

MEDIA STATEMENT

POLICE REPORTS FILED FOR ELECTION ADVERTISING BREACHES **DURING BUKIT BATOK BY-ELECTION**

The Assistant Returning Officer has filed police reports against socio-political site The Independent Singapore (TISG) and two individuals – Teo Soh Lung and Roy Ngerng – for publishing several online articles and postings that may be tantamount to election advertising, on Cooling-Off Day and Polling Day of the recent Bukit Batok by-election.

2 Election advertising is defined as any material posted on any platform that is intended to enhance the standing of, or promote electoral success for, an identifiable party or candidate. Posting election advertising on Cooling-Off Day and Polling Day is prohibited, as this campaign silence period is meant to give voters time to reflect rationally on issues raised before going to the polls.

3 In filing the police reports, the Assistant Returning Officer has taken into consideration the nature of the postings and the potential impact that they might have had. Socio-political sites such as TISG that regularly promote, propagate and discuss political issues should be accountable and responsible for what they publish. Not only did TISG publish articles that may be tantamount to election advertising on Cooling-Off Day, it continued to do so even after receiving a specific reminder from the ARO not to post any election advertising during Cooling-Off Day and Polling Day. The two individuals – Teo Soh Lung and Roy Ngerng – also regularly engage in the propagation, promotion and discussion of political issues.

4 Posting election advertising on Cooling-Off Day and Polling Day is an offence under Section 78B(1) of the Parliamentary Elections Act. Any person who is convicted of such an offence may be fined up to \$1,000 and/or jailed up to 12 months.

ISSUED BY
ELECTIONS DEPARTMENT
PRIME MINISTER'S OFFICE
27 MAY 2016

Annex A: Election advertising

“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;

Election advertising ban: No person shall, at any time on polling day or the eve of polling day at an election in an electoral division:

- a) knowingly publish, or knowingly cause or permit to be published, any election advertising in or among any electors in the electoral division; or
- b) knowingly display, or knowingly cause or permit to be displayed, any election advertising on any vehicle, thing or structure within the electoral division or adjoining the electoral division.

The above does not apply to:

- 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 any news relating to an election —
 - i. in a newspaper in any medium by a person permitted to do so under the Newspaper and Printing Presses Act (Cap. 206); or
 - ii. in a radio or television broadcast by a person licensed to do so under the Broadcasting Act (Cap. 28);
- c) the telephonic or electronic transmission by an individual to another individual of the first-mentioned individual’s own political views, on a non-commercial basis;
- d) any election advertising that was lawfully published or displayed before the start of the eve of polling day at any election on what is commonly known as the Internet and that was not changed after its publication or display; and

- e) the continued lawful display or posting of posters or banners that have been displayed or posted before the start of the eve of polling day at any election.

Annex B: List of articles that breached election advertising rules

1. The Independent

On 6 May 2016, which is Cooling-off day for the Bukit Batok by-election, The Independent Singapore uploaded the following articles on its website:

- (a) “5 highlights of DPM’s speech – Tharman wants to debate with Chee, but not in Parliament” (<http://theindependent.sg/5-highlights-of-dpms-speech-tharman-wants-to-debate-with-chee-but-not-in-parliament/>);
- (b) “Workers’ Party and the Bukit Batok by-election – What the WP members said” (<http://theindependent.sg/workers-party-and-the-bukit-batok-by-election-what-the-wp-members-said/>).

On 7 May 2016, which is Polling day for the Bukit Batok by-election, The Independent Singapore uploaded the following article on its website:

- (a) “Tan Cheng Bock denies involvement in posting by irrational group of PAP fans” (<http://theindependent.sg/tan-cheng-bock-denies-involvement-in-posting-by-irrational-group-of-pap-fans/>).

2. Teo Soh Lung

On 6 May 2016, which is Cooling-off day for the Bukit Batok by-election, Teo Soh Lung, published the following posts on her Facebook:

- (a) a note that PAP and SDP had not been given equal airtime and coverage on Channel News Asia news on 5 May 2016 (<https://www.facebook.com/sohlung.teo/posts/10208405638792387/>) posted at 2.16am;
- (b) an SDP photo calling for support for Dr Chee (<https://www.facebook.com/sohlung.teo/posts/10208407344075018/>) posted at 7.22am;
- (c) a picture containing quotes from unidentified individuals stating why they would vote for Dr Chee. (<https://www.facebook.com/sohlung.teo/posts/10208407370715684/>) posted at 7.32am; and
- (d) a link to a transcript of Paul Tambyah’s rally speech (<https://www.facebook.com/sohlung.teo/posts/10208407418076868/>) posted at 7.45am.

