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**PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)**

**PRESIDENTIAL ELECTIONS
(POSTERS AND BANNERS)
(AMENDMENT) REGULATIONS 2017**

In exercise of the powers conferred by sections 60, 60AA and 81 of the Presidential Elections Act, the Prime Minister makes the following Regulations:

Citation and commencement

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

Amendment of regulation 1

2. Regulation 1 of the Presidential Elections (Posters and Banners) Regulations (Rg 3) (called in these Regulations the principal Regulations) is amended by deleting the words “Posters and Banners” and substituting the words “Election Advertising”.

Amendment of regulation 1A

3. Regulation 1A of the principal Regulations is amended —

(a) by deleting the definition of “banner relating to a candidate” and substituting the following definition:

““banner” means any election advertising that is a flag, bunting, ensign or standard;”;

(b) by inserting, immediately after the definition of “campaign period”, the following definition:

““chat room” or “discussion forum” means a website or similar online facility (including a facility made available by or through a social networking service or web log) through which users can communicate with other users or a designated segment of users by means of messages;”;

(c) by deleting the definition of “poster relating to a candidate” and substituting the following definitions:

““election period”, in relation to an election, means the period beginning on the day the writ is issued for the election under section 6 of the Act and ending with the start of polling day at that election;

“election rally” means an assembly in a public place organised by or on behalf of a candidate in an election to promote or procure the electoral success of the candidate at the election, or to otherwise enhance the standing of the candidate with the electorate in connection with the election;

“electronic mail address” means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered;

“electronic media application” includes —

(a) any banner, logo or small icon that is capable of being posted on any social networking service, micro-blog, website or other form of electronic media; or

(b) any other software or programme used in connection with a computer or other electronic device and which may be used for communicating or transmitting election advertising among users in any format,

such as but not limited to digital banners, RSS feed readers, widgets, mobile applications and other instant messaging software or programmes;

“electronic media application message” means a message that is sent using an electronic media application;

“electronic message” means a micro-blog post, a social networking service message, an electronic media application message, an SMS message or an MMS message;

“electronic user name” means a unique sequence of characters that identifies a person as a user or the owner of an online account, facility, network, service or system;

“message”, in relation to a chat room, a discussion forum, a micro-blog, a social networking service or an electronic media application, means a message that is in the form of (but not limited to) any text, still or moving picture, sign, symbol or other visual image, or any speech, music, sound or other audible message;

“micro-blog” means a web service that allows a user to post or send a micro-blog post that can be viewed by a selected group of persons or by anyone who uses the web service;

“micro-blog post” means a short message that is posted on or sent through a micro-blog;

“MMS message” means a message (whether or not accompanied by any sound) that is sent using an MMS service;

“MMS service” means a system that enables the transmission of visual communication, voice communication or electronic mail from a digital mobile telephone —

(a) to another digital mobile telephone; or

(b) to an electronic mail address,

but does not include a micro-blog post;

“poster” means any election advertising that —

(a) is a label, set of colours, drawing, painting, handbill or placard;

(b) is a replica of a voting paper or of the symbol allotted to a candidate under section 16(1)(b) or (1A) of the Act; or

(c) is written, printed, drawn or depicted on any material,

and where any election advertising is written, printed, drawn or depicted in sections, such sections, both severally and collectively, are deemed to be a poster;”;

(d) by deleting the full-stop at the end of the definition of “public place” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““recipient”, in relation to any electronic mail or electronic message, means the person to whom such mail or message is addressed, and if the person has more than one digital mobile telephone number, electronic mail address or electronic user name, the person is to be regarded as a separate recipient with respect to each such digital mobile telephone number,

electronic mail address or electronic user name;

“SMS message” means a text message that is sent using an SMS service;

“SMS service” means a system that enables the transmission of text messages from a digital mobile telephone to another digital mobile telephone;

“social networking service” means any online website or web service —

(a) that allows a user to create webpages or profiles providing information that can be viewed in whole or in part by other users; and

(b) that enables or supports multiple-user digital communication, connection, social interaction or related activities;

“social networking service message” means a message that is posted on or sent through a social networking service;

“web log” means a website or part of a website maintained by one or more persons that —

(a) allows the person or persons to upload entries that include (but are not limited to) texts, still or moving pictures, signs, symbols or other visual images, or speeches, music, sounds or other audible messages (collectively called in this definition the uploaded content); and

(b) may allow visitors to the website (or any part of it) to post their comments on the uploaded content.”.

