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TOWN COUNCILS ACT
(CHAPTER 329A)

TOWN COUNCILS (POLLING FOR LIFT UPGRADING WORKS)
RULES 2005

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In exercise of the powers conferred by section 24I(1)(a) and (b) and (2) of the Town Councils Act, the Minister for National Development hereby makes the following Rules:

PART I
PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Town Councils (Polling for Lift Upgrading Works) Rules 2005 and shall come into operation on 5th December 2005.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“beneficiary flat”, in relation to any lift upgrading works, means a flat prescribed in rule 3 to be a beneficiary flat in relation to those lift upgrading works;

“building” means a building comprising wholly residential flats and includes a part of a building comprising wholly residential flats;

“Central Provident Fund Board” means the Central Provident Fund Board constituted under section 3 of the Central Provident Fund Act (Cap. 36);

[S 576/2013 wef 01/08/2013]

“chief polling officer” means the chief polling officer appointed under rule 18(1)(a) and includes a deputy chief polling officer appointed under rule 18(2);

“daily statement of the poll” means the statement prepared in respect of any polling day under rule 34(1)(b) or 44(1)(a), as the case may be;

“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 lift 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;

“HDB” means the Housing and Development Board established under the Housing and Development Act (Cap. 129);

“HDB flat” means a house or flat sold under the provisions of the Housing and Development Act (Cap. 129);

[S 156/2010 wef 01/04/2010]

“Lease Buyback Scheme” means a scheme administered by the HDB, under which a lessee of an HDB flat who has been approved by the HDB to take part in the scheme enters into an agreement with the HDB to reduce the term of the lease, in consideration of a sum of money —

- (a) which is paid in accordance with the terms and conditions of the scheme; and
- (b) the whole or a part of which may be used for the payment of a premium for an annuity plan under the Lifelong Income Scheme established and maintained by the Central Provident Fund Board under section 27K of the Central Provident Fund Act;

[S 576/2013 wef 01/08/2013]

[S 156/2010 wef 01/04/2010]

“list of proxies” means the list of proxies prepared under rule 17;

“poll” means a poll conducted under section 24C(1) of the Act with a view to establishing the opinion of owners of beneficiary flats within a precinct about any proposal by the Town Council to carry out lift upgrading works in buildings within that precinct;

“polling day” means any day on which a poll is taken;

“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;

“register” means the register of owners of beneficiary flats prepared and maintained (whether in paper or electronic form) under rule 4;

“registered owner” means any person whose name is entered in a register;

“residential flat” means a flat which is permitted to be used pursuant to the Planning Act (Cap. 232) or any other written law wholly for the purpose of human habitation, and “non-residential flat” means any flat other than a residential flat;

“scrutineer” means a scrutineer appointed under rule 18(1)(b) for the purposes of a poll;

“Singapore corporation” means —

- (a) any body corporate established by any written law;

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- (b) any company incorporated in Singapore, one of whose members is either a citizen of Singapore or a company incorporated in Singapore one of whose members is a citizen of Singapore, and so on; or
 - (c) any society, co-operative society, trade union, mutual benefit organisation or other organisation formed or constituted in Singapore, one of whose members or trustees is a citizen of Singapore;

“voter” means a person who applies to vote or votes at a poll, whether or not he is a registered owner.

(2) Any reference in these Rules to the commencement of a poll shall be a reference to the first polling day of the poll.

(3) For the purposes of these Rules, the seniority of joint owners of any flat shall be determined by the order in which the names of the joint owners appear in the register.

(4) For the purposes of these Rules, a person or group of persons shall be regarded as the common registered owner of more than one flat if, and only if —

- (a) he is the sole registered owner of each of the flats; or
- (b) the group comprises persons who are the same joint registered owners of each of the flats and whose shares and interests in each of those flats are the same, whether equal or unequal.

(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 the lift upgrading works.

Beneficiary flats and lift upgrading works

3.—(1) In these Rules, lift upgrading works in a building shall include all works necessary or ancillary to installing any lift or lift landing, or any additional lift or lift landing, in the building.

