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PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)

PRESIDENTIAL ELECTIONS
(OVERSEAS VOTING) (AMENDMENT)
REGULATIONS 2017

In exercise of the powers conferred by sections 22A and 81 of the Presidential Elections Act, the Prime Minister makes the following Regulations:

Citation and commencement

1. These Regulations are the Presidential Elections (Overseas Voting) (Amendment) Regulations 2017 and come into operation on 1 June 2017.

Amendment of regulation 2

2. Regulation 2 of the Presidential Elections (Overseas Voting) Regulations 2005 (G.N. No. S 502/2005) (called in these Regulations the principal Regulations) is amended by inserting, immediately after the definition of “certified register of electors”, the following definition:

““counting place for overseas votes” means —

- (a) in the case where section 32A(2) of the Act applies, the place specified by the Returning Officer under section 32A(2A)(b)(ii) of the Act;
- (b) in the case where section 36DA(2) of the Act applies, the place specified by the Returning Officer under section 36DA(5)(b)(iii) of the Act;
- (c) in the case where section 36DB(2) of the Act applies, the place specified by the Returning Officer under section 36DB(5)(b)(ii); or

(d) in any other case, the place or places directed by the Returning Officer under section 31A(1A) of the Act;”.

Amendment of regulation 9

3. Regulation 9 of the principal Regulations is amended —

(a) by deleting the words “prescribed in” in paragraph (1) and substituting the words “prescribed under”; and

(b) by inserting, immediately after sub-paragraph (a) of paragraph (2), the following sub-paragraphs:

“(aa) comply with section 23A of the Act;

(ab) clearly demarcate the area within which a voter must mark his vote for a candidate;”.

Amendment of regulation 11

4. Regulation 11 of the principal Regulations is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Before the poll opens at an overseas polling station in an election, the presiding officer appointed under regulation 5 for the overseas polling station must cause a notice giving directions for the guidance of voters in voting to be displayed on or at a conspicuous place outside the overseas polling station.”.

Amendment of regulation 12

5. Regulation 12 of the principal Regulations is amended by deleting paragraph (1) and substituting the following paragraphs:

“(1) Before the poll opens at an overseas polling station in an election, the presiding officer appointed under regulation 5 for the overseas polling station must cause a notice about the poll to be displayed on or at a conspicuous place outside the overseas polling station.

(1A) The notice mentioned in paragraph (1) must contain the following information in respect of each candidate in the election:

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- (a) the name of the candidate in English, Malay, Chinese and Tamil;
 - (b) the symbol allotted to the candidate under section 16 of the Act;
 - (c) where the photograph of the candidate is included on the ballot papers for the election under section 23A(1) of the Act, that photograph;
 - (d) where the photograph of the candidate is not included on the ballot papers for the election (by reason of non-compliance with section 23A(1) of the Act), an indication that there is no photograph for the candidate.

(1B) The names of the candidates on the notice must be arranged in the same order as they are arranged on the ballot papers for the election under regulation 9(2)(a).”.

Amendment of regulation 22

6. Regulation 22 of the principal Regulations is amended by inserting, immediately after paragraph (3), the following paragraph:

“(4) Section 27(4) of the Act applies to a declaration required under paragraph (2) and for this purpose, the reference to a declaration in section 27(4) is a reference to a declaration required under that paragraph.”.

Amendment of regulation 24

7. Regulation 24 of the principal Regulations is amended —

(a) by deleting sub-paragraph (b) of paragraph (1) and substituting the following sub-paragraph:

“(b) subject to paragraph (1A), secretly mark the ballot paper as near as may be in accordance with the directions given for the guidance of voters under regulation 11;” and

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

“(1A) The overseas elector’s mark on the ballot paper must be made in the area demarcated on the ballot paper for that purpose, and not elsewhere.”.

Deletion and substitution of regulation 30

8. Regulation 30 of the principal Regulations is deleted and the following regulation substituted therefor:

“Arrival in Singapore of ballot boxes from overseas polling stations

30. The Returning Officer must ensure that every ballot box arriving in Singapore from an overseas polling station in an election is kept in safe custody and is not opened until the counting, at the counting place for overseas votes, of the votes cast at overseas polling stations in the election.”.

Amendment of regulation 31

9. Regulation 31 of the principal Regulations is amended —

(a) by deleting the words “such place or places in Singapore as the Returning Officer directs under section 31A(1A) of the Act for the counting of overseas votes” in paragraph (1) and substituting the words “the counting place for overseas votes”; and

(b) by deleting paragraph (2) and substituting the following paragraph:

“(2) The Returning Officer must not open any ballot box from an overseas polling station that reaches the custody of the Returning Officer in Singapore —

(a) after the deadline specified in section 32A(1)(a) of the Act; or

(b) where the Returning Officer extends time under section 32A(2) of the Act, after the extended deadline.”.

Amendment of regulation 32

10. Regulation 32(3) of the principal Regulations is amended by deleting the words “section 32(6)” and substituting the words “section 33”.

Deletion and substitution of regulation 33

11. Regulation 33 of the principal Regulations is deleted and the following regulation substituted therefor:

“Recounting of overseas votes

33.—(1) This regulation only applies where the Returning Officer has made a declaration under section 32(8)(b) or (8D)(b) of the Act in an election.

(2) The Returning Officer must conduct a recount of the votes cast by overseas electors at the election if the difference between the following is 2% or less of the total number of votes cast in Singapore and at the overseas polling stations (excluding rejected votes and tendered votes) at the election:

- (a) the total number of votes given in Singapore and at the overseas polling stations to the candidate with the most votes;
- (b) the total number of votes given in Singapore and at the overseas polling stations to any other candidate.

(3) The recount of the votes cast by overseas electors under paragraph (2) —

- (a) may be conducted only once;
- (b) must take place as soon as practicable after the counting of those votes under section 32A of the Act is completed; and
- (c) must follow the same procedure as for the counting of those votes under sections 32A and 33 of the Act.”.

Deletion and substitution of Schedule

12. The Schedule to the principal Regulations is deleted and the following Schedule substituted therefor:

“THE SCHEDULE

Regulation 11(2)

PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)

PRESIDENTIAL ELECTIONS (OVERSEAS VOTING)
REGULATIONS 2005

DIRECTIONS FOR GUIDANCE OF VOTERS

1. When you are given a ballot paper, go to a voting compartment.
2. Mark on your ballot paper an “X” in the empty box for the candidate you are voting for.
 - (a) Do not make any other mark on your ballot paper, or your vote may not be counted.
 - (b) If you make a mistake when marking your ballot paper, return it to the presiding officer and ask for another ballot paper.
3. After marking your ballot paper, fold it in half and drop it into the ballot box. Do not let anyone see your vote.
4. Leave the polling station immediately after dropping your ballot paper into the ballot box.”.

Made on 30 May 2017.

LEO YIP
*Permanent Secretary,
Prime Minister’s Office,
Singapore.*

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