3. Roy Ngerng

On 6 May 2016, which is Cooling-off day for the Bukit Batok by-election, at 2.08pm, Roy Ngerng posted a note on his Facebook calling for submissions to an “*I believe in Chee Soon Juan*” photo campaign (<https://www.facebook.com/sexiespider/posts/10153714224989141/>).

On the same day, Roy Ngerng also published an article, “[*Photo Campaign*] *We Believe in Chee Soon Juan*” on his blog, “The Heart Truths”

(<https://thehearttruths.com/2016/05/06/photo-campaign-we-believe-in-chee-soon-juan/>).

Annex C: Do's and Don't's on Cooling-off Day and Polling Day

Cooling-off Day is a day when campaigning is disallowed and new election advertising must not be published or displayed. This 24-hour campaign silence period is to let voters reflect rationally on various issues raised at an election before going to the polls. Cooling-off Day was first instituted in the 2011 general election.

Prohibited Activities on Cooling-off Day and Polling Day

2 The following campaign activities are prohibited on Cooling-off Day and Polling Day:

- a) Canvassing and visiting homes and workplaces of voters in connection with the election;
- b) Wearing, using, carrying or displaying of any political propaganda (such as a badge, symbol, rosette, favour, set of colours, flag, advertisement, handbill, placard, poster or replica of a voting paper) by any person or on any motorcar, truck or other vehicle. Members of the public should refrain from wearing any apparel bearing the image, election symbol and/or campaign message of any candidate on Cooling-off Day and Polling Day; and
- c) Holding election meetings.

3 The following are prohibited at any time on Cooling-off Day and Polling Day:

- a) Knowingly publishing, or knowingly causing or permitting to be published, any election advertising in or among electors in Bukit Batok Constituency; and
- b) Knowingly displaying, or knowingly causing or permitting to be displayed, any election advertising on any vehicle, thing or structure within or adjoining Bukit Batok Constituency.¹

4 There are some exceptions to the prohibitions of knowingly publishing or displaying election advertising on Cooling-off Day and Polling Day:

- a) Reports in the newspapers, on radio and television relating to election matters;
- b) Approved posters/banners lawfully displayed before the start of Cooling-off Day;
- c) Election advertising that was lawfully displayed or published before the start of Cooling-off Day on the Internet and that was not changed after its publication

¹ Parliamentary Elections Act (PEA) Section 78B(1)

or display.² However, programmatic advertising, i.e. using technology to automatically deliver digital ads online and on social media platforms, should not be conducted on Cooling-off Day and Polling Day.

- d) Distribution or promotion of the sale of any book if the book was scheduled for publication independent of the election and the book is not sold at less than its commercial value;
- e) The transmission of personal political views by individuals to other individuals, on a non-commercial basis, using the Internet, telephone or electronic means;
- f) The wearing by candidates, of a badge indicating affiliation with a political party or replica of the symbol allotted to them.

5 Candidates and their supporters are expected to abide fully by all relevant laws on Cooling-off Day and Polling Day, and should refrain from conduct that goes against the spirit behind the prohibition against campaigning on Cooling-off Day and Polling Day.

6 Candidates should be mindful of how they conduct themselves in public and exercise due care to avoid any action that may be perceived as campaigning. To avoid any misunderstanding, candidates should, as far as possible, refrain from visiting voters or attending public events in Bukit Batok Constituency on Cooling-off Day and Polling Day, where they are likely to attract public attention and may be perceived to be canvassing for support. At such events, candidates' presence, actions, communications and exchanges (including private exchanges), are highly visible and may be perceived as campaigning.

7 Attending religious ceremonies for private prayer or worship, or attending functions in the course of work or employment would still be permissible, subject to the general prohibitions against campaigning and election advertising on Cooling-off Day and Polling Day.

8 The publication of election surveys and exit polls is prohibited before the close of all polling stations.³

² Parliamentary Elections Act (PEA) Section 78B(2)(d)

³ Parliamentary Elections Act (PEA) Sections 78C and 78D