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HOUSING AND DEVELOPMENT ACT (CHAPTER 129)

HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) (AMENDMENT) RULES 2003

In exercise of the powers conferred by section 65K of the Housing and Development Act, the Minister for National Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Housing and Development (Polling for Upgrading Works) (Amendment) Rules 2003 and shall come into operation on 10th March 2003.

Amendment of rule 2

2. Rule 2 of the Housing and Development (Polling for Upgrading Works) Rules (R 7) (referred to in these Rules as the principal Rules) is amended —

- (a) by inserting, immediately after the words "rule 29(1)(b)" in the definition of "daily statement of the poll" in paragraph (1), the words "or 34E(1)(a), as the case may be";
- (b) by inserting, immediately after the definition of "daily statement of the poll" in paragraph (1), the following definitions:
 - "electronic polling machine" means any mechanical, electronic or electro-optical machine that can —
 - (*a*) be activated by a voter to mark or record his vote for or against any proposal regarding general upgrading works, specified upgrading works or special

upgrading works, as the case may be, on a polling display on the machine;

- (*b*) process the vote and the value in the vote by means of a computer program;
- (c) instantaneously record and store that vote and the value in that vote within a memory device within the machine; and
- (d) sort and count votes and the value in the votes marked or recorded on all polling displays on that machine,

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

"electronic polling system" means any polling system using electronic polling machines;";

- (c) by inserting, immediately after the definition of "polling day" in paragraph (1), the following definitions:
 - ""polling display" means an on-screen electronic video display, image or representation of a polling paper;
 - "polling place", in relation to a poll, means the place at which the poll is to be taken;";
- (*d*) by deleting the definition of "register" in paragraph (1) and substituting the following definition:
 - ""register" means a register (whether in paper or electronic form) of owners of flats prepared under rule 3 in respect of any particular precinct;";
- (e) by deleting the definition of "special register" in paragraph (1) and substituting the following definition:
 - " "special register" means a register (whether in paper or electronic form) prepared under rule 3(1A) in relation to certain upgrading works in a building;"; and

(*f*) by inserting, immediately after paragraph (4), the following paragraph:

"(5) For the avoidance of doubt, a polling display need not resemble a polling paper provided that it contains all information necessary to enable a voter to mark or record his vote for or against any proposal regarding general upgrading works, specified upgrading works or special upgrading works, as the case may be.".

Amendment of rule 3

- 3. Rule 3 of the principal Rules is amended
 - (*a*) by deleting the words ", in addition to a register referred to in paragraph (1)," in paragraph (1A); and
 - (*b*) by inserting, immediately after paragraph (2), the following paragraphs:

"(3) For the purposes of paragraph (1A), the Board may combine the special register relating to special upgrading works in a building within a precinct with the register of owners for that precinct prepared under paragraph (1), provided that the combined register shall include appropriate notation to identify the persons entitled to vote in the special poll relating to those special upgrading works.

(4) Where the Board has prepared a combined register under paragraph (3), a reference in these Rules to a person's name appearing or being registered in the special register shall be read to refer to the person's name appearing or being registered (as the case may be) in the combined register with the appropriate notation to identify that the person is entitled to vote in the special poll to which the special register relates.".

Amendment of rule 14

4. Rule 14 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraph:

"(3) The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited —

(a) at the office of the chief polling officer;

- (b) with a polling officer at the polling place; or
- (c) at such other place as is specified in the notices of a poll referred to in rule 17,

before the vote is cast by the proxy at the poll, and in default, the instrument of proxy shall not be treated as valid.".

