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PRESIDENTIAL ELECTIONS ACT 1991

PRESIDENTIAL ELECTIONS (ELECTION ADVERTISING) REGULATIONS 2023

ARRANGEMENT OF REGULATIONS

PART 1

PRELIMINARY

Regulation

1. Citation and commencement
2. Definitions

PART 2

TRADITIONAL ELECTION ADVERTISING

3. Manner of including published-by requirements under section 42B(2)(c) of Act
4. Small and portable promotional items prescribed under sections 42B(9)(a)(iii) and (10)(a)(iii) and 42D(1)(a)(iii) of Act
5. Permit to display traditional election advertisements for purposes of section 42F(5)(a) of Act
6. Maximum permissible number of traditional election advertisements under section 42G(1)(d) of Act
7. Lamp posts are permissible locations under section 42H of Act
8. Premises or conveyances, etc., with owners' consent are permissible locations under section 42H of Act
9. Supplementary provisions for removal and confiscation of traditional election advertisements
10. Defacement, etc., of traditional election advertisements during campaign period
11. Removal of traditional election advertisements after polling day

PART 3

ONLINE ELECTION ADVERTISING AND
NON-ONLINE ELECTION ADVERTISING
BY ELECTRONIC MEANS

Regulation

12. Manner of including published-by requirements under section 42B(1)(c) of Act
 13. Requisite functionalities under section 42E(2)(d)(ii) of Act for online election advertisements published in chatrooms and discussion forums
 14. Requisite functionality under section 42E(2)(d)(ii) of Act for election advertisements sent by email or electronic service
 15. Prescribed procedure and details for declaration of election advertisements under section 42E(3) of Act
 16. Prescribed forms under sections 42J(3) and 42K(3) of Act
- The Schedule
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In exercise of the powers conferred by section 42Q of the Presidential Elections Act 1991, the Prime Minister makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Presidential Elections (Election Advertising) Regulations 2023 and come into operation on 1 July 2023.

Definitions

2.—(1) In these Regulations —

“election advertisement” means an item of election advertising;

“non-online election advertisement” means an item of election advertising that is not an online election advertisement;

“online election advertisement” means an item of online election advertising;

“traditional election advertisement” means an item of non-online election advertising in the form of a banner, flag or poster;

“vehicle” has the meaning given by section 2(1) of the Road Traffic Act 1961.

(2) Unless the context otherwise requires, the definitions in sections 2 and 42R of the Act apply to these Regulations.

PART 2

TRADITIONAL ELECTION ADVERTISING

Manner of including published-by requirements under section 42B(2)(c) of Act

3. For the purpose of section 42B(2)(c) of the Act, a traditional election advertisement must include the information mentioned in section 42B(4) of the Act in the following manner:

- (a) the words “Publicly displayed by:” must appear immediately before the identity particulars required by section 42B(4)(a) of the Act;
- (b) the words “Approved by:” must appear immediately before the identity particulars required by section 42B(4)(b) of the Act;
- (c) the words “Publicly displayed for:” must appear immediately before the identity particulars required by section 42B(4)(c) of the Act;
- (d) the words “Paid for by:” must appear immediately before the identity particulars required by section 42B(4)(d) of the Act;
- (e) the words “Printed by:” must appear immediately before the identity particulars required by section 42B(4)(e) of the Act.

Small and portable promotional items prescribed under sections 42B(9)(a)(iii) and (10)(a)(iii) and 42D(1)(a)(iii) of Act

4. Each of the following is prescribed as a small and portable promotional item for the purposes of sections 42B(9)(a)(iii) and (10)(a)(iii) and 42D(1)(a)(iii) of the Act:

- (a) a diary or calendar on paper or paperboard;
- (b) a card, flyer, pamphlet or any other similar printed matter or material not larger than 297 millimetres by 210 millimetres;
- (c) a key chain;
- (d) a retail packet or package containing cleansing tissue or paper napkins that have been cut to size;
- (e) a miniature flag or pennant;
- (f) a soft toy;
- (g) an umbrella;
- (h) an inflatable object;
- (i) any other small or portable object or article (not being a decalcomania or any other adhesive label on a vehicle) that —
 - (i) is less than \$10 in value; and
 - (ii) can fit into a space measuring 10 centimetres by 10 centimetres by 10 centimetres.

