

Second Reading Speech on Parliamentary Elections (Amendment) Bill on Monday, 1 October 2018

1. Mr Speaker, Sir, on behalf of the Prime Minister, I beg to move, “That the Bill be now read a Second time”.
2. The amendments being proposed to the Parliamentary Elections Act seek to improve the administration of parliamentary elections. They can be grouped into three categories.
3. The first category of amendments involves changes to processes related to election candidates.
4. The second category improves the management of contingencies during an election.
5. The third and final category deals with other election processes.

Processes related to election candidates

6. Let me begin with the first category of amendments related to election candidates.

Election Deposit

7. Clause 4 amends section 28 to simplify the computation of election deposits. The election deposit will now be based on an elected Member of Parliament’s fixed monthly allowance, rounded to the nearest \$500. The clause also deletes the reference to cash payment and, in its place, provides the option for candidates to pay the election deposit by electronic fund transfer or in such other form or manner as the Returning Officer allows. The other methods of payment currently provided in the Act, by bank draft or certified cheque, will continue to be available.

Entry to Nomination Place

8. To facilitate smooth and orderly conduct of nomination proceedings, Clause 6 amends section 31 to provide that a person seeking to be a candidate in an election may be refused entry to the place of nomination unless the aspiring candidate satisfies the requirements set out in the new section 31(2). These requirements are that the aspiring candidate must have a political donation certificate issued under section 18(4) of the Political Donations Act and be accompanied by at least 6 other individuals, namely his proposer, seconder and at least 4 assentors. In the case of a Group Representation Constituency,

additional requirements apply, including that at least one member in the group must also have a certificate from either the Malay Community Committee or the Indian and other Minority Communities Committee. These requirements are also necessary for successful nomination. With the proposed changes, election officials can focus on processing the nomination papers of those who are serious about meeting the requirements for nomination.

Election Expenses

9. The next set of amendment deals with the returns on election expenses. We will streamline and simplify the submission of returns on election expenses without diluting accountability.

10. Clause 23 amends section 74 to remove the current requirement for an election agent to submit to the Returning Officer the supporting documents for election expenses, such as bills and receipts.

11. To ensure accountability, Clause 25 inserts a new section 75A to require a candidate and the candidate's election agent to maintain the supporting documents for the return on election expenses for a period of one year after notice of the return is published by the Returning Officer in the *Government Gazette*. The clause also empowers the Returning Officer to require, during this one-year period, the candidate or the election agent, or both of them, to furnish any supporting document or any other information relating to the return. Any contravention of the requirements of the new section 75A constitutes an illegal practice.

12. To protect personal data, Clause 24 amends section 75 to require the Returning Officer to redact certain personal details when the returns and statements on election expenses are open for public inspection. Addresses and contact numbers will be completely redacted. However, for accountability, the names of candidates, election agents and donors will continue to be reflected in full, with their identity card numbers partially redacted. The clause also extends the period of time for which the Returning Officer must keep the returns and statements on election expenses from the current 6 months to one year.

Election Activity

13. Next, I will discuss the proposed amendments to section 83. Section 83 of the Parliamentary Elections Act currently prohibits certain classes of people, such as foreigners, from taking part in any election activity, and also requires the persons conducting election activities for a candidate to be authorised to do so by the candidate or his election agent.

14. Section 83 currently defines “election activity” as including an “activity which is done for the purpose of promoting or procuring the election of a candidate at any election”. Clause 26 amends the definition of “election activity” mainly to elaborate that an activity which is done to prejudice the electoral prospects of other political parties or candidates is also election activity. The Bill does not make any changes to the substantive rules in section 83 on election activity.

Improve management of contingencies

15. Let me now address the second category of amendments which deals with the management of contingencies during an election.

16. The Bill spells out various procedures to strengthen the current provisions to manage various types of contingencies such as a riot, fire, or flood, which may occur during nomination, polling or counting proceedings. I will now take members through the key changes being proposed.

17. Clause 17 inserts a new section 56BA to enable the Returning Officer to deal with contingencies affecting the conduct of nomination proceedings on the day of nomination.

18. If a contingency arises before the start of the nomination proceedings on Nomination Day, the new section 56BA provides the Returning Officer with the powers to change the hours of the nomination proceedings, change the place of nomination, or to do both, or abandon the nomination proceedings. If the Returning Officer decides to change the hours of nomination proceedings, the new hours must enable the nomination proceedings to start and conclude within the same day.

19. If a contingency arises during the nomination proceedings, the new section 56BA(3) provides the Returning Officer with the powers to suspend the nomination proceedings for a period of time and continue with the nomination proceedings at the end of that period at the same nomination place or at a different place on the same day, or abandon the nomination proceedings. Should there be a need to conduct nomination proceedings on another day, the President will issue a fresh writ stating the new date for nomination as provided under existing law.