Amendment of rule 17

5. Rule 17 of the principal Rules is amended —

- (*a*) by deleting sub-paragraph (*a*) of paragraph (1) and substituting the following sub-paragraph:
 - "(*a*) by affixing, not less than 7 days before the date of commencement of the primary poll relating to the precinct, at a conspicuous place in every building within the precinct, a notice stating the polling days, the hours and the polling place of the primary poll;";
- (b) by inserting, immediately after the words "secondary poll" in the last line of paragraph (2), the words "or (as the case may be) the special poll"; and
- (c) by deleting sub-paragraph (a) of paragraph (4) and substituting the following sub-paragraph:
 - "(*a*) by affixing, not less than 7 days before the date of commencement of the special poll relating to those special upgrading works, at a conspicuous place in the building, a notice stating the polling days, the hours and the polling place of the special poll;".

New rule 17A

6. The principal Rules are amended by inserting, immediately after rule 17, the following rule:

"Postponement of commencement of poll

17A.—(1) If the Board, having given notice of a primary poll relating to any precinct in accordance with rule 17(1), decides to postpone the date of commencement or to change the polling place of the primary poll, the Board shall give notice of the postponement or change by affixing, not less than 2 days before the original date of commencement of the primary poll relating to the precinct, at a conspicuous place in every building within the precinct, a notice stating the changes in the polling days and hours or the polling place (as the case may be) of the primary poll.

(2) Where the Board has given notice of a secondary poll relating to residential flats comprised in a building within a precinct, or a special poll relating to any special upgrading works in a building within a precinct, in accordance with rule 17(2), and —

- (*a*) the Board decides to postpone the date of commencement or to change the polling place of the primary poll (referred to in this paragraph as the postponed primary poll) together with which the secondary poll or the special poll (as the case may be) was to be conducted; and
- (*b*) the secondary poll or the special poll (as the case may be) is to be conducted with the postponed primary poll,

paragraph (1) shall apply, with the necessary modifications, to the giving of notice of the postponement of the date of commencement or the change in the polling place of the secondary poll or the special poll (as the case may be).

(3) If the Board, having given notice of a secondary poll relating to non-residential flats in any building within a precinct in accordance with rule 17(3), decides to postpone the date of commencement or to change the polling place of the secondary

poll, the Board shall give notice of the postponement or change by affixing, not less than 2 days before the original date of commencement of the secondary poll relating to non-residential flats in any building within that precinct, at a conspicuous place in each such building, a notice stating the changes in the polling days and hours or the polling place (as the case may be) of the secondary poll.

(4) If the Board, having given notice of a special poll relating to any special upgrading works in a building within a precinct in accordance with rule 17(4), decides to postpone the date of commencement or to change the polling place of the special poll, the Board shall give notice of the postponement or change by affixing, not less than 2 days before the original date of commencement of the special poll relating to those special upgrading works, at a conspicuous place in the building, a notice stating the changes in the polling days and hours or the polling place (as the case may be) of the special poll.".

Amendment of rule 32

7. Rule 32 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

"(2) For the purposes of compiling the final statement of the poll, the chief polling officer may break the seal of any envelope or container referred to in rule 29(2), 34D(3)(a), 34E(1)(b) or (c) or 34G(2), and inspect the contents therein relating to the poll."

New Part VA

8. The principal Rules are amended by inserting, immediately after rule 34, the following Part:

"PART VA

ELECTRONIC POLLING

Applicability of Rules

34A.—(1) Subject to paragraphs (2), (3) and (4), these Rules shall apply to a poll using an electronic polling system as it applies to a poll not using an electronic polling system.

(2) Subject to paragraphs (3) and (4), rules 19 to 30 (except rule 26A) shall not apply to a poll using an electronic polling system.

(3) Rules 34B to 34H shall only apply to a poll using an electronic polling system.

(4) Where pursuant to rule 34D a poll is conducted in part using an electronic polling system and in part using polling papers —

- (*a*) these Rules (as applicable to a poll using an electronic polling system) shall apply, with the necessary modifications, to the portion of the poll using an electronic polling system; and
- (b) these Rules (as applicable to a poll not using an electronic polling system) shall apply, with the necessary modifications, to the portion of the poll using polling papers.

