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PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS
(ELECTION ADVERTISING) (AMENDMENT)
REGULATIONS 2011

In exercise of the powers conferred by sections 78, 78A and 102 of the Parliamentary Elections Act, the Prime Minister hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Parliamentary Elections (Election Advertising) (Amendment) Regulations 2011 and shall come into operation on 14th March 2011.

Amendment of regulation 2

2. Regulation 2 of the Parliamentary Elections (Election Advertising) Regulations (Rg 3) (referred to in these Regulations as the principal Regulations) is amended —

(a) by deleting the definition of “campaign period” and substituting the following definitions:

“campaign period”, in relation to an election, means the period —

(a) beginning with the closure of the place of nomination on nomination day after the election is adjourned under section 34(1)(a) or 34A(1)(a), as the case may be, of the Act to enable a poll to be taken in accordance with the Act; and

(b) ending with the start of the eve of polling day of that election;

“chat room” or “discussion forum” means a website or similar online facility (including a facility made available by or through a social networking service or web log) through which a number of persons can

communicate by text messages and that allows text messages to be visible to all other users or to a designated segment of users;

“display”, in relation to a public place, includes display on the exterior of a vehicle (whether or not mechanically propelled) in a public place;

“election meeting” means an assembly in a public place organised by or on behalf of a candidate or group of candidates nominated for election in an electoral division —

(a) to promote or procure the electoral success at the election for one or more identifiable political parties, candidates or groups of candidates or to otherwise enhance the standing of any such political parties, candidates or groups of candidates with the electorate in connection with the election (referred to in these Regulations as an election rally); or

(b) to show support for the candidate at or about the time the results of the election may be declared under section 49(7) or (7E) or 49A(5) of the Act;”;

(b) by deleting the words “the close of all polling stations on polling day” in the definition of “election period” and substituting the words “the start of polling day”;

(c) by inserting, immediately after the definition of “electronic mail address”, the following definitions:

““electronic media application” includes —

(a) any banner, logo or small icon that is capable of being posted on any social networking service, micro-blog, website or other form of electronic media; or

(b) any other software or programme used in connection with a computer or other electronic device and which may be used for communicating or transmitting election advertising among users in any format,

such as but not limited to digital banners, RSS feed readers, widgets, mobile applications and other instant messaging software or programmes;

“micro-blog” means a web service that allows a user to post and send a micro-blog post that can be viewed by a selected group of persons or by anyone who uses the web service;

“micro-blog post” means a short text message (ordinarily not exceeding 140 characters) sent through a micro-blog;

“MMS message” means a message (whether or not accompanied by any sound) sent using an MMS service;

“MMS service” means a system that enables the transmission of visual communication, voice communication or electronic mail from a digital mobile telephone —

(a) to another digital mobile phone; or

(b) to an electronic mail address,

but does not include a micro-blog post;”;

(d) by inserting, immediately after the definition of “poster”, the following definition:

“ “public place” means —

(a) any place (open to the air or otherwise) to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee, and whether or not access to the place may be restricted at particular times or for particular purposes; or

(b) a part of a place that the occupier of the place allows members of the public to enter, but only while the place is ordinarily open to members of the public;”;

(e) by deleting the definition of “relevant person” and substituting the following definitions:

“ “SMS message” means a text message sent using an SMS service;

“SMS service” means a system that enables the transmission of short text messages from a digital mobile telephone to another digital mobile telephone;

“social networking service” means any online website or web service —

(a) that allows users to create webpages or profiles providing information that can be viewed in whole or in part by other users; and

(b) that enables or supports multiple-user digital communication, connection, social interaction or related activities;

“web log” means a website or part of a website maintained by one or more persons —

(a) that allow the person or persons to upload entries that include (but is not limited to) text messages, images or videos; and

(b) may allow visitors to the website or part thereof to post their comments thereon.”.

