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PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS
(ELECTION ADVERTISING) (AMENDMENT)
REGULATIONS 2020

In exercise of the powers conferred by sections 78, 78A and 102 of the Parliamentary Elections Act, the Prime Minister makes the following Regulations:

Citation and commencement

1. These Regulations are the Parliamentary Elections (Election Advertising) (Amendment) Regulations 2020 and come into operation on 8 June 2020.

Amendment of regulation 2

2. Regulation 2 of the Parliamentary Elections (Election Advertising) Regulations (Rg 3) (called in these Regulations the principal Regulations) is amended —

(a) by inserting, immediately before the definition of “banner”, the following definition:

““authorised third-party campaigner”, in relation to a candidate or group of candidates, means a person who is acting within the authorisation issued to the person under section 83(2) of the Act by the candidate (or the candidate’s election agent) or the group of candidates (or those candidates’ election agents) to conduct election activity;”;

(b) by deleting the definitions of “chat room”, “discussion forum” and “display” and substituting the following definitions:

““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;

“display”, in relation to a public place, includes display on the exterior or otherwise of a vehicle (whether or not mechanically propelled) in a public place so as to be visible to the public or any section of the public;”;

(c) by deleting the definition of “electronic mail address” and substituting the following definition:

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

(d) by deleting the word “small” in paragraph (a) of the definition of “electronic media application”;

(e) by inserting, immediately after the definition of “electronic media application”, the following definitions:

““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 proprietor of an online account, facility, network, service or system;

“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 —

- (a) 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
- (b) 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 an electronic mail address, a digital mobile telephone number or an electronic user name does not stop being a functioning electronic mail address, functioning digital mobile telephone number or functioning electronic user name, respectively, just because of a temporary inability to receive electronic mail or electronic messages due to technical problems, provided steps are taken to correct these technical problems within a reasonable time and without delay;

“initiating”, in relation to publishing or sending paid Internet election advertising, includes instigating the publishing or sending of the election advertising to recipients not voluntarily accessing the election

advertising, without the need for anyone to operate or permit the operation of systems that cause the election advertising to be so published or sent;

“Internet platform” means —

- (a) a website or similar online facility;
- (b) an electronic media application;
- (c) a social networking service; or
- (d) a network or like service available on the Internet that —
 - (i) supports the integration of different electronic media applications or different software or programmes for the provision of goods or services (including accessing information); and
 - (ii) facilitates communication and exchanges of information between multiple subscribers to the service;

“message”, in relation to a chat room, a discussion forum, a micro-blog post, a social networking service message or an electronic media application message, 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;”;

(f) by deleting the definition of “micro-blog post” and substituting the following definition:

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

(g) by inserting, immediately after the definition of “MMS service”, the following definition:

““mobile device” includes a digital mobile telephone or other device that is designed to run a mobile operating system;”;

(h) by inserting, immediately after the definition of “nomination day”, the following definitions:

““online account” includes any of the following:

(a) a free account;

(b) a prepaid account;

(c) anything that may reasonably be regarded as the equivalent of an account;

“paid Internet election advertising”, in relation to an election, means an election advertising —

(a) that contains material relating to the election;

(b) that is published on or using any Internet platform; and

(c) in respect of which the proprietor or operator of the Internet platform (including a person initiating the publishing or sending of the advertising) has received or is to receive, directly or indirectly, any money or other consideration for the placement of the election advertising on or using the Internet platform;”;

(i) by deleting paragraph (b) of the definition of “poster” and substituting the following paragraph:

“(b) is a replica of a voting paper, a political party’s symbol or the symbol allotted to a

candidate or group of candidates under section 34 or 34A of the Act; or”;

(j) by deleting the definition of “recipient” and substituting the following definitions:

““recipient”, in relation to an 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;

“relevant communication service” means an electronic service that —

(a) allows end-users to access information or material on the Internet;

(b) delivers information or material from the Internet to persons having a mobile device capable or appropriate for receiving that information or material; or

(c) enables end-users to communicate with other end-users by electronic mail, instant messaging service, an MMS service or SMS service, through a mobile device capable or appropriate for receiving information or material from the Internet,

using a broadcasting or telecommunication service for carrying messages or other information or material (whether between

persons and persons, things and things or persons and things);”;

(k) by deleting the word “short” in the definition of “SMS service”; and

(l) by deleting the definition of “web log” and substituting the following definitions:

““social networking service message” means a message that is posted 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.”.