Preliminary requirements for electronic polling

34B.—(1) The Board may conduct a poll under section 65C of the Act using an electronic polling system if the Board is satisfied that the electronic polling system —

- (a) permits each voter to vote for or against any proposal regarding general upgrading works, specified upgrading works or special upgrading works (as the case may be);
- (b) accurately counts all votes cast and the value in those votes for and against any proposal regarding general upgrading works, specified upgrading works or special upgrading works (as the case may be);
- (c) is safe from fraudulent or unauthorised manipulation or operation;
- (*d*) ensures that all polling data stored in the electronic polling machines to be used in the poll can be restored in the event of malfunction of the electronic polling machines or electrical power surges or outages; and

(e) is capable of providing records from which the operation of the electronic polling system may be audited and for verification of the accuracy of the polling data stored in the electronic polling machines.

(2) Before the commencement of the poll, the chief polling officer shall, in the presence of one or more scrutineers, carry out or cause to be carried out such inspection or tests as may be necessary to verify that every electronic polling machine and electronic polling equipment to be used at the poll is in proper order.

(3) If the chief polling officer is satisfied that any such electronic polling machine and electronic polling equipment are in proper order for use at the poll, he shall seal with his seal and secure the electronic polling machine and electronic polling equipment against use and store them in safe custody until the commencement of the poll.

(4) If the scrutineers are satisfied as to the matters in paragraphs (1), (2) and (3), they shall add their seal to the electronic polling machines and electronic polling equipment sealed by the chief polling officer under paragraph (3).

Procedure on commencement of electronic polling

34C. Immediately before the commencement of the poll on the first polling day, the chief polling officer shall, in the presence of one or more scrutineers —

- (*a*) ensure that every electronic polling machine and electronic polling equipment to be used at the poll is still sealed and secured against use;
- (b) set up the approved electronic polling machine and electronic polling equipment for use at the poll; and
- (c) inspect and test each electronic polling machine and electronic polling equipment for use at the poll 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.

Malfunction of electronic polling machine or electronic polling equipment

34D.—(1) The chief polling officer shall monitor or cause to be monitored the electronic polling machines and electronic polling equipment for tampering and damage or any malfunction while voting is in progress.

(2) If at any time the chief polling officer determines that the electronic polling machines or electronic polling equipment for use at the poll cannot be replaced or repaired promptly and that polling cannot be continued using the available electronic polling machines and electronic polling equipment without interfering substantially with the orderly conduct of the poll, the chief polling officer shall —

- (a) if polling has already commenced, halt polling; and
- (b) make such necessary arrangements for polling
 - (i) to commence or resume, as the case may be, on the same day using either the electronic polling system or polling papers in accordance with these Rules; or
 - (ii) to be adjourned and to re-open on the next polling day of the poll specified in a notice under rule 17 or 17A, as the case may be, using either the electronic polling system or polling papers in accordance with these Rules.

(3) If the chief polling officer halts polling pursuant to paragraph (2)(a), he shall as soon as possible —

(*a*) obtain such reports or data relating to the poll as may be necessary to determine the polling data stored in the electronic polling machines at the time when the polling is halted, and place the reports and data in an envelope and seal the envelope with his seal in such a manner that nothing can be inserted or removed from the envelope without breaking the seal;

- (b) if any electronic polling machine or electronic polling equipment needs to be repaired, cause the electronic polling machine or electronic polling equipment to be repaired; and
- (c) seal and secure the electronic polling machines and electronic polling equipment against use.

(4) The chief polling officer shall take all proper precautions for the security of the envelope referred to in paragraph (3)(a) and the contents therein.

(5) Where after the poll has been conducted using polling papers pursuant to paragraph (2)(b), the chief polling officer determines that the electronic polling machines and electronic polling equipment are in order for use in the poll, he may —

- (a) halt polling using polling papers; and
- (b) resume or re-open polling using the electronic polling system.

