours of the nomination proceedings, the change in the hours must enable the nomination proceedings to start and conclude within the nomination day.

If a contingency arises during the nomination proceedings, the Returning Officer may suspend the nomination proceedings for a period of time and continue with the nomination proceedings at the end of that period (at the same place of nomination

or at a different place), or abandon the nomination proceedings. If the Returning Officer decides to suspend the nomination proceedings, the nomination proceedings must resume and conclude within the nomination day.

Before making a decision under the new section 56BA(3) (which applies to a contingency arising during the nomination proceedings), the Returning Officer may suspend the nomination proceedings for a period of up to 2 hours in order to enable the Returning Officer to assess the situation and decide on the course of action to be taken.

Clause 18 amends section 56C (on contingencies on polling day) to empower the Returning Officer to suspend polling at an affected polling station for a period of up to 2 hours in order to enable the Returning Officer to assess the situation and decide on the course of action to be taken.

Clause 19 inserts new sections 56DA and 56DB.

The new section 56DA states that if any sealed ballot box containing votes cast at a polling station in Singapore (called the affected polling station) at an election in an electoral division is lost or destroyed while it is being transported from the affected polling station to a counting place, the Returning Officer must do the following:

- (a) abandon the counting of all the votes cast at the affected polling station (this includes the votes cast at the affected polling station that were not in the lost or destroyed ballot box);
- (b) re-start the poll for the affected polling station only if it will be material to the outcome of the election.

It will be material to the outcome of the election if the aggregate of the following is equal to or more than the difference in the votes given in Singapore to the candidates or groups of candidates (as the case may be) with the 2 greatest number of votes:

- (a) the total number of electors (excluding overseas electors) allotted to the affected polling station and entitled to vote in the election;
- (b) the total number of overseas electors entitled to vote in the election.

The Returning Officer may hold the re-started poll at the affected polling station or at another polling station in Singapore.

Where polling for the affected polling station must be re-started, the counting of the votes cast at the overseas polling stations at the election as well as, for operational efficiency, the counting of the overseas votes cast for any other electoral division at an election held at the same time will be postponed to another date specified by the Returning Officer.

The new section 56DB deals with the loss or destruction of a sealed ballot box containing votes cast at an overseas polling station (called the affected overseas polling station) at an election in an electoral division while the ballot box is being transported from the affected overseas polling station to the counting place in Singapore (this includes the transport of the overseas ballot box within Singapore to the counting place). Similar to the new section 56DA, the Returning Officer must do the following:

- (a) abandon the counting of all the votes cast at the affected overseas polling station;
- (b) re-start the poll for the affected overseas polling station only if it will be material to the outcome of the election.

It will be material to the outcome of the election if —

- (a) where the only ballot box in the election that is lost or destroyed is the overseas ballot box, the total number of overseas electors (i.e., not just the overseas electors allotted to the affected overseas polling station) entitled to vote at the election is equal to or more than the difference in the votes given in Singapore at the election to the candidates or groups of candidates (as the case may be) with the 2 greatest number of votes; or
- (b) where a ballot box from a Singapore polling station in the election is also lost or destroyed (i.e., in addition to the overseas ballot box), the aggregate mentioned in the new section 56DA(2) is equal to or more than the difference in the votes given in Singapore at the election to the candidates or groups of candidates (as the case may be) with the 2 greatest number of votes.

The Returning Officer may hold the re-started poll at the affected overseas polling station or at another overseas polling station.

Where polling for the affected overseas polling station must be re-started, the counting of the votes cast at the other overseas polling stations at the election as well as, for operational efficiency, the counting of the overseas votes cast for any other electoral division at an election held at the same time will be postponed to another date specified by the Returning Officer.

Clause 20 amends section 56E (on contingencies relating to counting of votes) to empower the Returning Officer to suspend counting at an affected counting place for a period of up to 2 hours in order to enable the Returning Officer to assess the situation and decide on the course of action to be taken.

Clause 21 amends section 56F (on contingencies relating to addition of votes) to empower the Returning Officer to suspend the addition of votes at an affected principal counting place for a period of up to 2 hours in order to enable the

Returning Officer to assess the situation and decide on the course of action to be taken.

Clause 22 amends section 68 (on election expenses paid by other persons) to delete subsection (5) that requires those other persons to send to the relevant election agent the particulars of the payments made by them in an election. The deletion has been made as the current subsection (5) is not necessary. It is the election agent's responsibility to ensure that all particulars and supporting documents relating to election expenses are collected and preserved for the purposes of the return on election expenses that the election agent has to submit to the Returning Officer after the election.

Clause 23 amends section 74 (on returns on election expenses) to remove the current requirement for an election agent to submit to the Returning Officer the supporting documents for election expenses at the time the return on election expenses is submitted. The clause also removes the current requirement for a principal election agent (in the case of a group of candidates) to submit a consolidated return on election expenses.

Clause 24 amends section 75 (on publication and inspection of returns and statements on election expenses) to require the Returning Officer to redact certain personal details (for personal data protection) before allowing any person to inspect or make extracts from any return or statement on election expenses submitted to the Returning Officer. The clause also extends the period of time (currently 6 months) for which the Returning Officer must keep the returns and statements on election expenses to one year.

Clause 25 inserts a new section 75A to require a candidate and the candidate's election agent to maintain the supporting documents for the return on election expenses for a period of one year after notice of the return is published by the Returning Officer in the Government *Gazette* under section 75. The clause also empowers the Returning Officer to require, during this one-year period, the candidate or the election agent, or both of them, to furnish any supporting document or any other information relating to the return. Any contravention of the requirements of the new section 75A constitutes an illegal practice (which is an offence under section 79).

Clause 26 amends section 83 to elaborate that election activity includes an activity that is done for the purpose of prejudicing the electoral prospects of another political party, candidate or group of candidates.

Clause 27 makes consequential amendments to section 88 following the amendments to section 74 (by clause 23) to remove the requirement for consolidated returns on election expenses.

Clause 28 makes miscellaneous amendments to the Act.

Clause 28(a) makes a consequential amendment to section 29 following the amendments to section 31 (by clause 6).

Clause 28(b), (c) and (d) amends section 44 to simplify the declaration required from voters under that section and to make editorial changes.

Clause 28(e) to (h) makes editorial changes to sections 48 and 49 to remove the references in those sections to directions made under section 48A(1) (as regards counting places) as the Returning Officer may also specify counting places under other sections in the Act in the event of election contingencies.

Clause 28(i) makes consequential amendments to section 49 arising from the repeal and re-enactment of section 49B (by clause 14).

Clause 28(j) makes consequential amendments to sections 56A and 56B arising from the new section 56BA (inserted by clause 17), to make clear the distinction that sections 56A and 56B apply before the nomination day and the new section 56BA applies on nomination day.

Clause 28(k) makes consequential amendments to sections 56A and 56B arising from the amendments to sections 29 and 31 (by clauses 28(a) and 6, respectively).

Clause 28(l) and (m) amends section 56B to deal with a procedural issue arising from the postponement of the hours of nomination proceedings.

Clause 28(n) amends section 61 to remove, in relation to election advertising, the requirement for the addresses of the persons specified in that section to be published, in order to simplify the procedure involved.

Clause 28(o) makes a consequential amendment to section 72 arising from the amendments to section 39(5) (by clause 8).

Clause 28(p) makes a consequential amendment to section 78A(1) arising from the amendments to section 61(1) (by clause 28(n)).

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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