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The following Act was passed by Parliament on 4 May 2020 and assented to by the President on 15 May 2020:—

PARLIAMENTARY ELECTIONS (COVID-19 SPECIAL ARRANGEMENTS) ACT 2020

(No. 21 of 2020)

ARRANGEMENT OF SECTIONS

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REPUBLIC OF SINGAPORE

No. 21 of 2020.

I assent.

HALIMAH YACOB,
President.
15 May 2020.



An Act to authorise temporary arrangements for the purposes of any election under the Parliamentary Elections Act (Chapter 218 of the 2011 Revised Edition) so that certain electors who are subject to COVID-19 stay orders may vote outside of their electoral divisions, an aspiring candidate need not be present in person during nomination proceedings if ill, and special steps may be taken during a poll and vote counting in the interest of public health.

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 is the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“boarding premises”, for an elector subject to a COVID-19 stay order —

(a) means a hotel, serviced apartment, hostel, dormitory or other similar boarding premises —

(i) from which the elector is required under the COVID-19 stay order to not leave; and

(ii) that is not the ordinary residence of the elector in Singapore as shown in the register of electors; but

(b) excludes a hospital, convalescent home or a similar institution;

“COVID-19” means the infectious disease known as Coronavirus Disease 2019;

“COVID-19 quarantine order” means an order under section 15(1) or (2) of the Infectious Diseases Act (Cap. 137) because of the COVID-19;

“COVID-19 stay order” means an order under the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020 (G.N. No. S 182/2020) that an individual given the order must not leave a place of accommodation specified;

“election” means an election under the Parliamentary Elections Act held on or before 14 April 2021;

“nomination day”, for an election in an electoral division, means —

(a) the day of nomination of the election; or

(b) a day to which the nomination of candidates is postponed under section 56A of the Parliamentary Elections Act for the election;

“place of accommodation” includes a boarding premises;

“poll” does not include a poll using a direct recording electronic voting system;

“polling day”, for an election in an electoral division, means —

(a) the day on which the poll is to be taken at the election;
or

(b) a day to which the poll is adjourned and postponed under section 56C of the Parliamentary Elections Act for the election;

“Returning Officer” means the individual appointed as a Returning Officer under section 3(1) of the Parliamentary Elections Act;

“special polling station” means a polling station established under section 5(2);

“Stay Order Regulations” means the Infectious Diseases (COVID-19 — Stay Orders) Regulations 2020.

(2) For the purposes of this Act, an elector is subject to —

(a) a COVID-19 quarantine order for so long as the elector is required to be detained and isolated, or to remain and be isolated, in a place because of the COVID-19 quarantine order applicable to the elector; or

(b) a COVID-19 stay order for so long as the elector is required to not leave a place of accommodation because of the COVID-19 stay order applicable to the elector.

(3) Unless expressly provided otherwise in this Act, any word or expression in this Act that is defined in section 2(1) of the Parliamentary Elections Act has the meaning given to it by that section.

Quarantined elector, etc., not voting is excused

3.—(1) Subsection (2) applies to an elector who, on the polling day of an election in an electoral division, is subject to —

- (a) a COVID-19 quarantine order; or
- (b) a requirement under the Stay Order Regulations to go to and not leave his or her place of accommodation but not because of a COVID-19 stay order to not leave a boarding premises.

(2) If an elector mentioned in subsection (1) does not record his or her vote at an election in an electoral division, he or she —

- (a) must be treated under section 43(8) of the Parliamentary Elections Act as having a good and sufficient reason for not recording his or her vote at the election; and
- (b) is entitled to have his or her name restored to the relevant register of electors without penalty, and without application in the case of an elector subject to a COVID-19 quarantine order or COVID-19 stay order, after the Registration Officer gives notice in the *Gazette* under section 43(6) of that Act after that election.

