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The following Act was passed by Parliament on 25th August 2008 and assented to by the President on 10th September 2008:—

**REPUBLIC OF SINGAPORE**

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**No. 14 of 2008.**

I assent.

S R NATHAN,  
*President.*

*10th September 2008.*



An Act to amend the Parliamentary Elections Act (Chapter 218 of the 2007 Revised Edition) and to make related amendments to the Presidential Elections Act (Chapter 240A of the 2007 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act may be cited as the Parliamentary Elections (Amendment) Act 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

## Amendment of section 2

2. Section 2(1) of the Parliamentary Elections Act (referred to in this Act as the principal Act) is amended—

(a) by inserting, immediately after the definition of “Commissioner of National Registration”, the following definition:

““contact address”, in relation to any person, means the person’s contact address under section 8(2) of the National Registration Act;”;

(b) by deleting the definition of “overseas polling station” and substituting the following definition:

““overseas polling station” means such of the following premises situated outside Singapore as the Returning Officer may approve under section 36A(2) to be an overseas polling station:

(a) an embassy, a High Commission, diplomatic mission, permanent mission or consulate of Singapore (or any part thereof) in a country or territory outside Singapore;

(b) the official residence (or any part thereof) of any person who is appointed to hold or act in any of the following offices in a country or territory outside Singapore:

(i) an ambassador, a High Commissioner, Consulate-General or head of a diplomatic mission or consulate;

(ii) the Permanent Representative; or

(iii) such other senior diplomatic or consular office as the Minister may, from time to time, prescribe;”.

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**Amendment of section 5****3. Section 5 of the principal Act is amended —**

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

“(1A) For the purposes of subsection (1)(b), a person shall be deemed to be ordinarily resident in Singapore on the prescribed date in a year if the person has resided in Singapore for an aggregate of 30 days during the period of 3 years immediately preceding the prescribed date, even though the person is not resident in Singapore on that date.”; and

- (b) by deleting the words “referred to in section 8(2) of the National Registration Act (Cap. 201)” in subsection (6).

**Amendment of section 6****4. Section 6 of the principal Act is amended —**

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

“(a) has done any of the following:

- (i) acquired or applied to acquire by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore;
- (ii) voluntarily claimed and exercised any rights (other than any rights in connection with the use of a passport) available to him under the law of any country outside Singapore being rights accorded exclusively to the citizens or nationals of that country;
- (iii) taken any oath or made any declaration or acknowledgment of allegiance, obedience or adherence to any foreign power or state; or
- (iv) applied to the authorities of a place outside Singapore for the issue or renewal of a passport or used a passport issued by such authorities as a travel document;”;

- (b) by deleting paragraph (f) of subsection (1); and
- (c) by inserting, immediately after subsection (2), the following subsection:

“(3) For the purposes of subsection (1)(a)(ii), the exercise of a vote in —

- (a) any national, state or provincial election; or
- (b) any election for the local government of any metropolitan or urban area,

in a country outside Singapore (but not an election under this Act or a presidential election) shall be deemed to be the voluntary claim and exercise of a right available under the law of that country.”.

#### **Amendment of section 10**

5. Section 10(4) of the principal Act is amended by deleting the words “or consulate of Singapore situated in” and substituting the words “, permanent mission or consulate of Singapore situated in any country or”.

#### **Amendment of section 11**

6. Section 11 of the principal Act is amended by deleting the words “in duplicate” in subsections (5) and (6).

#### **Amendment of section 13**

7. Section 13 of the principal Act is amended —

- (a) by deleting the words “a place of residence” in subsection (4) and substituting the words “his place of residence or his contact address”; and
- (b) by inserting, immediately after the words “his change of address” in subsection (4A), the words “or contact address”.

#### **Amendment of section 13A**

8. Section 13A of the principal Act is amended —

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

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“(1) Any person not resident in Singapore but whose name is entered in the register of electors for an electoral division and who is entitled to have his name so entered or retained in that register of electors may, at any time before a writ of election is issued for any election in that electoral division, apply to the Registration Officer to be registered as an overseas elector for that electoral division at —

- (a) any overseas registration centre; or
- (b) any place in or near the electoral division for which the person seeks to be registered as an overseas elector.”;

(b) by inserting, immediately after paragraph (c) of subsection (2), the following paragraph:

“(ca) a declaration that he —

- (i) has not acquired or applied to acquire by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore;
- (ii) has not voluntarily claimed and exercised any rights (other than any rights in connection with the use of a passport) available to him under the law of any country outside Singapore being rights accorded exclusively to the citizens or nationals of that country;
- (iii) has not taken any oath or made any declaration or acknowledgment of allegiance, obedience or adherence to any foreign power or state; and
- (iv) has not applied to the authorities of a place outside Singapore for the issue or renewal of a passport or used a passport issued by such authorities as a travel document;”;