(2) For the purposes of these Rules, the beneficiary flats in relation to any lift upgrading works in a building shall be all residential flats in that building other than —

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- (a) flats on the ground level;
 - (b) flats on the same level of such lift landings as are existing in that building before the commencement of the poll relating to those lift upgrading works; and
 - (c) flats which, after the completion of those lift upgrading works —
 - (i) are at least one whole storey above or below any lift landing in that building; or
 - (ii) are in a part of the building to which there is no direct access from any level (other than ground level) of the building where the lift upgrading works are carried out.

PART II

REGISTER OF OWNERS OF FLATS

Preparation of register of owners

4.—(1) Where a Town Council proposes to carry out lift upgrading works in any building within a precinct, the Town Council shall prepare a register of owners of beneficiary flats in the building for those works, entering the names and addresses of all persons who —

- (a) are owners of beneficiary flats in that building in relation to those lift upgrading works or are entitled to have their names entered in the register as owners of such flats; and
- (b) are not disqualified under rule 6 from voting at the poll relating to those lift upgrading works.

(2) The register of owners for a precinct may comprise a series of subsidiary registers of owners of beneficiary flats comprised in each building within the precinct.

Owners of flats, etc.

5.—(1) Subject to paragraphs (2) and (3), any person who, immediately before the commencement of a poll relating to the

proposal to carry out lift upgrading works under section 24C of the Act, is —

- (a) the most recent purchaser, jointly or otherwise, of a leasehold interest in a beneficiary flat; or
- (b) the most recent purchaser, jointly or otherwise, of the beneficiary flat under an agreement for a lease,

shall, for the purposes of these Rules, be the owner of the beneficiary flat within that precinct and shall be entered in the register as such.

(2) Notwithstanding paragraph (1), the following persons shall not be the owner or owners of any beneficiary flat for the purposes of these Rules and shall not be entitled to be registered as such:

- (a) any sole purchaser of such a flat who is neither a citizen of Singapore nor a Singapore corporation;
- (b) the joint purchasers of such a flat, all of whom are neither citizens of Singapore nor Singapore corporations;
- (c) any body corporate which is declared under section 50A of the Housing and Development Act (Cap. 129) to be entitled to purchase such a flat; and
- (d) any sole purchaser or joint purchasers of such a flat which is the subject of an agreement entered into under the Lease Buyback Scheme.

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(3) For the avoidance of doubt, where only one of the most recent joint purchasers of a beneficiary flat is either a citizen of Singapore or a Singapore corporation, all the joint purchasers shall be the owners of the flat for the purposes of these Rules and shall be entitled to be registered as such.

(4) Where the owner of a beneficiary flat is deceased and representation has been taken out at any time before the commencement of the poll, the personal representative of the deceased owner shall, for the purposes of these Rules, be entitled to have his name entered in the register as owner of the beneficiary flat instead of the deceased owner.

(5) Where an owner of a beneficiary flat is of unsound mind or his person or estate is liable to be dealt with in any way under the law relating to mental disorders, his committee or such other person who properly has the management of his estate shall be entered in the register as the owner of the beneficiary flat.

(6) The HDB shall, for the purposes of these Rules, be the owner of a beneficiary flat within a precinct and shall be entered in the register as such if immediately before the commencement of the poll —

- (a) the beneficiary flat is neither sold nor rented out by the HDB;
- (b) the beneficiary flat is rented out (but not sold) by the HDB; or
- (c) the beneficiary flat is the subject of an agreement entered into under the Lease Buyback Scheme.

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Disqualified persons

6. An owner of a beneficiary flat or his personal representative shall be disqualified from voting at a poll if the HDB has served any of the following notices on him and does not subsequently waive in writing any such notice before the commencement of the poll:

- (a) a notice of the intention of the HDB to have the flat vested in itself pursuant to section 47 (2A) or 52(1A) or (2) of the Housing and Development Act (Cap. 129);
- (b) a notice of the intention of the HDB to rescind an agreement for a lease of the flat pursuant to section 47(2A) or 52(3) of the Housing and Development Act;
- (c) a notice of the intention of the HDB to re-enter upon the flat pursuant to section 55 of the Housing and Development Act;
- (d) a notice of the intention of the HDB to compulsorily acquire the flat pursuant to section 56 of the Housing and Development Act;
- (e) a notice of the intention of the HDB to terminate the lease or an agreement for a lease of the flat.