(3) In any proceedings for an offence under the Infectious Diseases Act against an elector mentioned in subsection (1)(a) for —

- (a) failing to proceed to the place in which he or she is to be isolated within the time specified in the COVID-19 quarantine order;
- (b) leaving or attempting to leave the place in which he or she is being isolated; or
- (c) failing to comply with any condition to which he or she is subject,

it is not a reasonable excuse or other defence that the act or omission constituting the offence was committed for the purpose of voting at an election.

(4) In any proceedings for an offence under the Infectious Diseases Act against an elector mentioned in subsection (1)(b) for or in

connection with failing to go to or for leaving his or her place of accommodation that is not a boarding premises, it is a reasonable excuse or other defence only if the act or omission constituting the offence was done or not done —

- (a) for the purpose of voting at an election; and
- (b) in compliance with the directions given by or on behalf of the Returning Officer under the Parliamentary Elections Act, or that Act as modified by or under this Act, regarding the hours, place and mode of voting by the elector.

(5) Subsection (2)(b) has effect despite section 43(8A) and (9) of the Parliamentary Elections Act but subject to section 43(11) of that Act.

Stay order electors may vote outside of electoral division

4.—(1) This section applies to an elector who —

- (a) is entitled to vote at an election in an electoral division; but
- (b) is, on the polling day of the election, subject to a COVID-19 stay order and is required by the Stay Order Regulations to not leave a boarding premises.

(2) Despite section 43(1) of the Parliamentary Elections Act, an elector mentioned in subsection (1) is entitled to vote at the election only at a special polling station allotted to the elector under section 5(2)(b) or (5)(b).

(3) In any proceedings against an elector mentioned in subsection (1) for an offence under the Infectious Diseases Act or the Stay Order Regulations —

- (a) for contravening a COVID-19 stay order;
- (b) for failing or neglecting to wear a surgical or other mask over the individual's nose and mouth when leaving a place of accommodation; or
- (c) for being in close proximity of another individual,

it is a reasonable excuse only if the act or omission constituting the offence was done or not done —

- (d) for the sole purpose of voting at a special polling station allotted to the elector under section 5(2)(b) or (5)(b); and
- (e) in the case of paragraph (b) or (c), in compliance with the directions of a presiding officer at that special polling station or given by or on behalf of the Returning Officer.

Special polling stations

5.—(1) This section applies where —

- (a) a poll is required under the Parliamentary Elections Act in an electoral division; and
- (b) the Returning Officer is aware that 2 or more individuals residing in one or more boarding premises —
 - (i) are electors entitled to vote at the election in the electoral division; and
 - (ii) are or will be each subject to a COVID-19 stay order on the polling day of the election and required to not leave the boarding premises.

(2) The Returning Officer —

- (a) may establish in any of the following premises, polling stations specially for voting by electors subject to COVID-19 stay orders to not leave a boarding premises:
 - (i) any boarding premises the electors are required to not leave;
 - (ii) any other suitable premises in Singapore; and
- (b) must allot those electors subject to COVID-19 stay orders to not leave a boarding premises to the special polling stations in paragraph (a) in any manner the Returning Officer considers expedient.

(3) A special polling station established under subsection (2) —

- (a) comprises an area, within a boarding premises or other suitable premises, that is demarcated by or under the authority of the Returning Officer to be a special polling station; and

(b) must have as many polling places within the special polling station as the Returning Officer considers necessary for the electors allotted to vote at that polling station to cast their votes at the election.

(4) When the Returning Officer publishes a notice under section 34(6) or 34A(6) of the Parliamentary Elections Act in respect of an electoral division, the Returning Officer must also publish in the *Gazette* a notice of —

(a) the location of every special polling station established; and

(b) the periods during which votes may be cast at each special polling station established.

(5) If the Returning Officer establishes more special polling stations after publishing in the *Gazette* a notice under subsection (4), the Returning Officer must —

(a) cause notice of every additional special polling station so established to be published in the *Gazette* at least 2 clear days before polling day; and

(b) allot to any special polling station those electors subject to COVID-19 stay orders to not leave a boarding premises and not earlier allotted under subsection (2)(b), in any manner the Returning Officer considers expedient.