Permit to display traditional election advertisements for purposes of section 42F(5)(a) of Act

5.—(1) For the purposes of section 42F(5)(a) of the Act, the Returning Officer must issue to every candidate a permit authorising the public display of traditional election advertisements by or on behalf of the candidate during the campaign period of an election.

(2) The permit may only include conditions relating to the following matters:

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- (a) the lodgment of a copy, detailed diagram or drawing of a traditional election advertisement with the Returning Officer, together with the identity particulars required under section 42B(4) of the Act, before the traditional election advertisement is publicly displayed;
 - (b) the affixing of a stamp issued by the Returning Officer on a traditional election advertisement for the entire period it is publicly displayed;
 - (c) the affixing of the permissible electoral matter of the candidate on a traditional election advertisement for the entire period it is publicly displayed;
 - (d) the proper securing of a traditional election advertisement that is displayed on a lamp post.
- (3) The permit must not include any condition on any matter regulated by any other provision in Division 2A of Part 3 of the Act.

Maximum permissible number of traditional election advertisements under section 42G(1)(d) of Act

6.—(1) For the purpose of section 42G(1)(d) of the Act, the maximum permissible number of traditional election advertisements allowed to be publicly displayed by or on behalf of a candidate is —

- (a) in the case of a small traditional election advertisement — one small traditional election advertisement for every 250 electors (or part of every 250 electors); or
 - (b) in the case of a large traditional election advertisement — one large traditional election advertisement for every 12,500 electors (or part of every 12,500 electors).
- (2) A traditional election advertisement that is neither a small traditional election advertisement nor a large traditional election advertisement must not be publicly displayed by or on behalf of a candidate.
- (3) A traditional election advertisement does not count towards the maximum number under paragraph (1) if it is publicly displayed by a person —

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- (a) who is a third party at the election; and
 - (b) who is not authorised by the candidate or the candidate's election agent to publicly display the traditional election advertisement.
- (4) For the purposes of this regulation —
- (a) “small traditional election advertisement” means a traditional election advertisement that is able to fit into a space measuring 1.75 metres by 1.2 metres;
 - (b) “large traditional election advertisement” means —
 - (i) a traditional election advertisement that —
 - (A) cannot fit into a space measuring 1.75 metres by 1.2 metres; but
 - (B) can fit within a space measuring 9 metres by 1.2 metres; or
 - (ii) 2 or more small traditional election advertisements that are displayed so closely to one another as to form a single traditional election advertisement that falls within sub-paragraph (i); and
 - (c) in a case where a large traditional election advertisement within the meaning of sub-paragraph (b)(ii) is publicly displayed by or on behalf of a candidate —
 - (i) each of the small traditional election advertisements that forms the large traditional election advertisement must be counted towards the maximum number in paragraph (1)(a); and
 - (ii) the large traditional election advertisement must be counted towards the maximum number in paragraph (1)(b).

Lamp posts are permissible locations under section 42H of Act

7.—(1) Subject to this regulation, a lamp post is a permissible location for the purposes of section 42H of the Act.

(2) A lamp post is not a permissible location if it is situated within the restricted signage zone of an ordinary polling station or a special polling station.

(3) A lamp post is not a permissible location if there is a traffic sign, traffic camera or any other road or traffic infrastructure installed on the lamp post.

(4) If a traditional election advertisement by or on behalf of a candidate is publicly displayed on a lamp post, the next lamp post is not a permissible location for traditional election advertisements by or on behalf of that candidate.

(5) A lamp post is not a permissible location to the extent that the display of a traditional election advertisement on the lamp post would obstruct —

(a) the movement of pedestrians on any footpath; or

(b) the traffic view of drivers of vehicles on a road if the lamp post is situated near any traffic junction.

(6) A lamp post is not a permissible location to the extent that the display of a traditional election advertisement on the lamp post would obstruct the view of —

(a) any other traditional election advertisement publicly displayed by or on behalf of another candidate; or

(b) any traffic sign, traffic camera or any other road or traffic infrastructure.

(7) In this regulation —

“footpath” has the meaning given by section 2(1) of the Active Mobility Act 2017;

“restricted signage zone” has the meaning given by section 42I(2) and (3) of the Act;

“road” means any public road and any other road to which the public has access;

“traffic sign” includes all signals, warning sign posts, direction posts, signs, lines or other devices for the guidance or direction of persons using roads, whether they are —

- (a) permanently set up; or
- (b) temporarily set up by any Government department to indicate road closure or that road work is in progress.

