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The following Act was passed by Parliament on 13th August 2001 and assented to by the President on 21st August 2001:—

REPUBLIC OF SINGAPORE

No. 31 of 2001.

I assent.

(LS)

S R NATHAN,
President.
21st August 2001.

An Act to amend the Parliamentary Elections Act (Chapter 218 of the 2001 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 No. 2) Act 2001 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 of the Parliamentary Elections Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “election”, the following definition:

“ “election advertising” means any poster, banner, notice, circular, handbill, illustration, article, advertisement or other material that can reasonably be regarded as intended —

(a) to promote or procure the electoral success at any election for one or more identifiable political parties, candidates or groups of candidates; or

(b) to otherwise enhance the standing of any such political parties, candidates or groups of candidates with the electorate in connection with any election,

and such material shall be election advertising even though it can reasonably be regarded as intended to achieve any other purpose as well and even though it does not expressly mention the name of any political party or candidate, but excludes any button, badge, pen, pencil, balloon and any other thing prescribed by the Minister by notification in the *Gazette*”;

(b) by inserting, immediately after the definition of “Parliament”, the following definition:

“ “political party” means a political party which is registered under the Societies Act (Cap. 311);”;

(c) by inserting, immediately after the definition of “public authority”, the following definition:

“ “publish” means make available to the general public, or any section thereof, in whatever form and by whatever means, including broadcasting (by wireless telegraphy or otherwise) and transmitting on what is commonly known as the Internet;” and

(d) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) For the purposes of the definition of “election advertising” in subsection (1) —

(a) the reference to electoral success at any election shall be a reference —

(i) in relation to any political party, to the return at any such election of candidates or groups of candidates standing in the name of the party; and

(ii) in relation to candidates or groups of candidates, to their return at any such election;

(b) the reference to the doing of anything mentioned in paragraph (a) or (b) of that definition shall include doing so by prejudicing the electoral prospects at the election of other political parties, candidates or groups of candidates or (as the case may be) by prejudicing the standing with the electorate of other political parties, candidates or groups of candidates; and

(c) the reference to candidates or groups of candidates shall include any person or group of persons (whether or not a member of any political party) who, on or after the date of the issue of a writ for the election is declared, by himself or others, as seeking nomination as a candidate at that election.”.

Amendment of section 27B

3. Section 27B (5) of the principal Act is amended by inserting, immediately after the word “withdraws”, the words “or is deemed to have withdrawn”.

Amendment of section 28

4. Section 28 of the principal Act is amended by deleting subsections (5) and (5A).

New section 32A

5. The principal Act is amended by inserting, immediately after section 32, the following section:

“Multiple nominations

32A.—(1) A candidate who is validly nominated for more than one electoral division at a general election shall withdraw his candidature in all those electoral divisions except one before 12 noon on the day of nomination, and if he does not so withdraw he shall be deemed to have withdrawn his candidature in all the electoral divisions under section 32.

(2) Subsection (1) shall also apply where 2 or more by-elections are held at the same time.”.

Amendment of section 61

6. Section 61 of the principal Act is amended —

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

“(c) publishes or causes to be published any election advertising during the period beginning with the day the writ of election is issued for an election and ending on the eve of polling day at the election which —

(i) in the case of election advertising that is, or is contained in, a printed document, does not bear on its face or, if there is more than one side of printed matter, on the first or last page of the document, the names and addresses of its printer, its publisher and the person for whom or at whose direction the election advertising is published; or

(ii) in the case of any other election advertising, does not bear in the form and manner prescribed under section 78A the names and addresses of its publisher and the person for whom or at whose direction the election advertising is published;”;

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

“(5) Where any election advertising is published in contravention of subsection (1) (c), the printer of the election advertising as well as the person for whom or at whose direction the election advertising is published shall each also be guilty of a corrupt practice and shall each be liable on conviction to the same punishment and incapacity under this section as the publisher thereof.

(6) Subsection (1) (c) shall not apply in respect of —

- (a) the distribution of a book, or the promotion of the sale of a book, for not less than its commercial value, if the book was planned to be published regardless of whether there was to be an election;
- (b) the publication of a document directly by a person or a group of persons to their members, employees or shareholders, as the case may be;
- (c) the transmission by an individual to another individual, on a non-commercial basis on what is commonly known as the Internet, of his own political views;
- (d) the publication of any news relating to an election in a newspaper in any medium or in a radio or television broadcast; or
- (e) such other circumstances or activities as may be prescribed by the Minister by order in the *Gazette*.”.