Completion of register

7.—(1) The Town Council shall, not later than the day before the commencement of a poll in relation to any lift upgrading works in any building within a precinct, complete the register referred to in rule 4(1) and shall certify the completed register as the register in operation for those lift upgrading works in that building.

(2) The register in operation for any lift upgrading works in a building shall be conclusive evidence for the purpose of determining whether a person is entitled to vote at a poll in relation to those lift upgrading works in that building.

PART III**VOTING****Entitlement to vote**

8.—(1) Subject to the provisions of these Rules, every registered owner whose name appears in a register of owners of beneficiary flats in a building within a precinct in respect of which lift upgrading works in the building are proposed shall be entitled to vote in a poll relating to those lift upgrading works.

(2) Subject to the provisions of these Rules, every registered owner whose name appears in a register of owners of beneficiary flats in a building within a precinct in respect of which lift upgrading works in the building are proposed shall, for the purposes of a poll relating to those lift upgrading works in that building, have —

- (a) if he alone, or together with other registered owners, is the common registered owner of more than one beneficiary flat within the building, one vote in respect of all those flats; and
- (b) in any other case, a number of votes equal to the number of beneficiary flats in that building in respect of which he is registered as an owner.

Voting value in votes

9.—(1) In a poll relating to any building within a precinct, the vote of each registered owner entitled to vote at that poll shall have a voting value as follows:

- (a) where the HDB is the registered owner — one, notwithstanding it being the common registered owner of more than one beneficiary flat within that building; and
- (b) in the case of any other registered owner — a number equal to the number of leases the HDB has granted to the registered owner in respect of his beneficiary flat or flats within the building.

(2) In this rule, any reference to a lease granted by the HDB to any registered owner shall include a reference to an agreement for a lease entered into by the HDB with that registered owner.

Voting in person or by proxy

10. Subject to the provisions of these Rules, every registered owner may vote in a poll in person or by proxy.

Joint owners

11.—(1) Except as otherwise provided in paragraphs (2) and (3), the vote of joint registered owners (including tenants in common) of a beneficiary flat may be cast by any of them in person or by proxy, and any first such vote cast shall be accepted to the exclusion of the other joint owners; but if more than one registered owner are present at the poll on a polling day, the vote of the senior owner amongst them who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the other joint owners.

(2) In the case of tenants in common all of whom are either citizens of Singapore or Singapore corporations or both and who hold unequal shares in a beneficiary flat, the vote of the tenant in common holding the largest share and living at the commencement of the poll shall be accepted to the exclusion of the other tenants in common of that flat.

(3) Notwithstanding anything to the contrary in these Rules, where any one of the joint registered owners (including tenants in common)

of a beneficiary flat is not a citizen of Singapore or a Singapore corporation, he shall not be entitled to vote in any poll and the vote of the joint registered owners of that flat may be cast only by any of the joint registered owners among them who is a citizen of Singapore or a Singapore corporation either in person or by proxy.

(4) Paragraphs (1) and (2) shall apply, with the necessary modifications, to the joint registered owners who are citizens of Singapore or Singapore corporations referred to in paragraph (3).

Mentally disordered persons

12. A registered owner of a beneficiary flat who is of unsound mind or whose person or estate is liable to be dealt with in any way under the law relating to mental disorders shall not, even though he is a citizen of Singapore, vote at a poll in person but may vote by his committee or by such other person who properly has the management of his estate, and any such committee or other person may vote by proxy.

Voting by HDB

13. The HDB may appoint in writing any one of its officers to vote on its behalf at the poll and that officer shall vote at the poll in person.

Company may appoint representative to attend poll

14.—(1) A company which is a registered owner may, under the seal of the company or the hand of its director or any duly authorised attorney, appoint such person as it thinks fit to act as its representative at a poll and a person so authorised shall, in accordance with his authority or until his authority is revoked by the company, be entitled to exercise the same powers on behalf of the company as the company could exercise if it were an individual.

(2) A vote cast at a poll by or on behalf of a registered owner who is a company shall have no effect unless the chief polling officer has, before the vote is cast, received from the company a notice in writing specifying the representative of that company.