Amendment of regulation 3

3. Regulation 3 of the principal Regulations is amended —

(a) by deleting the words “as those in sub-paragraph (a)” in paragraph (1)(b) and substituting the words “as those on the first opening page of that website”; and

(b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) For the purposes of section 61(1)(c)(ii) of the Act, the relevant particulars shall be shown as follows on every election advertising sent by electronic mail or micro-blog or by or through a social networking service, an SMS service or MMS service, or sent as a web log entry or as a message in a chat room or discussion forum:

(a) in the case of electronic mail, the relevant particulars shall appear at the beginning of the message in a font that is not smaller than the font of the message text;

(b) in the case of advertising in a micro-blog post or by or through a social networking service,

the relevant particulars shall appear in the sender's user name and his account profile page, or prominently on the landing page or homepage associated with the sender's micro-blog account or the sender's social networking service account, as the case may be;

- (c) in the case of advertising in an SMS message or MMS message, the relevant particulars shall appear at the bottom of the screen displaying the message; and
- (d) in the case of a web log entry or a message in a chat room or discussion forum, the relevant particulars shall appear —
 - (i) in the sender's user name and his account profile;
 - (ii) prominently on the landing page or homepage associated with the sender's web log, chat room or discussion forum account; or
 - (iii) if sub-paragraphs (i) and (ii) are inapplicable, at the beginning of the message in a font that is not smaller than the font of the message text.

(2A) For the purposes of section 61(1)(c)(ii) of the Act, the relevant particulars of every election advertising that is a recorded program of speech, music or other sound made available over the Internet as a digital audio file shall be shown adjacent to or immediately above or below any icon representing or link to the file on the web page of the website from which the recorded program may be downloaded.

(2B) For the purposes of section 61(1)(c)(ii) of the Act, the relevant particulars of every election advertising that is a recorded program of images (whether or not accompanied by any sound) made available over the Internet as a digital video file shall be shown adjacent to or immediately above or below any icon representing or link to the file on the web page of the website from which the recorded program may be downloaded.

(2C) For the purposes of section 61(1)(c)(ii) of the Act, the relevant particulars of every election advertising published as or using an electronic media application shall be within the election advertising itself, except that where the election advertising is too small to include the relevant particulars in a legible manner (such as but not limited to a micro-bar, a button ad or a graphic or picture link), the relevant particulars shall be shown as follows:

- (a) for an electronic media application that allows the viewer to click on it, the viewer must be taken to a landing or home page that prominently displays the relevant particulars;
- (b) for an electronic media application that does not allow the viewer to click on it, the relevant particulars must be prominently displayed on a clearly identifiable website that the election advertising was drawn from.

(2D) For the purposes of section 61(1)(c)(ii) of the Act, the relevant particulars of any other election advertising that is not, or is not contained in, a printed document shall be stamped, engraved or otherwise marked prominently, indelibly and legibly on any surface of the election advertising itself.”.

Amendment of regulation 4

4. Regulation 4 of the principal Regulations is amended —

- (a) by deleting paragraphs (1), (2) and (3) and substituting the following paragraphs:

“(1) For the purposes of section 78A(1)(b) of the Act, a political party or a candidate or his election agent may publish on the Internet during the election period the election advertising specified in paragraph (2) (in text, still or moving picture, sign, symbol or other visual image, or any speech, music, sound or audible message, or any combination of 2 or more of those things) in the following manner only:

- (a) by including the election advertising, or something that contains it, on one or more websites, whether

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- or not it is or they are maintained by or on behalf of the political party, candidate or group of candidates;
- (b) by providing an electronic cross-reference (commonly known as a hypertext link) on a webpage of any website (whether or not maintained by or on behalf of the political party, candidate or group of candidates) that refers or links to, or otherwise brings the user to, another webpage or online content —
 - (i) that does not contain any election advertising; or
 - (ii) that contains election advertising the publication of which complies with these Regulations or which is not proscribed by the Returning Officer;
 - (c) by communicating the election advertising through a chat room or discussion forum, whether or not maintained by or on behalf of the political party, candidate or group of candidates, and if the chat room or discussion forum is one that is maintained by or on behalf of a political party, candidate or group of candidates, the maintenance of which complies with the requirements of regulation 5;
 - (d) by making the election advertising available on an online video sharing or hosting website or an online photograph sharing or hosting website;
 - (e) by sending the election advertising by electronic mail that complies with the requirements of paragraph (3);
 - (f) by sending the election advertising in a micro-blog post or an SMS message or MMS message that complies with the requirements of paragraph (3);
 - (g) by a program of speech, music or other sound made available over the Internet as a digital audio file;