New Parts 2 and 3

4. The principal Regulations are amended by inserting, immediately after regulation 1A, the following Parts:

“PART 2

ELECTION ADVERTISING PARTICULARS

Non-print election advertising particulars

1B.—(1) For the purposes of section 42(1)(c)(ii) of the Act, the relevant particulars of any election advertising on any website must be displayed conspicuously —

- (a) on the first opening page of the website containing any election advertising; and
- (b) on the page first displayed for every sub-directory of the website if the relevant particulars of the election advertising in the sub-directory are not the same as those on the first opening page of that website.

(2) For the purposes of section 42(1)(c)(ii) of the Act, the relevant particulars must be displayed conspicuously on every election advertising sent —

- (a) by electronic transmission (including facsimile transmission);
- (b) by or through a micro-blog, a social networking service, an electronic media application, an SMS service or an MMS service;
- (c) by an electronic mail;
- (d) as a web log entry; or
- (e) as a message in a chat room, in a discussion forum or on any other platform on the Internet.

(3) Where the publisher of any election advertising or the person for whom or at whose direction any election advertising is published is an unincorporated association or society, it is sufficient for the purposes of this regulation to state the name of the association or society, as the case may be.

(4) In this regulation, “relevant particulars”, in relation to any election advertising, means —

- (a) the name of the publisher of the election advertising; and
- (b) the name of every person for whom or at whose direction the election advertising is published.

PART 3

INTERNET ELECTION ADVERTISING

Permitted forms of election advertising

1C.—(1) For the purposes of section 60AA(1)(b) of the Act, a candidate or his election agent may publish on the Internet during the election period the following election advertising (in the form of, but not limited to, any text, still or moving picture, sign, symbol or other visual image, or any speech, music, sound or other audible message), and no others:

- (a) any photograph of the candidate or any drawing or illustration which purports to depict the candidate or to be a likeness or representation of the candidate;
- (b) any photograph or film of any person or persons lawfully taking part in or conducting any election activity, or any drawing or illustration which purports to depict any such person or persons or to be a likeness or representation of any such person or persons;
- (c) the manifesto of the candidate;
- (d) any historical or biographical information about the candidate;
- (e) any newsletter, journal or other periodical publication of the candidate;
- (f) any message, article or comment that promotes the election of the candidate, including one that takes a position on an issue with which the candidate is associated;

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- (g) the whole or part of the symbol allotted to the candidate under section 16(1)(b) or (1A) of the Act;
 - (h) any advertisement or material for acquiring the services of volunteers or canvassers for the candidate;
 - (i) any announcement of any event held or to be held by or on behalf of the candidate.
- (2) Any election advertising that —
- (a) is sent by an electronic mail must contain a clearly and conspicuously displayed functioning electronic mail address to which the recipient of the electronic mail may send a reply to the sender of the electronic mail to indicate a desire not to receive any further electronic mail containing election advertising from that sender at the electronic mail address at which the firstmentioned electronic mail was received; or
 - (b) is in an electronic message must contain a clearly and conspicuously displayed —
 - (i) functioning digital mobile telephone number;
 - (ii) functioning electronic mail address; or
 - (iii) functioning electronic user name,to which the recipient of the electronic message may send a reply to the sender of the electronic message to indicate a desire not to receive any further electronic message containing election advertising from that sender at the digital mobile telephone number, electronic mail address or electronic user name at which the firstmentioned electronic message was received.
- (3) If the recipient of any electronic mail or electronic message containing any election advertising makes a request to the sender of the electronic mail or electronic message —
- (a) in the case of an electronic mail — through an electronic mail sent to a functioning electronic mail address provided under paragraph (2)(a); or

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- (b) in the case of an electronic message — through an electronic mail or electronic message sent to a functioning digital mobile telephone number, a functioning electronic mail address or a functioning electronic user name provided under paragraph (2)(b),

not to receive any further electronic mail or electronic message, as the case may be, containing election advertising from the sender, the sender must not send or cause to be sent any further electronic mail or electronic message containing election advertising during the election period to the recipient's electronic mail address, digital mobile telephone number or electronic user name at which the firstmentioned electronic mail or electronic message was received, without the prior express consent of the recipient.

(4) To avoid doubt, nothing in this regulation permits any of the following to be published by any candidate or his election agent on the Internet during the election period:

- (a) any election survey within the meaning of section 60B of the Act;
- (b) any appeal to the public or any class of the public to make any donation that contravenes the Political Donations Act (Cap. 236);
- (c) any facility enabling any member of the public or any class of the public to search for election advertising the publication of which contravenes these Regulations or is proscribed by the Returning Officer;
- (d) any party political film within the meaning of the Films Act (Cap. 107) or any film the exhibition or distribution of which is contrary to the provisions of that Act.