Proxies

15.—(1) Subject to this rule, any person shall be capable of being appointed proxy to vote for a registered owner at any poll and may vote in pursuance of the appointment.

(2) A registered owner cannot have more than one person at a time appointed as proxy to vote for him at a poll.

(3) A person shall not be capable of being appointed to vote, or of voting, as a proxy at a poll if —

(a) he is, at the commencement of the poll, below 21 years of age;

(b) he is under any written law found or declared to be of unsound mind; or

(c) he is not a citizen of Singapore.

(4) A proxy need not be a registered owner of a beneficiary flat within the precinct or a registered owner of a beneficiary flat within the building in relation to which the poll is conducted.

(5) A person appointed to vote as proxy shall vote in person.

Instrument of proxy

16.—(1) The instrument appointing a proxy shall be in writing, in Form 1 in the Schedule, under the hand of the registered owner or of his attorney duly authorised in writing or, if the registered owner is a corporation (other than the HDB), either under seal or under the hand of an officer or an attorney duly authorised.

(2) A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, if no information in writing of such death, unsoundness of mind or revocation has been received by the Town Council before the commencement of the poll at which the instrument is used.

(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, before the vote is cast by the proxy at the poll, 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 20,

and in default, the instrument of proxy shall be treated as invalid.

List of proxies

17. The chief polling officer shall, in respect of the poll, prepare a list of proxies consisting of all those registered owners of beneficiary flats who have given notice under rule 14(2) or deposited an instrument of proxy pursuant to rule 16(3), and the names and addresses of all those appointed as their representatives or proxies.

PART IV THE POLL

Polling staff

18.—(1) As soon as practicable after a precinct has been declared under section 24B(1) of the Act and after the HDB has approved any proposal of the Town Council to carry out certain lift upgrading works in a building within the precinct, the Minister shall appoint —

- (a) a chief polling officer to preside over such poll; and
- (b) not less than 2 scrutineers for the purposes of that poll.

(2) The Minister may, in addition to the chief polling officer appointed under paragraph (1)(a), appoint one or more deputy chief polling officers to assist the chief polling officer in the performance of his duties under these Rules, and the deputy chief polling officer shall have all the powers and may perform all the duties of the chief polling officer under these Rules.

(3) The chief polling officer shall, as soon as practicable after his appointment under paragraph (1)(a) for the purposes of any poll, appoint such polling officers and clerks as may be necessary for the purposes of that poll.

(4) No officer of the HDB who is appointed under rule 13 to vote on behalf of the HDB at a poll shall be appointed as a chief polling officer, deputy chief polling officer, scrutineer, polling officer or clerk for the purposes of that same poll.

Conduct of lift upgrading works poll

19. Subject to the provisions of the Act, a poll in relation to any Town Council's proposal to carry out lift upgrading works in a building within a precinct may be conducted at any time after the Minister has declared the precinct and the HDB has approved the Town Council's proposal to carry out those lift upgrading works.

Notices of poll

20. The Town Council shall give notice of a poll relating to any lift upgrading works in any building in the following manner:

- (a) by affixing, not less than 7 days before the date of commencement of the poll relating to those lift upgrading works, at a conspicuous place in the building, a notice stating the polling days, the hours and the polling place of the poll; and
- (b) by serving, not less than 7 days before the last polling day of the poll, a notice on every registered owner whose name appears in the register in operation for those lift upgrading works in that building —
 - (i) describing the proposals to carry out those lift upgrading works in the building;
 - (ii) specifying the polling days, the hours of the polls and the polling place as stated in the notice in paragraph (a); and
 - (iii) specifying the name of the person entitled to vote at the poll, the voting value of his vote or votes, and the place where instruments of proxy and powers of attorney may be deposited.

Postponement of poll

21. If the Town Council, after having given in accordance with rule 20 notice of a poll relating to any lift upgrading works in any building, decides to postpone the date of commencement or to change the polling place of the poll, the Town Council shall give notice of the postponement or change by affixing, not less than 2 days before the original date of commencement of the poll, 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 poll.

Days and hours of poll

22.—(1) The total period during which a poll may be taken shall not exceed 10 consecutive days.