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- (h) by a program of images (whether or not accompanied by any sound) made available over the Internet as a digital video file;
 - (i) by making election advertising available through an electronic media application; or
 - (j) by making election advertising available by or through a web log or social networking service, whether or not maintained by or on behalf of the political party, candidate or group of candidates.

(2) For the purposes of section 78A(1)(b) of the Act, a political party or a candidate or his election agent may publish on the Internet during the election period the following election advertising (in text, still or moving picture, sign, symbol or other visual image, or any speech, music, sound or audible message, or any combination of 2 or more of those things), and no others:

- (a) any photograph of any candidate or group of candidates or any drawing or illustration which purports to depict any such candidate or group of candidates or to be a likeness or representation of any candidate or group of candidates;
- (b) any photograph or film of any person or persons lawfully taking part in or conducting any election rally or other election activity, or any drawing or illustration which purports to depict any such person or persons or to be a likeness or representation of any person or persons;
- (c) the manifesto or declaration of policies or ideology of the political party or the candidate or group of candidates;
- (d) any historical or biographical information about the political party or the candidate or group of candidates;
- (e) any newsletter, journal or other periodical publication of the political party;
- (f) any message, article or comment that promotes or opposes any political party or the election of any candidate or group of candidates, including one that takes a position on an issue with which

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- a political party or candidate or group of candidates, as the case may be, is associated;
- (g) the whole or part of the logo, symbol or mark of a political party, or the whole or part of the approved symbol allotted to a candidate or a group of candidates under section 34(1)(b) or 34A(1)(b) of the Act;
 - (h) any advertisement or material for the recruitment of members or subscribers of a political party or for acquiring the services of volunteers or canvassers for a candidate or group of candidates;
 - (i) any announcement of any election meeting or other meeting, or of any constituency visit, held or to be held by or on behalf of a candidate or group of candidates or the political party.
- (3) Any election advertising that —
- (a) is sent by electronic mail shall contain a clearly and conspicuously displayed functioning electronic mail address to which the recipient of the electronic mail message may send a reply to the sender of the message to indicate a desire not to receive further such messages from that sender at the electronic mail address at which the message was received; or
 - (b) is in a micro-blog post or an SMS message or MMS message shall contain a clearly and conspicuously displayed —
 - (i) functioning digital mobile phone number; or
 - (ii) functioning electronic mail address,to which the recipient of the micro-blog post, SMS message or MMS message, as the case may be, may send a reply to the sender of the election advertising to indicate a desire not to receive further election advertising from that sender at the mobile phone number or electronic mail address at which the micro-blog post, SMS message, MMS message, as the case may be, was received.

(3A) If a recipient of any electronic mail message, micro-blog post, SMS message or MMS message containing election advertising referred to in paragraph (1)(e) or (f) makes a request to the sender of such message or post —

(a) in the case of an electronic mail message — through an electronic mail message sent to a functioning electronic mail address provided under paragraph (3)(a); or

(b) in the case of a micro-blog post or an SMS message or MMS message — through a functioning digital mobile phone number or a functioning electronic mail address provided under paragraph (3)(b),

not to receive further electronic mail messages, micro-blog posts, SMS messages or MMS messages, as the case may be, containing election advertising from the sender, the sender shall not send or further send or cause to be sent or further sent any such electronic mail message, micro-blog post, SMS message or MMS message containing election advertising during the election period to the recipient's electronic mail address or digital mobile phone number without the prior express consent of the recipient.”;