Premises or conveyances, etc., with owners’ consent are permissible locations under section 42H of Act

8.—(1) Subject to this regulation, for the purposes of section 42H of the Act —

- (a) before a traditional election advertisement is publicly displayed by or on behalf of a candidate on any premises, conveyance, thing or structure, consent must be sought from the owner of the premises, conveyance, thing or structure; and
 - (b) if prior consent is obtained, the premises, conveyance, thing or structure is a permissible location for the display of that advertisement.
- (2) A train is not a permissible location.
- (3) A public service vehicle may be a permissible location only if it is hired solely for the conveyance of a candidate or any person authorised by the candidate during the campaign period of the election.
- (4) A vehicle is not a permissible location for a candidate if —
- (a) it is hired by or on behalf of the candidate;
 - (b) it is located within 100 metres of an election rally organised by or on behalf of the candidate; and
 - (c) it is staying or moving within that location for reasons not related to the conveyance of persons attending the election rally.

(5) A vehicle (whether moving or stationary) is not a permissible location for a candidate if —

- (a) it is hired by or on behalf of the candidate; and
- (b) it is located within 100 metres of an election rally organised by or on behalf of another candidate.

(6) In this regulation —

“public service vehicle” has the meaning given by section 2(1) of the Road Traffic Act 1961;

“train” has the meaning given by section 2 of the Rapid Transit Systems Act 1995.

Supplementary provisions for removal and confiscation of traditional election advertisements

9.—(1) Paragraphs (2) and (3) apply if the Returning Officer exercises the Returning Officer’s power under section 42N(3) of the Act to remove or cause to be removed, or stop any public display of, one or more traditional election advertisements.

(2) A sum of \$50 for every traditional election advertisement that is removed or stopped being publicly displayed arising from paragraph (1), is recoverable as a debt due to the Government from the candidate who has publicly displayed or caused to be publicly displayed the traditional election advertisement.

(3) The sum recoverable from a candidate under paragraph (2) is treated as part of the election expenses incurred by the candidate.

(4) A person commits an offence if the person —

- (a) obstructs the Returning Officer from exercising any function under section 42N of the Act; or
- (b) obstructs any person from carrying out a direction of the Returning Officer under section 42N of the Act.

(5) A person who is convicted of an offence under paragraph (4) shall be liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

Defacement, etc., of traditional election advertisements during campaign period

10.—(1) A person commits an offence if —

- (a) the person knowingly destroys, damages, defaces or removes a traditional election advertisement during the campaign period of an election;
- (b) the traditional election advertisement is publicly displayed by or on behalf of a candidate at the election; and
- (c) the traditional election advertisement relates to the election.

(2) A person who is guilty of an offence under paragraph (1) shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

Removal of traditional election advertisements after polling day

11.—(1) Within 6 days after polling day, a candidate must remove or cause to be removed all traditional election advertisements publicly displayed by the candidate or on the candidate's behalf.

(2) A candidate who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

PART 3

ONLINE ELECTION ADVERTISING AND
NON-ONLINE ELECTION ADVERTISING
BY ELECTRONIC MEANS

**Manner of including published-by requirements under
section 42B(1)(c) of Act**

12. For the purposes of section 42B(1)(c) of the Act, content that is or includes an online election advertisement or a published election advertisement must use the words “paid for by”, “sponsored by” or similar expressions to include the identity particulars required under section 42B(3)(d) of the Act.

**Requisite functionalities under section 42E(2)(d)(ii) of Act for
online election advertisements published in chatrooms and
discussion forums**

13.—(1) For the purposes of section 42E(2)(d)(ii) of the Act, an online election advertisement published in a chatroom or discussion forum must have all the following requisite functionalities:

- (a) all content published in the chatroom or discussion forum during the campaign period must be recorded if the content relates to the online election advertisement;
- (b) all content published in the chatroom or discussion forum during the campaign period must be capable of being removed by the moderator appointed under paragraph (2) if the content relates to the online election advertisement.