(2) Unless the Town Council otherwise specifies in the notices of the poll given under rule 20, the poll shall —

- (a) on the first polling day thereof, open at 8 p.m. and adjourn that same day at 10 p.m. till the next polling day;
- (b) on each subsequent polling day (except the last polling day), open at 9 a.m. and adjourn that same day at 9 p.m. till the next polling day; and
- (c) on the last polling day, open at 9 a.m. and close at 9 p.m. of that day.

Polling papers

23. Except as otherwise provided in Part VI, the votes at a poll shall be given by polling papers and the vote of each voter in respect of any proposal regarding lift upgrading works, shall consist of a polling paper in Form 2 in the Schedule.

Poll boxes

24. Every poll box shall be so constructed such that the polling papers can be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

Procedure on commencement of poll

25. Immediately before the opening of the poll on the first polling day thereof, the chief polling officer shall —

- (a) show to the scrutineers and such other persons (if any) as may be present at the polling place that each poll box to be used at the poll is empty;
- (b) then lock it up and place his seal upon it in such a manner as to prevent it from being opened without breaking the seal; and
- (c) place the poll box in his view for the receipt of polling papers and keep it so locked and sealed.

Manner of voting

26.—(1) Every voter entitled to vote at a poll or an adjourned poll relating to the lift upgrading works, shall be given a number of polling papers equal to the number of votes he is entitled to under rule 8.

(2) No polling paper shall be given to a voter unless he has produced his identity card or such other evidence of his identity and citizenship to a polling officer and his name appears in the register for that poll, or in the list of proxies, and a polling officer may refuse to give a voter a polling paper if —

- (a) the voter fails to furnish such evidence of his identity and citizenship; or
- (b) the polling officer decides that there is a reasonable doubt as to whether the voter is the registered owner or representative or proxy he represents himself to be.

(3) Immediately before any polling paper is given to a voter, a mark shall be placed in the register against the name of the voter in the register to denote that he has received a polling paper, and in the case of a person applying for a polling paper as a representative of a company or as proxy, a mark shall also be placed against his name in the list of proxies.

(4) The voter, on receiving the polling paper, shall immediately proceed to such place reserved for the marking of polling papers and mark in the space on the polling paper provided for the purpose of

indicating whether the voter is in favour of or against any proposal relating to the lift upgrading works.

(5) The voter will then fold the polling paper, put it into the appropriate poll box and leave the polling place.

(6) Any polling officer may, on the application of any voter, explain to the voter the proposal regarding the lift upgrading works, or the method of voting; but in so doing, the polling officer shall abstain from any action which might be construed by the voter as a direction to vote in favour of or against any such proposal.

(7) Any polling officer may, on the application of a voter at the polling place who is incapacitated by blindness or other physical cause from voting in the manner prescribed in these Rules, mark the polling papers of the voter in the manner directed by the voter, and shall then immediately cause the polling papers to be placed in the appropriate poll box.

Spoilt polling papers

27. A voter who has inadvertently dealt with his polling paper in such a manner that it cannot be conveniently used as a polling paper may, on delivering it up to any polling officer, and proving the fact of the inadvertence to the satisfaction of the polling officer, obtain another polling paper in place of the polling paper so delivered up (referred to in these Rules as a spoilt polling paper), and the spoilt polling paper shall be immediately cancelled by the polling officer.

Voting after adjournment or close of poll

28. No polling paper shall be given to a voter after the hour fixed for the adjournment or closing of the poll, except that if at that hour there is in the polling place any voter to whom a polling paper has been given, the voter shall be allowed to record his vote.

Procedure on adjournment or closing of poll

29. 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, in the presence of scrutineers —

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- (a) secure the poll boxes unopened in such a manner so as to prevent the introduction of any polling paper thereafter;
 - (b) determine the number of polling papers cast on that day and the number of spoilt polling papers; and
 - (c) make up into separate packets, sealed with his own seal and the seals of the scrutineers —
 - (i) the spoilt polling papers;
 - (ii) the unused polling papers; and
 - (iii) the marked copies of the register and the list of proxies.

Safe custody of unused polling papers, etc., on adjournment

30.—(1) The sealed packets containing the unused polling papers and the marked copies of the register or registers and the list of proxies shall be placed in a container which shall then be sealed with the seals of the chief polling officer and the scrutineers in such a manner that nothing can be inserted or removed from the container without breaking the seals.