(b) by deleting the word “and” at the end of paragraph (4)(b);

(c) by deleting the full-stop at the end of sub-paragraph (c) of paragraph (4) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(d) any party political film within the meaning of the Films Act (Cap. 107) or any film the exhibition or distribution of which is contrary to the provisions of that Act.”;

(d) by deleting the words “, in relation to any electronic mail message, advertisement or material, means an electronic mail address” in paragraph (6)(a) and substituting the words “and “functioning digital mobile phone number”, in relation to any electronic mail message, micro-blog post, SMS message or MMS message containing election advertising, mean an electronic mail address or digital mobile phone number”;

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- (e) by inserting, immediately after the words “electronic mail message” in paragraph (6)(a)(i), the words “, micro-blog post, SMS message or MMS message, as the case may be”;
 - (f) by deleting the words “, advertisement or material” in paragraph (6)(a)(ii) and substituting the words “micro-blog post, SMS message or MMS message, as the case may be”;
 - and
 - (g) by deleting the words “shall not cease to be a functioning electronic mail address by reason only of a temporary inability to receive electronic mail messages” in paragraph (6)(b) and substituting the words “or digital mobile phone number shall not cease to be a functioning electronic mail address or functioning digital mobile phone number by reason only of a temporary inability to receive electronic mail messages, micro-blog posts, SMS messages or MMS messages, as the case may be,”.

Amendment of regulation 5

5. Regulation 5 of the principal Regulations is amended —

- (a) by deleting the words “regulation 4(1)(g) (referred to in this regulation as a chat room or discussion forum) is to be published by” in paragraph (1) and substituting the words “regulation 4(1)(c) (referred to in this regulation as a chat room or discussion forum) is to be maintained by or on behalf of”;
- (b) by deleting the words “published by” in paragraph (1)(b) and substituting the words “maintained by or on behalf of”;
- and
- (c) by deleting the words “is published” wherever they appear in paragraph (3) and substituting in each case the words “is maintained”.

Deletion and substitution of Division 2 in Part III

6. Part III of the principal Regulations is amended by deleting Division 2 and substituting the following Division:

“Division 2 — Declaration of election advertising by candidates during campaign period

Declaration of election advertising by candidates

6.—(1) Election advertising (in text, still or moving picture, sign, symbol or other visual image, or any speech, music, sound or audible message, or any combination of 2 or more of those things) may be published on the Internet during the campaign period of an election by or on behalf of a candidate —

- (a) by including the election advertising, or something that contains it, on any website (including a web log) that is maintained by or on behalf of the candidate;
- (b) by communicating the election advertising through a chat room or discussion forum that is maintained (in whole or part) by or on behalf of the candidate (if not comprised in a website referred to in sub-paragraph (a));
- (c) by making the election advertising available on an online video sharing or hosting website, or an online photograph sharing or hosting website that is maintained by or on behalf of the candidate;
- (d) by or through a social networking service using a social networking service account (whether an individual or group account) that is maintained by or on the behalf of the candidate;
- (e) by electronic mail, or by sending the election advertising in a micro-blog post or in an SMS message or MMS message, using an electronic mail address, a micro-blog account or a digital mobile phone number, as the case may be, that is maintained by or on the behalf of the candidate; or
- (f) by making the election advertising available through an electronic media application provided or maintained by or on behalf of the candidate,