Poll and voting by stay order electors

6.—(1) Subject to this Act, a poll and voting in an election involving electors subject to COVID-19 stay orders must be conducted, so far as is practicable, in the same manner as that in which a poll and voting at a polling station in Singapore is conducted under Part III of the Parliamentary Elections Act.

(2) The Parliamentary Elections Act applies to a poll and voting at an election involving electors subject to COVID-19 stay orders at special polling stations, subject to the following modifications:

(a) a reference in section 39(1) of that Act to a polling station allotted to a person is a reference to a special polling station allotted to the elector under section 5(2)(b) or (5)(b);

- (b) despite section 39(3) of that Act, the hours of any poll for any contested election at a special polling station must not be less than 4 hours as set by the Returning Officer, and must close no later than the close of the poll on polling day in Singapore;
- (c) despite section 39(5) of that Act, the maximum number of polling agents who may be admitted to a special polling station is as follows, regardless of the number of polling places within that polling station:
 - (i) one polling agent for each political party contesting the election or, where the poll is at a general election, the general election;
 - (ii) one polling agent for each independent candidate or group of independent candidates (as the case may be) contesting the election or, where the poll is at a general election, the general election;
- (d) in addition to section 42(2A)(a) and (b) of that Act, the presiding officer, before delivering a ballot paper to a voter in a special polling station where the voter is required to personally put his or her ballot paper into the ballot box, must —
 - (i) if the voter is wearing a surgical mask or other mask, ascertain the identity of the voter by asking the voter to remove the mask; and
 - (ii) call out the electoral division and polling district code for which the voter is registered in the relevant register of electors;
- (e) section 43(1) of that Act does not apply to prevent an elector who is entitled to vote at the election and allotted a special polling station under section 5(2)(b) or (5)(b) from voting at the election at that polling station;
- (f) an elector in paragraph (e) who votes at the special polling station allotted to him or her under section 5(2)(b) or (5)(b) must be treated, for the purposes of section 43 of the

Parliamentary Elections Act, as having voted at the electoral division for which he or she is registered;

- (g) in addition to section 48A of that Act, the votes cast at all special polling stations must be counted at a place in Singapore that the Returning Officer directs, notice of which must be published in the *Gazette* at least 2 clear days before the polling day of the election;
- (h) in addition to section 49(4) of that Act, in counting the votes cast at all special polling stations, the Returning Officer or a person authorised by the Returning Officer must, where the circumstances require, also sort the ballot papers according to electoral divisions where the election is contested, before starting to count the votes from the opened ballot boxes from those polling stations.

(3) The Minister may make regulations further modifying the application of any provision of the Parliamentary Elections Act to the conduct of the poll at the election and the counting of votes, so as to minimise exposure during a poll at an election of either or both —

- (a) the general public; or
- (b) the presiding officers, clerks, interpreters, polling agents or voters within polling stations,

to individuals who may be carriers of or infected by the COVID-19, including modifications to allow electors subject to COVID-19 stay orders to not leave a boarding premises to mark and cast their votes instead of in person at a special polling station.

(4) Regulations made under subsection (3) about the application of any provision of the Parliamentary Elections Act must be consistent with the principles laid down in that provision.

(5) To avoid doubt, the Parliamentary Elections Act, this Act and regulations made under subsection (3) are not limited or affected in any way by the Infectious Diseases Act and any similar Act.

Transporting electors

7. Section 71(1) and (4) of the Parliamentary Elections Act does not apply to the Returning Officer, or any person authorised by the

Returning Officer, transporting or arranging to transport by motor vehicles, electors or voters subject to COVID-19 stay orders to or from special polling stations for the purpose of voting at the poll at an election.