(2) The chief polling officer shall take proper precautions for the security of every container in paragraph (1) and the contents therein.

Safe custody of unused polling papers, etc., on completion of poll

31.—(1) After the final statement of the poll has been compiled in accordance with these Rules, the chief polling officer shall seal up all the polling papers and all other documents relating to that poll as required by these Rules in containers and shall, subject to this rule, retain the polling papers and documents unless the Minister otherwise directs their destruction.

(2) No person shall be allowed to inspect, copy or produce any polling paper or other document so sealed except for the purpose of instituting or maintaining a prosecution or any proceedings in connection with the poll.

PART V
COUNTING OF VOTES

Counting of votes

32.—(1) After the chief polling officer has complied with rules 29 and 30, he shall make arrangements for the counting of the votes at the polling place in the presence of scrutineers.

(2) The chief polling officer shall open all the poll boxes referred to in rule 29(a) and, so far as practicable, proceed continuously to counting the polling papers therein according to the votes cast and the voting value in those votes.

(3) The chief polling officer shall endorse “rejected” on any polling paper which he may reject as invalid under rule 33.

Rejected votes

33.—(1) The chief polling officer shall reject as invalid any polling paper —

- (a) which is unmarked or marked other than in the space provided;
- (b) which is void for uncertainty; or
- (c) which is not an unequivocal vote.

(2) Notwithstanding paragraph (1), where the chief polling officer is satisfied that any mark on the polling paper clearly indicates the intention of the voter, the chief polling officer shall not reject as invalid any polling paper on the ground solely that it has not been marked in all respects in accordance with the directions given to voters on the polling paper.

(3) Before rejecting a polling paper, the chief polling officer shall show to the scrutineers and consider their views thereon.

(4) The decision of the chief polling officer whether or not any polling paper shall be rejected shall be final.

Safe custody of counted polling papers

34.—(1) On the completion of the counting of votes cast during each polling day, the chief polling officer shall, in the presence of scrutineers —

- (a) make up into separate packets, sealed with his own seal and the seals of the scrutineers —
 - (i) the counted polling papers; and
 - (ii) the rejected polling papers;
- (b) prepare a daily statement of the poll in Form 3 in the Schedule, which shall be certified by the scrutineers in Form 4 in the Schedule; and
- (c) place the daily statement of the poll in an envelope which shall then each be sealed with the seals of the chief polling officer and the scrutineers in such a manner that nothing can be inserted or removed from the envelope without breaking the seals.

(2) The sealed envelope containing the daily statement of the poll for that polling day shall be placed, together with the sealed packets containing the counted, rejected and spoilt polling papers, into a container, and the container shall then also be sealed with the seals of the chief polling officer and the scrutineers in such a manner that nothing can be inserted or removed from the container without breaking the seals.

(3) The chief polling officer shall take proper precautions for the security of the envelope and container referred to in paragraphs (1)(c) and (2), respectively, and the contents therein.

Re-opening of poll after adjournment

35. Immediately before the poll re-opens on any subsequent polling day, the chief polling officer shall —

- (a) in the presence of scrutineers, open the container referred to in rule 30 and the sealed packets therein containing the unused polling papers and the marked copies of the register and the lists of proxies; and

- (b) in respect of the poll boxes, comply with the procedure in rule 25.

Voting at adjourned poll

36. Where the poll is adjourned to the next polling day, only those persons who are entitled to vote at the poll but have not already so voted at the poll (in person or by proxy) shall be entitled to vote at the adjourned poll during that polling day.

Final statement of poll

37.—(1) As soon as practicable after the last polling day, the chief polling officer shall compile the final statement of the poll which shall state the results of the poll, and such statement shall be certified by the scrutineers in Form 4 in the Schedule.

(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 34(2), 43(3)(a), 44(1)(b) or (c) or 46(2), and inspect the contents therein relating to the poll.

(3) A final statement of the poll relating to a precinct shall be in Form 5 in the Schedule and shall, within 28 days after the last polling day of the poll —

- (a) be published in the *Gazette*; and
- (b) be displayed on any conspicuous part of every building within the precinct.