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended —

(a) by deleting the words “shall be shown” in paragraph (1) and substituting the words “must be displayed”;

(b) by deleting paragraphs (2) and (2A) and substituting the following paragraphs:

“(2) For the purposes of section 61(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);

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- (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 Internet platform.

(2A) For the purposes of section 61(1)(c)(ii) of the Act, the relevant particulars of every election advertising sent by any means in paragraph (2) must —

- (a) if the election advertising is published in a visual form, be clearly displayed in the advertising;
- (b) if the election advertising is paid Internet election advertising and is published in a visual form which is too small to include the relevant particulars in a legible manner (such as but not limited to a micro-bar, a button ad, a graphic or picture link or a static or dynamic digital banner advertisement), be shown as follows:
 - (i) for an election advertising that allows the viewer to click on it, the viewer must be taken to a landing or home page that prominently displays the relevant particulars;
 - (ii) for an election advertising that does not allow the viewer to click on it, the relevant particulars must be prominently displayed on a clearly identifiable website that the election advertising was drawn from; or

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- (c) if the election advertising is published only in an audible form, be no less audible than the other content of the election advertising.”;
- (c) by deleting paragraphs (2B), (2C) and (2D);
- (d) by deleting the words “and address (not being a post-office box)” in paragraph (3)(a) and (b);
- (e) by deleting the word “and” at the end of paragraph (3)(a);
- (f) by deleting the full-stop at the end of sub-paragraph (b) of paragraph (3) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:
- “(c) in the case of paid Internet election advertising, a message or statement to the effect as follows if the person for whom or at whose direction the election advertising is published or sent is a candidate, or the political party of one or more candidates, at the election to which the election advertising relates, or an authorised third-party campaigner of the candidate:
- (i) that the placement of the election advertising which is to be or has been published or sent, is or was so sponsored by a person or persons, such as by words like “sponsored by” or “paid for by”;
- (ii) the name of that person or those persons in sub-paragraph (i), indicating whether or that the person is a candidate or political party of any candidate, or one or more of the persons is or are candidates, at the election, or an

authorised third-party campaigner of such a candidate.”; and

(g) by deleting the words “and address” in paragraph (4).

Amendment of regulation 4

4. Regulation 4 of the principal Regulations is amended —

- (a) by deleting paragraph (1);
- (b) by deleting the words “in text” in paragraph (2) and substituting the words “in the form of, but not limited to, any text”;
- (c) by deleting the words “, or any combination of 2 or more of those things” in paragraph (2);
- (d) by deleting paragraphs (3) and (3A) and substituting the following paragraphs:

“(3) 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.

(3A) 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 (3)(a); or
- (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 (3)(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.”;

(e) by deleting the words “what is commonly known as” in paragraph (4);

(f) by deleting sub-paragraph (b) of paragraph (4) and substituting the following sub-paragraph:

“(b) any appeal to the general public or a section of the general public to give donations —

(i) which is made in association with a representation that the whole or any part of the donation is to be applied for the objects or activities of any political party at an election; or

(ii) for the promotion of any candidate or group of candidates at an election,

being donations the acceptance of which by or on behalf of the political party or any candidate is unlawful under the Political Donations Act (Cap. 236);”;

(g) by deleting paragraph (6); and

(h) by deleting the regulation heading and substituting the following regulation heading:

“Permitted forms of election advertising”.