(6) If the chief polling officer halts polling using polling papers pursuant to paragraph (5)(a), he shall comply with rules 25 to 29 in respect of the polling conducted on that polling day using polling papers, as though the poll had been adjourned.

(7) For the avoidance of doubt, if polling resumes or re-opens using the electronic polling system pursuant to paragraph (2)(b)or (5)(b), the chief polling officer shall immediately before the poll resumes or re-opens, as the case may be, in the presence of one or more scrutineers —

- (*a*) unseal and unsecure the electronic polling machines and electronic polling equipment for use at the poll;
- (*b*) ensure that polling data stored in the electronic polling machines is consistent with the reports and data referred to in paragraph (3)(*a*) and the daily statements of the poll relating to all the polling days of the poll up to the resumption or re-opening of polling referred to in this paragraph; and

(c) verify that the electronic polling machines and electronic polling equipment to be used in the poll are in order.

(8) If the scrutineers are satisfied as to the matters in paragraph (7), they shall certify accordingly in Form 4A in the Schedule.

(9) For the avoidance of doubt, paragraphs (7) and (8) shall apply instead of rule 34F to the re-opening of a poll using the electronic polling system pursuant to paragraph (2)(b) or (5)(b).

(10) Paragraphs (3)(c) and (7)(a) shall not apply to any electronic polling machine or electronic polling equipment that is to be used for polling immediately after it is repaired pursuant to paragraph (3)(b).

Procedure on adjournment or closing of electronic poll

34E.—(1) As soon as practicable after the poll is adjourned on each polling day or closed on the last polling day, the chief polling officer shall —

- (*a*) prepare a daily statement of the poll and such other reports and data relating to the poll as may be necessary to determine the polling data stored in the electronic polling machines at the adjournment or closing of the poll;
- (b) place the documents, reports and data referred to in sub-paragraph (a) in an envelope and seal the envelope with his seal in such a manner that nothing can be inserted or removed from the envelope without breaking the seal;
- (c) place the envelope referred to in sub-paragraph (b), the marked copies of the register or registers (including any special register) and the list of proxies, in a container which shall then be sealed by the chief polling officer in such a manner that nothing can be inserted or removed from the container without breaking the seal; and

(d) except on the last polling day, seal and secure the electronic polling machine against use.

(2) The chief polling officer shall take all proper precautions for the security of the envelopes and containers referred to in paragraph (1)(c) and the contents therein.

Procedure on re-opening of electronic poll

34F.—(1) Immediately before the poll re-opens on any subsequent polling day, the chief polling officer shall, in the presence of one or more scrutineers —

- (*a*) unseal and unsecure the electronic polling machines and electronic polling equipment for use at the poll;
- (b) verify that the polling data stored on the electronic polling machines is consistent with reports and data referred to in rule 34E(1)(*a*) and the daily statements of the poll relating to all the previous polling days of the poll; and
- (c) verify that the electronic polling machines and electronic polling equipment to be used in the poll are in order.

(2) If the scrutineers are satisfied as to the matters in paragraph (1), they shall certify in Form 4 in the Schedule that the daily statement of the poll is correctly set out.

Verification of polling data

34G.—(1) For the purposes of verifying the polling data stored on any electronic polling machine in accordance with rule 34D(7)(b) or 34F(1)(b), the chief polling officer may (in the presence of one or more scrutineers) break the seal of any envelope or container referred to in paragraph (2) or rule 29(2), 34D(3)(a) or 34E(1)(b) or (c), and inspect the contents therein relating to the poll.

(2) The chief polling officer shall, after inspecting the contents of any such envelopes or containers opened pursuant to paragraph (1), place the contents in envelopes or containers, as appropriate, and seal the envelopes or containers with his seal in such a manner that nothing can be inserted or removed from the envelopes or containers without breaking the seal.

(3) The chief polling officer shall take all proper precautions for the security of the envelopes and containers and the contents therein.