New sections 78A to 78E

7. The principal Act is amended by inserting, immediately after section 78, the following sections:

“Regulations for other election advertising

78A.—(1) The Minister may make regulations —

- (a) prescribing the form and manner in which details as to the names and addresses of the publisher of any election advertising not comprising printed matter and of the person for whom or at whose direction it is published

must be included in such election advertising for the purpose of complying with section 61 (1) (c) (ii); and

- (b) regulating election advertising and the publication thereof during an election period on what is commonly known as the Internet by political parties, candidates or their election agents and relevant persons, including prescribing the features that must or must not appear or be used in any such election advertising.

(2) Any person who contravenes any regulations made under subsection (1) (b) 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.

(3) For the purposes of this section and any regulations made thereunder —

“election period” means the period beginning with the day the writ of election is issued for an election and ending with the close of all polling stations on polling day at the election;

“relevant person” means any person or group of persons in Singapore (other than a political party, a candidate or his election agent) which —

- (a) provides any programme on the World Wide Web through what is commonly known as the Internet under a class licence; and
- (b) is required under the conditions of the class licence to register with the Singapore Broadcasting Authority on account of that person or group of persons engaging in or providing any programme for the propagation, promotion or discussion of political issues relating to Singapore,

and a person or a group of persons shall be regarded as required to register with the Singapore Broadcasting Authority even though the time permitted for such registration has not expired;

“Singapore Broadcasting Authority” means the Singapore Broadcasting Authority constituted under the Singapore Broadcasting Authority Act (Cap. 297).

Election advertising ban on polling day

78B.—(1) Subject to subsection (2), no person shall on polling day display or publish, or cause or permit to be displayed or published, any election advertising in or among any electors in any electoral division before the close of all the polling stations in the electoral division.

(2) Subsection (1) shall not apply in respect of —

- (a) any election advertising that was lawfully published before polling day on what is commonly known as the Internet and that was not changed after its publication;
- (b) the continued lawful display or posting of posters or banners;
- (c) the distribution of a book, or the promotion of the sale of a book, for not less than its commercial value, if the book was planned to be published regardless of whether there was to be an election;
- (d) the transmission by an individual to another individual, on a non-commercial basis on what is commonly known as the Internet, of his own political views;
- (e) the publication of any news relating to an election in a newspaper in any medium or in a radio or television broadcast; or
- (f) such other circumstances or activities as may be prescribed by the Minister by order in the *Gazette*.

(3) Any person who contravenes subsection (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.

Blackout period for election survey results

78C.—(1) No person shall publish or permit or cause to be published the results of any election survey during the period beginning with the day the writ of election is issued for an election and ending with the close of all polling stations on polling day at the election.

(2) Any person who contravenes subsection (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.

(3) In this section, “election survey” means an opinion survey of how electors will vote at an election or of the preferences of electors respecting any candidate or group of candidates or any political party or issue with which an identifiable candidate or group of candidates is associated at an election.

Exit polls ban on polling day

78D.—(1) No person shall publish or permit or cause to be published on polling day before the close of all polling stations on polling day —

- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or
- (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(2) Any person who contravenes subsection (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.

(3) In this section —

- (a) “forecast” includes estimates; and
- (b) any reference to the result of an election is a reference to the result of an election either as a whole or so far as any particular candidate or group of candidates at the election are concerned.

Defence for election advertising offences

78E.—(1) It shall be a defence for a person charged with an offence under section 61 (1) or (5), 78A (2), 78B (3), 78C (2) or 78D (2) to prove —

- (a) that the contravention of section 61 (1) (c), (d) or (e), 78B (1), 78C (1), 78D (1) or any regulations made under section 78A (1) (b), as the case may be, arose from circumstances beyond his control; and

(b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.

(2) Nothing in subsection (1) shall limit the operation of section 10 of the Electronic Transactions Act (Cap. 88) in relation to network service providers.”.

New section 108

8. The principal Act is amended by inserting, immediately after section 107, the following section:

“Corporate offenders and unincorporated associations

108.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of —

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Proceedings for an offence alleged to have been committed under this Act by an unincorporated association shall be brought against the association in its own name (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to service of documents shall have effect as if the association were a corporation.

(4) Where a partnership is guilty of an offence under this Act, every partner (other than a partner who is proved to have been ignorant of, or to have attempted to prevent the commission of, the offence) shall also be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where any other unincorporated association is guilty of an offence under this Act —

- (a) every officer of the association who is bound to fulfil any duty of which the offence is a breach; or
- (b) if there is no such officer, every member of the committee or other similar governing body (other than a member who is proved to have been ignorant of, or to have attempted to prevent the commission of, the offence),

shall also be guilty of an offence and shall be liable to be proceeded against and punished accordingly.”.