(2) For the purposes of paragraph (1), the candidate or the candidate’s election agent must —

- (a) before the start of the campaign period or the creation of the chatroom or discussion forum (whichever is later), appoint one or more persons as moderators to manage the chatroom or discussion forum; and
- (b) notify the Returning Officer of the appointment together with the declaration made by the candidate or election agent under regulation 15 in relation to the online election advertisement.

(3) A person who is appointed as a moderator of a chatroom or discussion forum is responsible for ensuring that each requisite functionality mentioned in paragraph (1) is complied with.

(4) A person who fails to comply with any requirement under paragraph (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) In this regulation, “chatroom” or “discussion forum” means an online location that end-users of an electronic service are able to —

- (a) access using the electronic service; and
- (b) communicate content or interact online with other end-users or a designated segment of end-users.

Requisite functionality under section 42E(2)(d)(ii) of Act for election advertisements sent by email or electronic service

14.—(1) For the purposes of section 42E(2)(d)(ii) of the Act, an election advertisement in the form of an email must have the requisite functionality of an email address —

- (a) that is clearly and conspicuously displayed in the email;
- (b) that is functioning; and
- (c) to which the recipient of the email may send a reply to the sender of the email to indicate a desire not to receive any more email containing election advertising at the email address at which the firstmentioned email was received.

(2) For the purposes of section 42E(2)(d)(ii) of the Act, an election advertisement that is sent using an electronic service (other than by way of email) must have the requisite functionality of an email address, a mobile telephone number or an online account identified by a username —

- (a) that is clearly and conspicuously displayed in the election advertisement;
- (b) that is functioning; and

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-
- (c) to which the recipient of the election advertisement may send a reply to the sender to indicate a desire not to receive any more election advertising that is sent using the electronic service.
- (3) For the purposes of this regulation —
- (a) an email address, a mobile telephone number or an online account identified by a username (called in this paragraph a contact point) is functioning in relation to an election advertisement if the contact point —
- (i) is capable of receiving content by means of email or an electronic service for at least 14 days after the election advertisement is sent; and
 - (ii) has the capacity, reasonably calculated in the light of the number of recipients of the election advertisement, to enable it to receive the full expected quantity of replies from the recipients by those means;
- (b) if —
- (i) a contact point is temporarily unable to receive content because of technical problems; and
 - (ii) steps are taken to correct these technical problems within a reasonable time by any of the following persons:
 - (A) the owner of the contact point or a person authorised by the owner to use the contact point;
 - (B) the provider of the email service or electronic service (as the case may be) for sending content to the contact point;

(C) the provider of an intermediary service (including a cloud computing service provider, a data storage service provider, an email security service provider or an internet access service provider) that is necessary for the functioning of the contact point,

the contact point is not taken to have ceased to be functioning;

(c) “online account” includes —

(i) a free account, a prepaid account and anything that may reasonably be regarded as the equivalent of an account; and

(ii) an account of an online facility, network, service or system; and

(d) “user name”, in relation to an online account, means a unique sequence of characters that identifies a person as a user or the proprietor of the online account.

Prescribed procedure and details for declaration of election advertisements under section 42E(3) of Act

15.—(1) For the purposes of section 42E(3) of the Act, the declaration to be made by a candidate or the candidate’s election agent under section 42E(2)(d)(i) of the Act must be submitted to the Returning Officer through the Internet website of the Elections Department at <https://www.eld.gov.sg>, using the form for that purpose made available on that website.

(2) The declaration must be accompanied by the following details:

(a) if the election advertisement is published on an online location, or using an electronic service, that is accessible by the general public, or if access to the online location or electronic service is subject to a precondition (like a password) or is otherwise restricted — the name and other sufficient particulars about the online location or electronic service to enable the Returning Officer to access that online location or electronic service; or

- (b) if access to the online location or electronic service is not reasonably practicable — the name and other sufficient particulars to enable the Returning Officer to identify and contact the proprietor or operator of the online location or electronic service, as the case may be.

(3) In addition, if an election advertisement —

- (a) is paid for in money or money's worth by a person; and
- (b) is published or to be published on an online location or using an electronic service,

a declaration under section 42E(3) of the Act must also state —

- (c) the identity particulars of each person who published the election advertisement;
- (d) the date on which the election advertisement was or will be first published and the period of publication or intended publication; and
- (e) that each person mentioned in sub-paragraph (c) received or is to receive, directly or indirectly, payment in money or money's worth for the publication of the election advertisement, from —
 - (i) the candidate (or the candidate's election agent) making the declaration, whether or not by way of expenditure for the purposes of the candidate's election; or
 - (ii) any other person, whether or not a donor to the candidate.

