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No. S 442

PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)

PRESIDENTIAL ELECTIONS
(POSTERS AND BANNERS) (AMENDMENT)
REGULATIONS 2011

In exercise of the powers conferred by section 60 of the Presidential Elections Act, the Prime Minister hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Presidential Elections (Posters and Banners) (Amendment) Regulations 2011 and shall come into operation on 2nd August 2011.

New regulation 1A

2. The Presidential Elections (Posters and Banners) Regulations (Rg 3) (referred to in these Regulations as the principal Regulations) are amended by inserting, immediately after regulation 1, the following regulation:

“Definitions

1A. In these Regulations, unless the context otherwise requires —

“banner relating to a candidate” means a banner that can reasonably be regarded as intended —

- (a) to promote or procure the electoral success at any election for the identifiable candidate; or
- (b) to otherwise enhance the standing of any such candidate with the electorate in connection with any election,

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 candidate;

“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 16(1)(a) 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;

“display”, in relation to a public place, includes display on the exterior or otherwise of a vehicle (whether or not mechanically propelled) in a public place so as to be visible to the public or any section thereof;

“poster relating to a candidate” means any poster that can reasonably be regarded as intended —

- (a) to promote or procure the electoral success at any election for the identifiable candidate; or
- (b) to otherwise enhance the standing of any such candidate with the electorate in connection with any election,

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 candidate;

“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.”.

Amendment of regulation 2

3. Regulation 2 of the principal Regulations is amended —
- (a) by deleting the words “no person shall, between nomination day and polling day of an election, display or cause to be displayed” and substituting the words “no candidate shall, during the campaign period of an election, display or cause to be displayed in any public place”; and
 - (b) by deleting the words “the person” and substituting the words “the candidate”.

Amendment of regulation 3

4. Regulation 3 of the principal Regulations is amended —
- (a) by deleting the words “after nomination day” in paragraph (1) and substituting the words “after nomination proceedings have closed on nomination day of an election”;
 - (b) by deleting the words “between nomination day and polling day” in paragraph (1) and substituting the words “relating to the candidate in any public place during the campaign period of the election”; and
 - (c) 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 of an election as is specified in the permit, of every poster and banner authorised to be displayed by the permit;”.

Amendment of regulation 4

5. Regulation 4 of the principal Regulations is amended —
- (a) by deleting paragraph (1) and substituting the following paragraph:
 - “(1) The Returning Officer shall, for any election and in respect of each candidate at the election, determine the maximum number of posters and banners relating to a candidate which may be displayed in any public place during the campaign period of the election, and shall allot

equally among the candidates the number of such posters and banners which may be so displayed.”; and

- (b) by deleting the words “the number of posters and banners which may be displayed” in paragraph (2) and substituting the words “the maximum number of posters and banners relating to each candidate which may be so displayed”.

Amendment of regulation 5

6. Regulation 5 of the principal Regulations is amended —

- (a) by deleting the words “no person shall, between nomination day and polling day of an election,” in paragraph (1) and substituting the words “a person who is not a candidate shall not, during the campaign period,”;
- (b) by deleting sub-paragraph (b) of paragraph (1); and
- (c) by deleting paragraph (2) and substituting the following paragraph:

“(2) Nothing in paragraph (1) shall prohibit —

- (a) the broadcast or publication of any news or current affairs which contains any reference to a poster or banner relating to a candidate in an election; or
- (b) the publication or causing to be published in any newspaper, magazine or periodical, by any person who is not authorised by a candidate to conduct election activity and who does not receive any payment or other valuable consideration therefor, of any poster or banner that may reasonably be regarded as not expressly encouraging or persuading voters to vote, or not to vote, for an identifiable candidate described or indicated by reference to views or positions that are or are not held or taken at an election (whether or not the name of the candidate is mentioned).”.

Amendment of regulation 6

7. Regulation 6 of the principal Regulations is amended by deleting the words “in respect of an election” in paragraphs (1) and (2) and substituting in each case the words “relating to a candidate”.

Amendment of regulation 7

- 8.** Regulation 7 of the principal Regulations is amended —
- (a) by inserting, immediately after the words “no person shall” in paragraph (1), the words “, during the campaign period,”;
 - (b) by inserting, immediately after the words “any poster or banner” in paragraph (1), the words “relating to any candidate”; and
 - (c) by deleting sub-paragraph (ii) of paragraph (2)(b).

Amendment of regulation 8

9. Regulation 8 of the principal Regulations is amended by deleting the words “display or cause to be displayed by any means any poster or banner” and substituting the words “, during the campaign period, display or cause to be displayed in any public place or by any means any poster or banner relating to a candidate”.

Amendment of regulation 9

- 10.** Regulation 9 of the principal Regulations is amended —
- (a) by deleting the words “display or cause to be displayed” and substituting the words “, during the campaign period, display or cause to be displayed in any public place”;
 - (b) by deleting paragraph (a);
 - (c) by deleting the words “in respect of an election” in paragraph (b) and substituting the words “relating to a candidate”;
 - (d) by inserting, immediately after the words “any poster or banner” in paragraph (c), the words “ (whether or not relating to a candidate)”; and
 - (e) by renumbering the regulation as paragraph (1) of that regulation, and by inserting immediately thereafter the following paragraphs:
 - “(2) Subject to paragraph (3), no candidate shall, at any time during the campaign period of the election, display or cause to be displayed in any public place any poster or banner relating to the candidate that is in excess of the maximum number of posters and banners determined under regulation 4(1) for that candidate.

(3) Nothing in paragraph (1)(b) or (2) shall prohibit the display of any poster or banner on the day and at the site of any election rally held by a candidate, or any poster or banner at the office or committee room of a candidate that specifies the name of the candidate concerned.”.

Amendment of regulation 10

11. Regulation 10 of the principal Regulations is amended by deleting the words “display or cause to be displayed any poster or banner” and substituting the words “, during the campaign period, display or cause to be displayed any poster or banner relating to a candidate”.

Amendment of regulation 11

- 12.** Regulation 11 of the principal Regulations is amended —
- (a) by inserting, immediately after the words “No person shall”, the words “, during the campaign period of an election,”; and
 - (b) by deleting the words “in respect of an election” and substituting the words “relating to a candidate”.

Amendment of regulation 12

- 13.** Regulation 12 of the principal Regulations is amended —
- (a) by inserting, immediately after the words “No person shall”, the words “, during the campaign period of an election,”; and
 - (b) by deleting the words “in respect of an election” and substituting the words “relating to a candidate”.

New regulation 14A

14. The principal Regulations are amended by inserting, immediately after regulation 14, the following regulation:

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

14A.—(1) A person to whom a permit is issued under these Regulations in respect of an election 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 any poster or banner relating to a candidate 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 relating to a candidate that is, at the end of the campaign period of the election, already lawfully displayed in any public place; 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 relating to a candidate that is, at the end of the campaign period of the election, already lawfully displayed in any public place.

(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

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

“THE SCHEDULE

Regulation 3

PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)

PRESIDENTIAL ELECTIONS
(POSTERS AND BANNERS) REGULATIONS

PERMIT TO DISPLAY POSTERS AND BANNERS

Permit No. _____

CANDIDATE

(Specify name)

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 in public

 THE SCHEDULE — *continued*

places in accordance with the Presidential Elections (Posters and Banners) 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;
- (c) you are to remove every poster and banner that you have pursuant to this permit displayed in public places 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 Presidential Elections (Posters and Banners) 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 60(4) of the Presidential Elections Act (Cap. 240A) 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 2nd day of August 2011.

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