if, and only if the Returning Officer is given —

- (i) within 12 hours after the start of the campaign period, one or more declarations containing the information specified in paragraph (2) relating to every platform on which the election advertising that has been or is to be so published by or on behalf of the candidate in that time; and
 - (ii) thereafter at any time before the election advertising is so published by or on the candidate's behalf on any such platform, a declaration containing the information specified in paragraph (2) relating to the platform on which election advertising that is to be so published.
- (2) Any declaration under paragraph (1)(i) or (ii) relating to any platform on which election advertising that has been or is to be, as the case may be, published by a candidate or on his behalf during the campaign period must contain —
- (a) the electronic address of every website (including a web log) that is maintained by or on behalf of the candidate and on which that election advertising has been or is to be so published;
 - (b) the electronic address of every chat room or discussion forum that is maintained (in whole or part) by or on behalf of the candidate (if not comprised in a website referred to in sub-paragraph (a)) and on which that election advertising has been or is to be so published;
 - (c) the electronic address for every online video sharing or hosting website or every online photograph sharing or hosting website that is maintained by or on behalf of the candidate and on which that election advertising has been or is to be so published;
 - (d) the electronic address of every micro-blog account and every page on a social networking service (be it a personal profile page, fan page, group page or events page) that is maintained by or on behalf of the candidate and from which that election advertising has been or is to be so published;

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- (e) the particulars of every functioning digital mobile phone number, and every functioning electronic mail address, that is maintained by or on behalf of the candidate and from which the election advertising in an SMS message or MMS message or electronic mail has been or is to be sent by the candidate or on his behalf during the campaign period; or
 - (f) the particulars of every electronic media application that is provided or maintained by or on behalf of the candidate (if not comprised in a website referred to in sub-paragraph (a)) and on which the election advertising has been or is to be so published,

as the case may be.

- (3) Every declaration under paragraph (1)(i) or (ii) shall —
 - (a) be in such form and given in such manner as the Returning Officer may require; and
 - (b) be given by the candidate concerned or that candidate's election agent.

(4) When any declaration under paragraph (1)(i) or (ii) has been received by the Returning Officer, he shall without delay ensure that the declaration is open for inspection (without charge) at all reasonable hours of the day.

- (5) For the avoidance of doubt, in this regulation —
 - (a) “candidate” shall not include a candidate who has been declared elected under section 33(1) of the Act;
 - (b) a reference to anything that is or is to be maintained or published by or on behalf of a candidate shall be a reference to anything that is or is to be maintained or published by the candidate either alone or as one in a group of candidates or other persons; and
 - (c) a declaration that is required by paragraph (1)(i) or (ii) or by regulation 7(1)(b)(ii) to be given to the Returning Officer shall be regarded as given only when it is actually received by the Returning Officer.”.

Amendment of regulation 7

7. Regulation 7 of the principal Regulations is amended —

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

“(1) The Returning Officer or any person so authorised by him may issue a written direction to any political party, or to any candidate or group of candidates or his or their election agents —

(a) to remove or prohibit any election advertising that has been published by or on behalf of the political party, candidate or group of candidates, as the case may be, which is published in contravention of any provision in Division 1; or

(b) to —

(i) remove any election advertising that has been published by or on behalf of the candidate in contravention of regulation 6(1); or

(ii) give the Returning Officer a declaration containing the information specified in regulation 6(2) relating to the election advertising that has been so published by or on behalf of the candidate in contravention of regulation 6(1).”; and

(b) by deleting the words “or the relevant person concerned, as the case may be, shall immediately remove, or prohibit the inclusion of, the whole or any part of the election advertising it, he or they published or caused to be published” in paragraph (2) and substituting the words “shall immediately comply with the written directions”.

Amendment of regulation 9

8. Regulation 9 of the principal Regulations is amended by inserting, immediately after the words “cause to be displayed”, the words “in any public place”.

Amendment of regulation 10

9. Regulation 10 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “the display of posters and banners” in paragraph (1), the words “in any public place”; and
- (b) by deleting sub-paragraph (a) of paragraph (2) and substituting the following sub-paragraphs:
 - “(a) the public places where posters and banners must not be displayed;
 - (aa) the removal, within such period after polling day as is specified in the permit, of every poster and banner authorised to be displayed by the permit;”.

Amendment of regulation 11

10. Regulation 11 of the principal Regulations is amended —

- (a) by deleting the words “the number of” in sub-paragraphs (1) and (2) and substituting in each case the words “the maximum number of”;
- (b) by deleting the words “the number of posters and banners” in sub-paragraph (3) and substituting the words “the maximum number of posters and banners”; and
- (c) by deleting the words “Number of” in the regulation heading and substituting the words “Maximum number of”.