(c) by deleting the words “, before or at any time after certifying any register of electors for any electoral division” in subsection (3) and substituting the words “to be registered as an overseas elector for an electoral division, at any time except between the issue of a writ of election under section 24 and the nomination

day appointed for an election in that electoral division or, if a poll is to be taken, the polling day appointed for that election”;

(d) by inserting, immediately after subsection (3), the following subsections:

“(3A) Any person who is registered under this section as an overseas elector in the register of electors for an electoral division may, at any time, apply to the Registration Officer in the manner prescribed —

(a) to cancel his registration as an overseas elector; or

(b) to change the overseas polling station allotted to him under subsection (3)(b) to another overseas polling station,

and the Registration Officer may, at any time before the issue of a writ of election under section 24 for an election in that electoral division, cancel the person’s registration as an overseas elector or allot the person another overseas polling station to vote at, as the case may be.

(3B) Only one overseas polling station may be allotted to a person who is registered as an overseas elector.”; and

(e) by inserting, immediately after subsection (4), the following subsection:

“(5) For the purposes of subsection (2)(ca)(ii), the exercise of a vote in —

(a) any national, state or provincial election; or

(b) any election for the local government of any metropolitan or urban area,

in a country outside Singapore (but not an election under this Act or a presidential election) shall be deemed to be the voluntary claim and exercise of a right available under the law of that country.”.

### **Amendment of section 21**

**9.** Section 21 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

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“(4) Any person who, in making any application under section 13A(1) to be registered as an overseas elector for an electoral division, or any application under section 13A(3A)(b) to change the overseas polling station allotted to him to another overseas polling station —

- (a) makes, in or outside Singapore, in any declaration under section 13A(2) any statement which is false, and which he knows or has reason to believe is false or does not believe to be true;
- (b) furnishes, in or outside Singapore, any document which he knows or has reason to believe is false or does not believe to be true; or
- (c) by the intentional suppression of any material fact, furnishes, in or outside Singapore, information which is misleading,

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 3 years or to both.”.

### **Amendment of section 36A**

**10.** Section 36A of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) The Returning Officer may, for the purposes of the poll at any election, approve the use of such of the following premises outside Singapore that are within —

- (a) an embassy, a High Commission, diplomatic mission, permanent mission or consulate of Singapore in a country or territory outside Singapore; or
- (b) the official residence of any person who is appointed to hold or act in any of the following offices in a country or territory outside Singapore:
  - (i) an ambassador, a High Commissioner, Consulate-General or head of a diplomatic mission or consulate;
  - (ii) the Permanent Representative; or

- (iii) such other senior diplomatic or consular office as the Minister may, from time to time, prescribe for the purposes of the definition of an “overseas polling station” in section 2(1),

as the Returning Officer thinks practicable or suitable as an overseas polling station for overseas electors to cast their votes thereat.”.

### **Amendment of section 39**

**11.** Section 39(2A) of the principal Act is amended by deleting the words “section 13A(3)” and substituting the words “section 13A”.

### **Amendment of section 39A**

**12.** Section 39A of the principal Act is amended —

- (a) by deleting the words “section 13A(3)” in subsection (1)(a) and substituting the words “section 13A”;
- (b) by deleting the words “but not more than 12 hours” in subsection (2); and
- (c) by inserting, immediately after subsection (4), the following subsection:

“(5) Unless the contrary intention appears therefrom, the regulations made under subsection (4) shall extend to acts done or omitted to be done outside Singapore by —

- (a) any Assistant Returning Officer or presiding officer;
- (b) any polling agent or election agent; or
- (c) any citizen of Singapore (whether or not a voter or an elector),

in relation to a poll conducted or to be conducted at an overseas polling station.”.

### **Related amendments to Presidential Elections Act**

**13.** The Presidential Elections Act (Cap. 240A) is amended —

- (a) by deleting the definition of “overseas polling station” in section 2 and substituting the following definition:

““overseas polling station” has the same meaning as in the Parliamentary Elections Act (Cap. 218);”;

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- (b) by deleting the words “section 13A(3)” in section 22A(1)(a) and substituting the words “section 13A”;
  - (c) by deleting the words “but not more than 12 hours” in section 22A(2); and
  - (d) by inserting, immediately after subsection (4) of section 22A, the following subsection:

“(5) Unless the contrary intention appears therefrom, the regulations made under subsection (4) shall extend to acts done or omitted to be done outside Singapore by —

- (a) any Assistant Returning Officer or presiding officer;
- (b) any polling agent or election agent; or
- (c) any citizen of Singapore (whether or not a voter or an elector),

in relation to a poll conducted or to be conducted at an overseas polling station.”.

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