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

(5) More than one declaration may be given under this regulation by a candidate (or the candidate's election agent) in respect of the same online location or electronic service.

(6) For the purposes of paragraph (2), the Returning Officer may, in writing, indicate to a candidate or the candidate's election agent that certain specified particulars are required for the Returning Officer to access or identify the online location or electronic service.

(7) In proceedings for an offence under section 42E(2) of the Act, a failure to provide particulars that are indicated under paragraph (6) is presumed, unless the contrary is proved, to be a failure to provide sufficient particulars for the purposes of paragraph (2).

Prescribed forms under sections 42J(3) and 42K(3) of Act

16.—(1) For the purposes of section 42J(3) of the Act, the written authority must be in Form 1 in the Schedule.

(2) For the purposes of section 42K(3) of the Act, the written authority must be in Form 2 in the Schedule.

THE SCHEDULE

Regulation 16

FORM 1

PRESCRIBED FORM UNDER SECTION 42J(3) OF THE ACT

PRESIDENTIAL ELECTIONS ACT 1991

AUTHORITY TO PUBLISH OR CAUSE TO BE PUBLISHED CONTENT
THAT IS OR INCLUDES PAID ONLINE ELECTION ADVERTISING

To:

RETURNING OFFICER
Elections Department

From:

.....

(Name of candidate in block letters)

.....

*(Name of election agent as shown in
NRIC in block letters)*

.....

*(Contact no. of election agent
(mobile no. preferred))*

-
1. I, * the abovenamed candidate/being the election agent of the abovenamed candidate for election as the President of the Republic of Singapore, authorise the undermentioned person to publish, or cause to be published, on * my/the abovenamed candidate's behalf at any time during the election period of the election, online election advertising, the production or publication of which is paid for in money or money's worth.
 2. To the best of my knowledge and belief, the undermentioned person is not prohibited under the Presidential Elections Act 1991 from conducting the activity set out in paragraph 1 above.
 3. This is not a written authority under section 65(2) of the Presidential Elections Act 1991.

 THE SCHEDULE — *continued*

Name (in block letters)	NRIC No.
Contact no. (mobile no. preferred)	

.....
Date

.....
*Signature of * candidate/
 election agent*

**Delete whichever is inapplicable.*

THE SCHEDULE — *continued*

FORM 2

PRESCRIBED FORM UNDER SECTION 42K(3) OF THE ACT

PRESIDENTIAL ELECTIONS ACT 1991

AUTHORITY TO PUBLISH OR CAUSE TO BE PUBLISHED,
OR PUBLICLY DISPLAY OR CAUSE TO BE PUBLICLY DISPLAYED,
NON-ONLINE ELECTION ADVERTISING

<p>To:</p> <p>RETURNING OFFICER</p> <p>Elections Department</p>	<p>From:</p> <p>.....</p> <p><i>(Name of candidate in block letters)</i></p> <p>.....</p> <p><i>(Name of election agent as shown in NRIC in block letters)</i></p> <p>.....</p> <p><i>(Contact no. of election agent (mobile no. preferred))</i></p>
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1. I, * the abovenamed candidate/being the election agent of the abovenamed candidate for election as the President of the Republic of Singapore, authorise the undermentioned person to publish or cause to be published, or publicly display or cause to be publicly displayed, any non-online election advertising on *my/the abovenamed candidate's behalf at any time during the election period of the election.
2. To the best of my knowledge and belief, the undermentioned person is not prohibited under the Presidential Elections Act 1991 from conducting the activity set out in paragraph 1 above.
3. This is not a written authority under section 65(2) of the Presidential Elections Act 1991.

 THE SCHEDULE — *continued*

Name (in block letters)	NRIC No.
Contact no. (mobile no. preferred)	

.....
Date

.....
*Signature of * candidate/
 election agent*

**Delete whichever is inapplicable.*

Made on 28 June 2023.

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

[ELD(A)/4-7; AG/LEGIS/SL/240A/2020/4 Vol. 1]

(To be presented to Parliament under section 81B(1) of the Presidential Elections Act 1991).