Public health advisories

8. Section 81(1) of the Parliamentary Elections Act does not apply to any communications activity undertaken by or with the authority of the Returning Officer or the Director of Medical Services advising voters against voting at an election if, on the polling day of the election, they —

- (a) are not subject to a COVID-19 quarantine order; but
- (b) either —
 - (i) exhibit acute respiratory symptoms or are febrile; or
 - (ii) may have been exposed to the risk of becoming infected with, or a carrier of, the COVID-19.

Modified nomination proceedings

9.—(1) Subsection (2) applies to an individual who —

- (a) is seeking nomination as a candidate at an election in an electoral division (called in this section the aspiring candidate); and
- (b) is, on the nomination day of the election, unable or unfit to attend in person at the nomination proceedings at the place of nomination because of —
 - (i) being subject to a COVID-19 quarantine order;
 - (ii) being subject to a COVID-19 stay order;
 - (iii) any other requirement in the Stay Order Regulations to not leave his or her residence or place of accommodation;
 - (iv) his or her hospitalisation for any reason certified by a duly qualified medical practitioner; or

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- (v) ill-health, but only if a duly qualified medical practitioner certifies in writing that the individual is unfit to attend the nomination proceedings in person as a result.

(2) Despite sections 27(3), 27B(3) and 29 of the Parliamentary Elections Act —

- (a) the nomination papers of an aspiring candidate in subsection (1) may be delivered on his or her behalf by his or her authorised representative in accordance with this section; and
- (b) if so delivered, the Returning Officer must not reject those nomination papers just because they are not delivered by the aspiring candidate in person.

(3) An authorised representative of an aspiring candidate or candidate at an election in an electoral division must be a citizen of Singapore who is —

- (a) an elector who is entitled to vote at the election in the electoral division or another electoral division; and
- (b) a donee under a power of attorney by the aspiring candidate or the candidate, authorising him or her to represent and act on behalf of the aspiring candidate or candidate at nomination proceedings under the Parliamentary Elections Act.

(4) For the purposes of subsection (2), the nomination papers of an aspiring candidate delivered by an authorised representative must be —

- (a) accompanied by —
 - (i) a certified copy of the power of attorney mentioned in subsection (3)(b); and
 - (ii) a copy of the COVID-19 quarantine order or COVID-19 stay order relating to the aspiring candidate, or the certificate of unfitness to attend from a duly qualified medical practitioner (as the case may be), relating to the aspiring candidate; and

(b) delivered in duplicate, by the authorised representative in person accompanied by the aspiring candidate’s proposer, seconder and at least 4 assentors, at the place of nomination between 11 a.m. and 12 noon (both times inclusive) on nomination day.

(5) For the purposes of an election —

(a) a reference in section 29A (except section 29A(3)(a)) of the Parliamentary Elections Act to a person seeking nomination or a candidate includes a reference to an authorised representative of an aspiring candidate in subsection (1); and

(b) a reference in sections 30(1A)(a), (2)(b) and (5) and 31(1)(a), (2) and (3) of that Act to a candidate includes a reference to an authorised representative of an aspiring candidate in subsection (1) who is nominated.

(6) A notice of withdrawal of candidature for the purposes of section 32(1) of the Parliamentary Elections Act, may be given by the authorised representative of the candidate in person, signed by the authorised representative.

(7) Subject to this section, nomination proceedings at an election in an electoral division involving an aspiring candidate mentioned in subsection (1) must be conducted in the same manner, so far as is practicable, as that in which nomination proceedings are conducted under sections 27 to 32A of the Parliamentary Elections Act.

(8) In this section —

“aspiring candidate” means a person seeking nomination as a candidate at an election;

“nomination papers”, for an aspiring candidate at an election or a candidate, means the nomination papers and other certificates required by section 29(2) of the Parliamentary Elections Act to be delivered to the Returning Officer in relation to the aspiring candidate or candidate;

“power of attorney” does not include a lasting power of attorney created under the Mental Capacity Act (Cap. 177A).

Saving

10. Nothing in this Act affects the operation of sections 56A to 56F of the Parliamentary Elections Act.