Amendment of regulation 5

5. Regulation 5 of the principal Regulations is amended —

(a) by deleting the words “facility referred to in regulation 4(1)(c) (referred to in this regulation as a chat room or discussion forum)” in paragraph (1) and substituting the words “chat room or discussion forum”;

(b) by inserting, immediately after the words “Returning Officer” in paragraph (1), the words “of such appointment”;

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

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

- (a) the moderator must maintain a record of all messages, including their contents, sent to the chat room or discussion forum during the election period;
 - (b) the moderator 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.”;
- (d) by deleting sub-paragraph (c) of paragraph (3) and substituting the following sub-paragraph:

“(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.”; and

- (e) by inserting, immediately after paragraph (3), the following paragraph:

“(4) To avoid doubt, in this regulation, a reference to anything that is or is to be maintained by or on behalf of a political party, candidate or group of candidates includes a reference to anything that is or is to be maintained by the political party, candidate or group of candidates solely or together with any other person.”.

Deletion and substitution of regulation 6

6. Regulation 6 of the principal Regulations is deleted and the following regulation substituted therefor:

“Declaration of election advertising by candidates or election agents

6.—(1) Election advertising may be published on the Internet by or on behalf of a candidate or group of candidates during the campaign period of an election —

- (a) on an Internet platform;
- (b) using an online account on an Internet platform; or
- (c) using a relevant communication service,

if, and only if, a declaration in accordance with paragraphs (2), (3) and (4) and in the form and manner that the Returning Officer requires, is given by the candidate (or the candidate’s election agent) or group of candidates (or those candidates’ election agents) in respect of that Internet platform, online account or relevant communication service, as the case may be.

(2) A declaration under paragraph (1) must be given to the Returning Officer as follows:

- (a) within 12 hours after the start of the campaign period in respect of every election advertising published on the Internet within those 12 hours by or on behalf of a candidate or group of candidates —
 - (i) on any Internet platform;
 - (ii) using an online account on any Internet platform; or
 - (iii) using any relevant communication service;
- (b) before any election advertising is published on the Internet during the campaign period by or on behalf of a candidate or group of candidates —
 - (i) on any Internet platform;

(ii) using an online account on any Internet platform; or

(iii) using any relevant communication service, unless otherwise allowed under sub-paragraph (a).

(3) A declaration under paragraph (1) must contain the following:

(a) for election advertising published by or on behalf of a candidate or group of candidates on an Internet platform or using an online account on an Internet platform —

(i) where the Internet platform or the online account from which the election advertising is published is accessible by the general public, sufficient particulars about the Internet platform or online account (as the case may be) to enable the Returning Officer to access that platform or online account; or

(ii) where access to the Internet platform or the online account from which the election advertising is published is subject to a precondition (like a password) or is otherwise restricted, the name and other sufficient particulars to enable the Returning Officer to identify the person who is the proprietor of or who operates the Internet platform or online account, as the case may be;

(b) for election advertising published by or on behalf of a candidate or group of candidates using a relevant communication service — all or any of the following (whichever being applicable) together with the name and other sufficient particulars to enable the Returning Officer to identify and contact the publisher of the election advertising:

(i) a functioning digital mobile telephone number;

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- (ii) a functioning electronic mail address;
 - (iii) a functioning electronic user name.

(4) In addition, where paid Internet election advertising relating to an election is published or to be published on an Internet platform or using an online account on an Internet platform, a declaration under paragraph (1) in respect of the Internet platform or the online account must also state —

- (a) the name and other sufficient particulars to identify the person or persons who published or sent or is to publish or send (including a person initiating the publishing or sending) the paid Internet election advertising relating to that election;
- (b) the period that the paid Internet election advertising started appearing (if applicable) and will appear on the Internet; and
- (c) that the person or persons mentioned in sub-paragraph (a) received or is to receive, directly or indirectly, any money or other consideration for the placement of (including initiating the publishing or sending) the paid Internet election advertising relating to that election, from —
 - (i) the candidate (or the candidate's election agent) or group of candidates (or those candidates' election agents) making the declaration, whether or not by way of expenditure for the purposes of the candidate's or group's election;
 - (ii) the political party of one or more candidates at that election; or
 - (iii) any other person, whether or not a donor to such a candidate, group or political party.