Voting after adjournment or closing of poll

34H. A voter entitled to vote at a poll shall be allowed to record his vote at the poll after the hour fixed for the adjournment or closing of the poll if the voter was within the polling place at that hour.

Rejected votes

34I. Where a voter, having marked or recorded his vote using an electronic polling system in a primary poll, leaves the polling place without marking or recording his vote in a secondary poll or special poll (in which he is entitled to vote) being conducted together with the primary poll, his vote in the secondary poll or special poll (as the case may be) shall be deemed to be rejected as invalid.".

Amendment of rule 36

- 9. Rule 36 of the principal Rules is amended
 - (a) by deleting the word "or" in paragraph (c)(iii); and
 - (b) by deleting the comma in sub-paragraph (iv) of paragraph (c) and substituting the word "; or", and by inserting immediately thereafter the following sub-paragraph:
 - "(v) any electronic polling machine or electronic polling equipment in use or intended to be used for the purposes of a poll,".

Amendments of Schedule

10. The Schedule to the principal Rules is amended by deleting Forms 5, 5A, 5B, 6, 6A and 6B and substituting the following Forms:

Rule 34D(8)

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HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

SCRUTINEERS' CERTIFICATE (FOR RESUMPTION OF ELECTRONIC POLLING)

As scrutineers appointed for the purpose of the poll taken at ______ Precinct on _____, we hereby certify that —_____

- (a) the procedures have been complied with to ensure that the polling data stored in the electronic polling machines is correct;
- (b) the electronic polling machines and electronic polling equipment are in order for use at the poll; and
- (c) the poll was resumed on _____ (date) at _____ (time).

Dated this

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(Name and signature of scrutineer)

day of

(Name and signature of scrutineer)

FORM 5

Rules 29(1)(*b*) and 34E(1)(*a*)

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HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

DAILY STATEMENT OF PRIMARY POLL

_____ PRECINCT

General Upgrading Works	Value in votes cast on dd/mm/yy	
(Description of Package)	For	Against

In person	
By proxy	
Total	

Number of Value polling papers

Rejected votes

Number of spoilt polling papers

Number of polling papers found in ______ poll boxes

I, _____, the chief polling officer at the primary poll, hereby certify this statement to be correct.

Dated this _____ day of _____20___.

(Signature of chief polling officer)

FORM 5A

Rules 29(1)(*b*) and 34E(1)(*a*)

HOUSING AND DEVELOPMENT ACT (CHAPTER 129)

HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

DAILY STATEMENT OF SECONDARY POLLS

PRECINCT

*Residential Flats/Non-Residential Flats

Specified Upgrading Works	Value in votes cast on dd/mm/yy	
	For	Against

Block (Description of Item)	
In person	
By proxy	
Total	
Block (Description of Item)	
In person	
By proxy	
Total	
Block (Description of Item)	
In person	
By proxy	
Total	

Number of polling papers

Value

Rejected votes

Block	
Block	
Block	
Number of spoilt polling papers	
Number of polling papers found in poll boxes	
I,, the chief po hereby certify this statement to be o	

Dated this _____ day of _____20___.

(Signature of chief polling officer)

*Delete whichever is inapplicable.

FORM 5B

Rules 29(1)(*b*) and 34E(1)(*a*)

HOUSING AND DEVELOPMENT ACT (CHAPTER 129)

HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

DAILY STATEMENT OF SPECIAL POLLS

PRECINCT

Special Upgrading Works	Value in votes cast on dd/mm/yy	
	For	Against
Block (Description of Item)		
In person		
By proxy		
Total		
Block (Description of Item)		
In person		
By proxy		
Total		
Block (Description of Item)		
In person		
By proxy		

Total		
	Number of polling papers	Value
Rejected votes		
Block		
Block		
Block		
Number of spoilt polling papers		
Number of polling papers found in poll boxes		
I,, the chief phereby certify this statement to be	correct.	the special polls,
Dated this day of	20_	·
	(Signature of chi	ef polling officer)
FORM	6	
		Rule 32(3)
HOUSING AND DE		СТ