Amendment of regulation 15

11. Regulation 15 of the principal Regulations is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Subject to paragraph (2), no candidate or (as the case may be) group of candidates seeking election in an electoral division, and no election agent of any such candidate, shall display or cause to be displayed at any time during the campaign period of the election in any public place within the electoral division any poster or banner relating to the candidate or (as the case may be) group of candidates that is in excess of the maximum number of posters and banners determined under regulation 11(1) for that candidate or (as the case may be) group of candidates.”.

Amendment of regulation 16

12. Regulation 16 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “No person shall”, the words “, during the campaign period,”; and
- (b) by renumbering the regulation as paragraph (1) of that regulation and by inserting immediately thereafter the following paragraph:

“(2) For the avoidance of doubt, nothing in paragraph (1) prohibits the hanging or causing to be hung any poster or banner on anything specified in that paragraph.”.

New regulation 19A

13. The principal Regulations are amended by inserting, immediately after regulation 19, the following regulation:

“No new display of posters and banners on polling day and eve of polling day

19A.—(1) A person to whom a permit is issued under this Part in respect of an election in an electoral division shall be guilty of an offence if he, on polling day and the eve of polling day at that election —

- (a) displays, or causes to be displayed, in any public place within the electoral division any poster or banner that is, at the end of the campaign period of the election, not already so displayed in compliance with these Regulations and the conditions of the permit;
- (b) alters or otherwise changes, or causes to be altered or otherwise changed, any poster or banner that is, at the end of the campaign period of the election, already lawfully displayed in any public place within that electoral division; or
- (c) alters or otherwise changes, or causes to be altered or otherwise changed, the manner of display of, or the place at which is displayed, any poster or banner that is, at the end of the campaign period of the election, already lawfully displayed in any public place within that electoral division.

(2) In this regulation, any reference to a poster or banner that is lawfully displayed shall be a reference to a poster or banner that is displayed in compliance with these Regulations and the conditions of a permit issued.”.

Deletion and substitution of Schedule

14. The Schedule to the principal Regulations is deleted and the following Schedule substituted therefor:

“THE SCHEDULE

Regulation 10(1)

FORM 1

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS
(ELECTION ADVERTISING)
REGULATIONS

PERMIT TO DISPLAY POSTERS AND BANNERS

Permit No. _____

ELECTORAL DIVISION: _____

*CANDIDATE/GROUP OF CANDIDATES

(Specify names)

TO: *(name of permit holder)*

1. You are hereby authorised to display, during the period starting with the close of nomination proceedings on nomination day and ending before the eve of polling day, posters and banners relating to the said *candidate/group of candidates in public places within the above electoral division in accordance with the Parliamentary Elections (Election Advertising) Regulations (Rg 3) and in accordance with the following conditions:

- (a) you are not to display in excess of *(specify maximum number)*;
- (b) you are not to display any such poster or banner without affixing the stamp bearing the official mark of the Returning Officer conspicuously at the bottom right hand corner of the poster or banner;

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

- (c) you are to remove every poster and banner that you have pursuant to this permit displayed in public places within the above electoral division within ___ days after polling day; and
- (d) _____.

Conditions (a) and (b) do not apply to the display of such posters and banners during an election rally.

2. If you display or cause to be displayed any such poster or banner otherwise than in accordance with any of the provisions of the Parliamentary Elections (Election Advertising) Regulations (Rg 3), a copy of which is attached or any term or condition contained in this permit or written direction issued under those Regulations, you commit an offence and are liable under section 78 of the Parliamentary Elections Act (Cap. 218) on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

Dated this _____ day of _____ 20__.

*Returning Officer,
Singapore.*

Made this 14th day of March 2011.

CHIANG CHIE FOO
*Permanent Secretary,
Prime Minister's Office,
Singapore.*

[ELD(A)/4-29 Vol. 5; AG/LLRD/SL/218/2005/4 Vol. 3]