20. Before making a decision under the new section 56BA(3), the Returning Officer may suspend the nomination proceedings for a period of up to 2 hours in order to assess the situation and decide on the course of actions to be taken.

21. Similarly, for polling and counting proceedings, Clauses 18, 20 and 21 amend sections 56C, 56E, 56F respectively to empower the Returning Officer to suspend the proceedings for up to 2 hours to assess the situation and decide on the course of action to be taken.

22. We will also be replicating various changes to deal with contingencies, which we made to the Presidential Elections Act last year. These are covered in Clause 13, which amends section 49A to empower the Returning Officer to extend the time taken for sealed ballot boxes from overseas polling stations to reach Singapore; Clause 19, which inserts new sections 56DA and 56DB to spell out the procedures to be taken when marked local ballot papers are lost or destroyed when they are being transported after the close of polls to counting places and when marked overseas ballot papers are lost or destroyed when they are being transported from overseas polling stations to the counting place in Singapore; and Clause 12, which amends section 48A to remove the current requirement for the Returning Officer to inform candidates or their election agents in writing as to the places where the votes will be counted or the postponement of counting due to certain contingencies described in that section. Instead, the Returning Officer will publish the information in the *Government Gazette*.

Other changes

23. The third category of amendments deals with other election processes.

Description of Polling Districts using Maps and other Images

24. Clause 2 amends section 9 to remove the requirement for the Registration Officer to publish in the *Government Gazette* the polling districts within an electoral division. Instead, the Registration Officer will publish maps or other images of the polling districts on the Elections Department's website. This will make it easier for members of public to view the polling districts, compared to the current method of using text, such as road names, to describe polling districts. The Registration Officer will continue to publish in the *Government Gazette* a notice when an electoral division is subdivided into polling districts. The notice will provide details of the website and the physical locations where the maps can be inspected by the public.

Dealing with Unmeritorious Claims for names to be restored

25. Clause 3 amends section 11 to enable the Registration Officer to reject, without having to hold a public inquiry, a claim for a name to be included in a register of electors for an electoral division if the claim is clearly without merit. To safeguard claimants' interests, the grounds on which the Registration Officer

may reject a claim without holding a public inquiry are tightly scoped in the new section 11(9B) as follows:

- (a) the claimant was not a citizen of Singapore on the relevant cut-off date for the register;
- (b) the claimant was below 21 years of age on the relevant cut-off date;
- (c) where the claimant claims to be entitled to be included in the register on the ground that the claimant's address has changed, the new address provided by the claimant is not the address of any premises within the electoral division (such as a P.O. box address).

26. The clause improves administrative efficiency in processing the claims specified in the new section 11(9B). For other types of claims, the Registration Officer will continue to hold a public inquiry before deciding whether to accept or reject such claims. Claimants whose claims are rejected without an inquiry have a right to appeal to the Revising Officer, appointed by the Minister, under the current section 12.

Polling Agents

27. Clause 8 amends section 39 to empower the Minister to prescribe in regulations the method for computing the number of polling agents for each candidate or group of candidates who may enter a polling station. This will enable the number of polling agents in a polling station to be made proportionate to the number of voters allotted to the polling station, instead of the current pegging of polling agents to the number of polling places in the polling station. This amendment gives flexibility to the Elections Department to design polling stations for efficient operation. To illustrate, Elections Department plans to introduce electronic voter registration or e-registration. This will result in a faster registration process for voters. With a faster registration process, the same number of voters in a polling station can be served by fewer polling places. To ensure an adequate number of polling agents for each polling station despite fewer polling places in the polling station, we propose to peg the number of polling agents to the number of voters in the polling station.

28. The Amendment Bill also replicates relevant changes made to the Presidential Elections Act last year through the amendments in Clauses 7, 9, 10, 11, 14, 15 and 28(n). These relate to the notices to voters on voting procedures placed outside polling stations, the design of the ballot paper, recounting of votes, and election advertising. As these changes were elaborated during the amendments to the Presidential Elections Act last year, I will not repeat them today.

Increase in number of non-constituency Members of Parliament

29. Lastly, consequential to amendments made in 2016 to the Constitution, Clause 16 amends section 52 to increase the number of non-constituency Members of Parliament (NCMPs) to be declared. Currently, the number of NCMPs to be declared is 9 minus the total number of elected Opposition Members of Parliament. The clause increases the number of NCMPs to be declared to 12 minus the total number of elected Opposition Members of Parliament.

30. Allow me to conclude. The amendments I have described today will improve the administration of parliamentary elections while ensuring the secrecy of the vote and the integrity of the election process. The changes will ensure that our electorate continues to have high trust and confidence in our electoral system.

31. Mr Speaker, Sir, I beg to move.