Results of poll

38.—(1) The results of a poll to establish the opinions about a Town Council's proposal to carry out lift upgrading works in a building shall be ascertained in accordance with the formula

$$\frac{A}{B} \times 100,$$

where A is the total voting value in votes cast at the poll by the registered owners of beneficiary flats in the building in

favour of the proposal to carry out those lift upgrading works; and

B is the total voting value in votes of all registered owners of beneficiary flats in the building who are entitled to vote at that poll.

(2) For the purposes of determining the total voting value in votes of all registered owners of beneficiary flats within a building, the voting value of the vote of the senior owner among the joint registered owners of a flat who are entitled to vote in any poll shall be counted to the exclusion of the other joint owners.

Failure to comply with Rules

39. No poll shall be invalid by reason of any failure to comply with any provision in these Rules relating to the poll if it appears that the poll was conducted in accordance with the principles laid down in that provision, and that the failure did not affect the result of the poll.

PART VI

ELECTRONIC POLLING

Applicability of Rules

40.—(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 23 to 35 (except rule 31) shall not apply to a poll using an electronic polling system.

(3) Rules 41 to 48 shall only apply to a poll using an electronic polling system.

(4) Where pursuant to rule 43 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

41.—(1) The Town Council may conduct a poll under section 24C of the Act using an electronic polling system if the Town Council is satisfied that the electronic polling system —

- (a) permits each voter to vote for or against any proposal regarding lift upgrading works;
- (b) accurately counts all votes cast and the voting value of those votes for and against any proposal regarding lift upgrading works;
- (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 any malfunction of the electronic polling machines or any 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 a 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

42. 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 equipment

43.—(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 20 or 21, 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 29 to 34 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 6 in the Schedule.

(9) For the avoidance of doubt, paragraphs (7) and (8) shall apply instead of rule 45 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

44.—(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 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

45.—(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 in the electronic polling machines is consistent with the reports and data referred to in rule 44(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

46.—(1) For the purposes of verifying the polling data stored in any electronic polling machine in accordance with rule 43(7)(b) or 45(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 34(2), 43(3)(a) or 44(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 close of poll

47. A voter entitled to vote at a poll using an electronic polling system 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

48. Where during a poll using an electronic polling system, a voter leaves the polling place without marking or recording his vote in the poll (in which he is entitled to vote), his vote shall be deemed to be rejected as invalid.

PART VII

OFFENCES

Voting offences

49.—(1) Any person who —

- (a) votes in person at a poll on any proposal knowing that the person appointed as his proxy at the poll has already voted in person at the poll in respect of that same proposal;
- (b) votes as proxy for any person at a poll on any proposal knowing that that person has already voted in person at the poll in respect of that same proposal; or
- (c) votes in person, or as proxy on behalf of a registered owner, or as a representative of a registered owner who is a company, more than once in the same poll and on the same proposal,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(2) In this rule, “proposal” means a proposal to carry out lift upgrading works in a building within a precinct.

Tampering with polling papers

50. Any person who —

- (a) without due authority supplies any polling paper to any person;
- (b) without due authority takes out of the polling place any polling paper or is found in possession without due authority of any polling paper outside a polling place; or
- (c) without due authority destroys, takes, opens or otherwise interferes with —
 - (i) any poll box;
 - (ii) any sealed packet, container or envelope referred to in rule 30 or 34;
 - (iii) any packet of polling papers then in use for the purposes of the poll;
 - (iv) any daily statement of the poll; or
 - (v) any electronic polling machine or electronic polling equipment in use or intended to be used for the purposes of a poll,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

THE SCHEDULE

FORM 1

Rule 16(1)

TOWN COUNCILS ACT
(CHAPTER 329A)

TOWN COUNCILS
(POLLING FOR LIFT UPGRADING WORKS)
RULES

INSTRUMENT OF PROXY

*I/We, _____ of _____ being the registered *owner/owners of a flat within the following precinct and building, hereby appoint _____ NRIC No.: _____ of _____ as *my/our proxy for *me/our behalf at the poll relating to the said precinct and building to be held on _____ 20__.

(Set out precinct and block number of building here)

Signed this _____ day of _____ 20__.

