

11 Jul 2016

Written Reply to Parliamentary Question on Alleged Cooling-Off Day Violations

Question:

Assoc Prof Daniel Goh Pei Siong: To ask the Prime Minister with regard to the Elections Department's filing of police reports against two individuals for alleged violations of Cooling-Off Day regulations for the Bukit Batok by-election (a) what constitutes "regular propagation, promotion and discussion of political issues" as stated in its press statement; and (b) at which point is such individual propagation no longer within the exception of "transmitting personal political views on a non-commercial basis using the Internet".

Written reply by Mr Chan Chun Sing, Minister, Prime Minister's Office (for the Prime Minister):

Let me state upfront that I cannot comment on individual cases because Police investigations are still ongoing. However, I will speak broadly about election advertising, and how we determine whether specific postings during Cooling-Off Day and Polling Day are allowed or not.

2 Election advertising is defined as any material, whether online or offline, that is intended to raise the standing of, or secure the electoral success of, any candidate or party. Under the Parliamentary Elections Act, election advertising is not allowed on Cooling-Off Day and Polling Day. This is to allow voters time to step back from the excitement and emotion of the campaign, and reflect on the issues at stake before casting their votes.

3 This prohibition applies to all individuals and organisations. However, in the online space, social media has made every individual a potential broadcaster. It is therefore not possible for the Elections Department to monitor every single post in enforcing the prohibition against election advertising on Cooling-Off and Polling days. Instead, the Elections Department takes a practical approach, by taking into account the following factors:

a. Intent. Posts clearly intending to promote or procure electoral success of a political party or candidate, or enhance their standing, are not allowed. For example, a post that asks people to "vote Party A" is quite clearly intended to secure the electoral success of Party A. A post that portrays "Party B" negatively is also considered election advertising as it is likely to enhance the standing of Party A. In addition, repeated publication of posts on Cooling-Off Day and Polling Day, or posts published after ELD had issued its reminder, will be treated more seriously.

b. Reach and impact. ELD will consider how many people are likely to have read particular posts. Posts by individuals or groups that regularly engage in the discussion of political issues will have further reach and greater impact than those by ordinary members of the public.

4 As for the Member's second question, the law does allow for individual-to-individual transmission of personal political views, on a non-commercial basis, on Cooling-Off Day and

Polling Day. So if a person sends an email or SMS to a friend to share his personal political views about the election, that will not be considered a breach. However, if he blogs or posts a message on his Facebook page that everyone can read, asking readers to vote for a particular party or candidate, that is clearly publication of election advertising.