(5) Every candidate and his election agent must use their best efforts to ensure that any election advertising they publish or cause to be published is published in conformity with this Part and any other written law.

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- (6) For the purposes of this regulation —
- (a) “functioning electronic mail address”, “functioning digital mobile telephone number” or “functioning electronic user name”, in relation to any electronic mail or electronic message, means an electronic mail address, a digital mobile telephone number or an electronic user name, respectively, that —
- (i) remains capable of receiving electronic mail or electronic messages for not less than 14 days after the transmission of the firstmentioned electronic mail or electronic message; and
- (ii) has capacity, reasonably calculated in the light of the number of recipients of the firstmentioned electronic mail or electronic message, to enable it to receive the full expected quantity of reply electronic mail or electronic messages from such recipients; and
- (b) an electronic mail address, a digital mobile telephone number or an electronic user name does not cease to be a functioning electronic mail address, functioning digital mobile telephone number or functioning electronic user name, respectively, by reason only of a temporary inability to receive electronic mail or electronic messages due to technical problems, provided steps are taken to correct such technical problems within a reasonable time and without delay.

Chat rooms and discussion forum

1D.—(1) Where a chat room or discussion forum is to be maintained by or on behalf of a candidate during the election period, the candidate or his election agent must, before the start of the election period —

- (a) appoint as moderator one or more persons to directly manage the chat room or discussion forum during the election period; and

(b) notify the Returning Officer of such appointment.

(2) The moderator of a chat room or discussion forum has the following duties:

(a) he must maintain a record of all messages, including their contents, sent to the chat room or discussion forum during the election period;

(b) he must without delay remove any message in the chat room or discussion forum as and when directed by and in accordance with the written directions of the Returning Officer or any person acting under the Returning Officer's authority.

(3) The candidate who or on whose behalf a chat room or discussion forum is maintained during the election period must —

(a) use his best efforts to ensure that the chat room or discussion forum is maintained in conformity with this regulation and any other written law;

(b) keep and furnish to the Returning Officer all information, records, documents, data and other materials concerning or relating to the provision of the chat room or discussion forum as the Returning Officer may, from time to time, require during the election period; and

(c) remove, or prohibit the inclusion of, the whole or any part of any message in the chat room or discussion forum if the Returning Officer informs the moderator of the chat room or discussion forum that the message (or any part of it) is against public interest, public order or national harmony or offends good taste or decency and directs its removal or prohibition.

(4) To avoid doubt, in this regulation, a reference to anything that is or is to be maintained by or on behalf of a candidate includes a reference to anything that is or is to be maintained by the candidate either alone or as part of a group of persons.

Declaration of election advertising by candidates or election agents

1E.—(1) During the campaign period of an election, election advertising (in the form of, but not limited to, any text, still or moving picture, sign, symbol or other visual image, or any speech, music, sound or other audible message) may be published by or on behalf of a candidate on a platform maintained by or on behalf of the candidate on the Internet if and only if the candidate or his election agent gives a declaration required under paragraph (2) in respect of that platform.

(2) A candidate or his election agent must give to the Returning Officer, in such form and manner as the Returning Officer may require —

- (a) within 12 hours after the start of the campaign period, one or more declarations containing the particulars (as described in paragraph (3)) of every platform maintained by or on behalf of the candidate on the Internet on which any election advertising has been or is to be published by or on behalf of the candidate during the campaign period; and
- (b) thereafter at any time before any election advertising is published during the campaign period by or on the candidate's behalf on any other platform maintained by or on behalf of the candidate on the Internet, a declaration containing the particulars (as described in paragraph (3)) of that platform.

(3) A declaration under paragraph (2)(a) or (b) in respect of a platform must contain sufficient particulars of the platform to enable the Returning Officer —

- (a) where the platform is accessible by the general public, to access the platform; or
- (b) where the platform is not accessible by the general public (such as, but not limited to, electronic mail groups, groups on electronic media applications, groups on social networking services, SMS groups

or MMS groups), to identify the person who maintains the platform.

(4) When any declaration under paragraph (2)(a) or (b) is received by the Returning Officer, he must without delay ensure that the declaration is open for inspection (without charge) at all reasonable hours of the day until the close of the poll in Singapore.

(5) To avoid doubt, in this regulation —

- (a) “candidate” does not include a candidate who has been declared elected under section 15(1) of the Act;
- (b) a reference to anything that is or is to be maintained or published by or on behalf of a candidate includes a reference to anything that is or is to be maintained or published by the candidate either alone or as part of a group of persons;
- (c) a reference to the publishing of an election advertising includes a reference to the publishing of anything that contains the election advertising; and
- (d) a declaration that is required to be given to the Returning Officer under paragraph (2)(a) or (b) is to be regarded as so given only when it is actually received by the Returning Officer.