*(Signature(s) of registered *owner/owners)*

*(Name/s of registered *owner/owners)*

In the presence of

(Signature of witness)

(Name of witness)

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 2

Rule 23

TOWN COUNCILS ACT
(CHAPTER 329A)
TOWN COUNCILS
(POLLING FOR LIFT UPGRADING WORKS)
RULES

POLLING PAPER

LIFT UPGRADING WORKS AT BUILDING (BLOCK NO.) _____

PRECINCT _____

Address of owner’s beneficiary (1) _____
flat or flats (2) _____

Please answer by placing a “√” in one of the boxes below.

YES **NO**

Are you in favour of the proposed lift upgrading works?

Name and signature of *Owner/Proxy: _____

Date: _____

*Delete whichever is inapplicable.

FORM 3

Rule 34(1)

TOWN COUNCILS ACT
(CHAPTER 329A)
TOWN COUNCILS
(POLLING FOR LIFT UPGRADING WORKS)
RULES

DAILY STATEMENT OF POLL

PRECINCT _____

Lift Upgrading Works	Value in Votes cast on <i>(date)</i>
-----------------------------	---

THE SCHEDULE — *continued*

	FOR	AGAINST
Block No.		
In person		
By proxy		
TOTAL		
Block No.		
In person		
By proxy		
TOTAL		
Block No.		
In person		
By proxy		
TOTAL		

*Number of
polling papers* *Value*

Rejected Votes

 Block No.

 Block No.

 Block No.

Number of spoilt polling papers

Number of polling papers found in poll boxes

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

Dated this ____ day of _____ 20__.

THE SCHEDULE — *continued*

(Signature of chief polling officer)

FORM 4

Rules 34(1), 37(1) and 45(2)

TOWN COUNCILS ACT
(CHAPTER 329A)
TOWN COUNCILS
(POLLING FOR LIFT UPGRADING WORKS)
RULES

SCRUTINEERS' CERTIFICATE

As scrutineers appointed for the purpose of the poll taken at _____
on _____, we hereby certify that the *Daily Statement of the
Poll/Final Statement of the Poll is correctly set out.

Dated this ____ day of _____ 20__.

(Name and signature of scrutineer)

(Name and signature of scrutineer)

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 5

Rule 37(3)

TOWN COUNCILS ACT
(CHAPTER 329A)
TOWN COUNCILS
(POLLING FOR LIFT UPGRADING WORKS)
RULES

FINAL STATEMENT OF POLL

PRECINCT _____

Lift Upgrading Works	Value in Votes cast on between <i>(date)</i> and <i>(date)</i>	
	FOR	AGAINST
Block No.		
In person		
By proxy		
TOTAL		
Block No.		
In person		
By proxy		
TOTAL		
Block No.		
In person		
By proxy		
TOTAL		

Total Number *Total Value*
of polling
papers

Rejected Votes

 THE SCHEDULE — *continued*

Block No.

Block No.

Block No.

Non-voters i.e. registered owners of beneficiary flats in the following buildings within this precinct who are entitled to vote at the poll but did not vote

Block No.

Block No.

Block No.

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 poll

Block No.

Block No.

Block No.

Total Number of spoilt polling papers

RESULTS

Block

_____ % in favour

_____ % against

_____ % rejected votes

_____ % non-voters

Block

_____ % in favour

_____ % against

_____ % rejected votes

_____ % non-voters

THE SCHEDULE — *continued*

Block

_____ % in favour

_____ % against

_____ % rejected votes

_____ % non-voters

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

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

FORM 6

Rule 43(8)

TOWN COUNCILS ACT
(CHAPTER 329A)

TOWN COUNCILS
(POLLING FOR LIFT UPGRADING WORKS)
RULES

SCRUTINEERS' CERTIFICATE

(FOR RESUMPTION OF ELECTRONIC POLLING)

As scrutineers appointed for the purpose of the poll taken at _____
_____ 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 _____ day of _____ 20__.

THE SCHEDULE — *continued*

(Name and signature of scrutineer)

(Name and signature of scrutineer)

Made this 28th day of November 2005.

TAN TEE HOW
*Permanent Secretary,
Ministry of National Development,
Singapore.*

[ND 311/4-146 Pt 59 Vol. 24; AG/LEG/SL/329A/2002/18 Vol. 1]