(CHAPTER 129)

HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

FINAL STATEMENT OF PRIMARY POLL

_____ PRECINCT

General Upgrading Works (Description of Package)	Value in votes cast From: dd/mm/yy To: dd/mm/yy	
	For	Against

In person	
By proxy	
Total	

	Total number of polling papers	Total value
Rejected votes		
Non-voters, i.e. registered owners of flats within this precinct who are entitled to vote at the primary poll but did not vote		
Total value in votes of all registered owners of flats within this precinct who are entitled to vote at the primary poll		
Total number of spoilt polling papers		

GENERAL UPGRADING WORKS (Description of Package)

RESULTS

_____% in favour

% against

% rejected votes

% non-voters

I, _____, the chief polling officer at the primary poll, hereby certify this statement to be correct.

Dated this _____ day of _____20___.

(Signature of chief polling officer)

FORM 6A

Rule 32(3)

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HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

FINAL STATEMENT OF SECONDARY POLLS

PRECINCT

*Residential Flats/Non-residential Flats

Specified Upgrading Works	Value in votes cast From: dd/mm/yy To: dd/mm/yy	
	For	Against
Block (Description of Item)		
In person		
By proxy		
Total		
Block (Description of Item)		
In person		
By proxy		
Total		
Block (Description of Item)		
In person		
By proxy		
Total		

Total number of polling papers Total value

Rejected votes

Block		
Block		
Block		
Non-voters, i.e., registered owners of *residential/non-residential flats in the following buildings within this precinct who are entitled to vote at the secondary polls but did not vote		
Block		
Block		
Block		
Total value in votes of all registered owners of *residential/non-residential flats in the following buildings within this precinct who are entitled to vote at the secondary polls		
Block		
Block		
Block		
Total number of spoilt polling papers		
SPECIFIED UPGRADIN	NG WORKS	
RESULTS Block		

RESULTS	Block (Description of Item)
	% in favour
	% against
	% rejected votes
	% rejected votes
	Block (Description of Item)
	% in favour
	% against
	% rejected votes

____% non-voters

Block _____ (Description of Item)

Description of item)

____% in favour

_____% against

____% rejected votes

____% non-voters

I, _____, the chief polling officer at the secondary polls, hereby certify this statement to be correct.

Dated this _____ day of _____20___.

(Signature of chief polling officer)

FORM 6B

Rule 32(4)

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HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

FINAL STATEMENT OF SPECIAL POLLS

PRECINCT

Special Upgrading Works	Value in votes cast From: dd/mm/yy To: dd/mm/yy		
	For	Against	
Block (Description of Item)			
In person			
By proxy			

Total	
Block (Description of Item)	
In person	
By proxy	
Total	
Block (Description of Item) In person By proxy	
Total	

	Total number of polling papers	Total value
Rejected votes		
Block		
Block		
Block		
Non-voters, i.e., registered owners of beneficiary flats in the following buildings within this precinct who are entitled to vote at the special polls but did not vote		
Block		
Block		
Block		
Total value in votes of all registered owners of beneficiary flats in the following buildings within this precinct who are entitled to vote at the special polls		
Block		
Block		

Block

Total number of spoilt polling papers

SPECIAL UPGRADING WORKS

Block ____ RESULTS (Description of Item) % in favour _____% against % rejected votes % rejected votes Block _____ (Description of Item) % in favour % against ____% rejected votes ____% non-voters Block (Description of Item) % in favour % against % rejected votes % non-voters

I, _____, the chief polling officer at the special polls, hereby certify this statement to be correct.

Dated this _____ day of _____20__.

(Signature of chief polling officer)

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[G.N. Nos. S 299/2000; S 502/2001]

Made this 10th day of March 2003.

PETER CHAN JER HING Permanent Secretary, Ministry of National Development, Singapore.

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