(5) When any declaration under paragraph (1) 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.

- (6) To avoid doubt, in this regulation and regulation 7 —
- (a) more than one declaration may be given under this regulation by a candidate (or the candidate’s election agent) or group of candidates (or those candidates’ election agents) in respect of the same Internet platform, online account or relevant communication service;
 - (b) a reference to anything that is or is to be published —
 - (i) by a candidate or group of candidates includes a reference to anything that is or is to be published by the candidate, or the group of candidates, solely or together with any other person; or
 - (ii) on behalf of a candidate or group of candidates includes a reference to anything that is or is to be maintained or published by an authorised third-party campaigner of the candidate or group of candidates;
 - (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 (1) is not to be regarded as given until when it is actually received by the Returning Officer.
- (7) In this regulation —
- “candidate” does not include a candidate who has been declared elected under section 33(1) of the Act;
 - “election advertising” means election advertising in any form, such as 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.”.

Amendment of regulation 7

7. Regulation 7 of the principal Regulations is amended —

- (a) by deleting the word “or” at the end of paragraph (1)(a);
- (b) by deleting sub-paragraph (b) of paragraph (1) and substituting the following sub-paragraphs:

“(b) to remove or prohibit any election advertising that —

- (i) is published without any authorisation under section 83(2) of the Act; or
 - (ii) is published purportedly on behalf of the political party, candidate or group of candidates (as the case may be), being in contravention of an authorisation by the candidate (or the candidate’s election agent) or group of candidates (or those candidates’ election agents) under section 83(2) of the Act;
- (c) to remove any election advertising that has been published by or on behalf of the candidate or group of candidates in contravention of regulation 6(1); or
- (d) to give to the Returning Officer, in such form and manner as the Returning Officer may require, a declaration containing the particulars (as required by regulation 6(1)) of every Internet platform, online account on an Internet platform, or relevant communication service (as the case may be) that has been used to publish the election advertising by or on behalf of the candidate or group of candidates in contravention of regulation 6(1).”; and

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- (c) by inserting, immediately after paragraph (2), the following paragraph:

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

Amendment of regulation 10

- 8.** Regulation 10 of the principal Regulations is amended —

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

“(1) As soon as possible after nomination proceedings have closed on nomination day of an election in an electoral division, the Returning Officer must issue, in such form and manner as the Returning Officer determines, a permit to every candidate (or his election agent), or every group of candidates (or an election agent of any of those candidates), in the election, authorising the display of posters and banners relating to the candidate or group of candidates (as the case may be) in any public place in the electoral division during the campaign period of the election.”;

- (b) by inserting, immediately after the words “polling day” in paragraph (2)(aa), the words “of an election”;
- (c) by inserting, immediately after sub-paragraph (aa) of paragraph (2), the following sub-paragraph:

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

- (d) by inserting, immediately after the words “maximum number” in paragraph (2)(c), the words “and size”; and
- (e) by inserting, immediately after paragraph (2), the following paragraph:

“(3) Any condition imposed under paragraph (2)(c) for posters and banners relating to a candidate or group of candidates does not apply to the display of any poster or banner on the day and at the site of an election rally held by the candidate or group of candidates.”.

Amendment of regulation 12

9. Regulation 12 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “any poster or banner” in paragraph (1), the words “relating to any candidate or group of candidates”;
- (b) by deleting sub-paragraph (a) of paragraph (2) and substituting the following sub-paragraph:
 - “(a) any poster or banner relating to any candidate or group of candidates on the day and at the site of any election rally held by the candidate or group of candidates; and”;
- (c) by deleting the words “by any means” in paragraph (2)(b) and substituting the words “by means”;
- (d) by deleting the words “what is commonly known as” in paragraph (2)(b)(ii); and
- (e) by inserting, immediately before the words “a film” in paragraph (2)(b)(iii), the word “exhibiting”.