Returning Officer’s directions

1F.—(1) The Returning Officer or any person so authorised by him may issue a written direction to any candidate or the candidate’s election agent —

- (a) to remove or prohibit any election advertising that has been published by or on behalf of the candidate in contravention of regulation 1C or 1D;
- (b) to remove any election advertising that has been published by or on behalf of the candidate in contravention of regulation 1E(1); or

(c) to give to the Returning Officer, in such form and manner as the Returning Officer may require, a declaration containing the particulars (as described in regulation 1E(3)) of the platform on which the election advertising has been published by or on behalf of the candidate in contravention of regulation 1E(1).

(2) On receipt of any written directions under paragraph (1), the candidate or his election agent, as the case may be, must immediately comply with the written directions.

(3) To avoid doubt, in this regulation, a declaration that is required to be given to the Returning Officer under paragraph (1)(c) is to be regarded as so given only when it is actually received by the Returning Officer.

Use of best efforts

1G. If any doubt arises as to whether a candidate or an election agent has used his best efforts to comply with the provisions of this Part, the candidate or election agent, as the case may be, is to be treated as having used his best efforts if the candidate or election agent, as the case may be, satisfies the Returning Officer that he took all reasonable steps in the circumstances.”.

Amendment of regulation 2

5. Regulation 2 of the principal Regulations is amended by deleting the words “any candidate” and substituting the words “the candidate”.

Amendment of regulation 3

6. Regulation 3 of the principal Regulations is amended —

(a) by deleting the words “substantially in the form set out in the Schedule” in paragraph (1) and substituting the words “, in such form and manner as the Returning Officer determines,”; and

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

“(ab) the type of posters and banners that are authorised to be displayed under the permit;”.

Amendment of regulation 5

7. Regulation 5 of the principal Regulations is amended —

- (a) by deleting the words “poster or banner relating to any candidate in that election or the contents of any such poster or banner” in paragraph (1) and substituting the words “election advertising”;
- (b) by deleting the words “the poster or banner or its contents” in paragraph (1)(c) and (d) and substituting in each case the word “it”;
- (c) by deleting the words “a poster or banner relating to a candidate in an election” in paragraph (2)(a) and substituting the words “any election advertising”; and
- (d) by deleting the words “poster or banner” in paragraph (2)(b) and substituting the words “election advertising”.

Amendment of regulation 7

8. Regulation 7 of the principal Regulations is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) Paragraph (1) does not apply to the display of —

- (a) any poster or banner relating to a candidate on the day and at the site of an election rally held by the candidate; or
- (b) any poster or banner, or its contents, by means of —
 - (i) television broadcasting;
 - (ii) exhibiting a film or photograph of the poster or banner, or its contents; or
 - (iii) publication in any newspaper, magazine or periodical.”.

New regulation 7A

9. The principal Regulations are amended by inserting, immediately after regulation 7, the following regulation:

“Posters and banners to display allotted symbol

7A.—(1) Subject to paragraph (2), a person must not, during the campaign period of an election, display or cause to be displayed in any public place any poster or banner relating to a candidate in the election if the symbol allotted to the candidate under section 16(1)(b) or (1A) of the Act is not displayed on the poster or banner.

(2) Paragraph (1) does not apply to the display of —

- (a) any poster or banner relating to a candidate on the day and at the site of an election rally held by the candidate; or
- (b) any poster or banner, or its contents, by means of —
 - (i) television broadcasting;
 - (ii) exhibiting a film or photograph of the poster or banner, or its contents; or
 - (iii) publication in any newspaper, magazine or periodical.”.

Amendment of regulation 10

10. Regulation 10 of the principal Regulations is amended by deleting the words “the Info-communications Development Authority of Singapore, the Postal Authority” in paragraph (b) and substituting the words “the Info-communications Media Development Authority, the Government Technology Agency”.

Amendment of regulation 12

11. Regulation 12 of the principal Regulations is amended by deleting the words “200 metres” and substituting the words “50 metres”.

Deletion of Schedule

12. The Schedule to the principal Regulations is deleted.

Miscellaneous amendments

13. The principal Regulations are amended —

(a) by inserting, immediately above regulation 1, the following Part heading:

“PART 1
PRELIMINARY”;

(b) by inserting, immediately above regulation 2, the following Part heading:

“PART 4
POSTERS AND BANNERS”; and

(c) by inserting, immediately above regulation 15, the following Part heading:

“PART 5
MISCELLANEOUS”.

[G.N. No. S 442/2011]

Made on 30 May 2017.

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

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