New regulation 12A

10. The principal Regulations are amended by inserting, immediately after regulation 12, the following regulation:

“Posters and banners to display allotted symbol

12A.—(1) Subject to paragraph (2), a person must not, during the campaign period of an election in an electoral division, display or cause to be displayed in any public place in the electoral division any poster or banner relating to a candidate or

group of candidates in the election if the symbol allotted to the candidate or group of candidates under section 34 or 34A 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 or group of candidates on the day and at the site of an election rally held by the candidate or group of candidates; 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.”.

Deletion of regulations 13 and 14 and substitution of regulation 13

11. Regulations 13 and 14 of the principal Regulations are deleted and the following regulation substituted therefor:

“Copy of poster or banner to be lodged with Returning Officer, etc.

13.—(1) During the campaign period of an election in an electoral division, a person must not display or cause to be displayed, by any means, in any public place in the electoral division any poster or banner relating to a candidate or group of candidates in the election unless —

- (a) a copy of that poster, or a detailed diagram or drawing of that banner, has been earlier lodged with the Returning Officer —
 - (i) by the candidate (or the candidate’s election agent) or the group of candidates (or an election agent of any of those candidates), as the case may be; or

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- (ii) where the candidate or group of candidates is standing for election for a political party and the poster or banner is a party-wide poster or banner, by the political party; and
 - (b) the person is in possession of a written authority to conduct election activity issued in accordance with section 83(2) of the Act.
- (2) Paragraph (1)(b) does not apply when the person who displays, or causes to be displayed, a poster or banner is the candidate to whom, or a member of a group of candidates to which, the poster or banner relates, or that candidate's election agent.
- (3) In this regulation, "party-wide poster or banner", in relation to a political party, means a poster or banner —
- (a) which can reasonably be regarded as procuring or promoting the political party's electoral success in, or otherwise enhancing the political party's standing with the electorate in connection with, 2 or more elections held at the same time; and
 - (b) which the political party intends for display in 2 or more electoral divisions contested by its candidates in such elections."

Amendment of regulation 16

12. Regulation 16 of the principal Regulations is amended —

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

“(b) any property of the Public Utilities Board, the Info-communications Media Development Authority, the Government Technology Agency, any electricity licensee, any gas licensee, any public telecommunication licensee or any public postal licensee;”;

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- (b) by deleting the word “public” in paragraph (1)(d) and (e); and
- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) In this regulation —

“electricity licensee” means the holder of an electricity licence under section 9 of the Electricity Act (Cap. 89A);

“gas licensee” has the meaning given by section 2 of the Gas Act (Cap. 116A);

“public postal licensee” has the meaning given by section 2(1) of the Postal Services Act (Cap. 237A);

“public telecommunication licensee” has the meaning given by section 2 of the Telecommunications Act (Cap. 323).”.

Amendment of regulation 20

13. The principal Regulations are amended by renumbering regulation 20 as paragraph (1) of that regulation, and by inserting immediately thereafter the following paragraph:

“(2) The expenses reasonably incurred by or on behalf of the Returning Officer, or a police officer, under paragraph (1) are recoverable as a debt due to the Government from the candidate who, or the members (jointly and severally) of the group of candidates which, had displayed, or caused to be displayed, the contravening poster or banner mentioned in that paragraph.”.

Amendment of regulation 23

14. Regulation 23 of the principal Regulations is amended by inserting, immediately after the words “in respect” in paragraph (b), the words “of an election”.

Deletion of Schedule

15. The Schedule to the principal Regulations is deleted.

[G.N. No. S 500/2015]

Made on 5 June 2020.

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

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