

PRESS RELEASE

FIRST READING OF THE PRESIDENTIAL ELECTIONS (AMENDMENT) BILL AND THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL

As part of the Elections Department's (ELD) ongoing efforts to improve our electoral processes, amendments to the Presidential Elections Act and the Parliamentary Elections Act were introduced in Parliament today. The key amendments propose to improve voting arrangements, update election advertising (EA) laws, enhance the election expenses regime and strengthen election processes.

2 Details of the key amendments are as follows:

Improving voting arrangements

Provide special voting arrangements for voters who are residents of nursing homes

3 To make it more convenient for voters residing in nursing homes to vote, the Bills provide for the Returning Officer to establish special polling stations within the premises of nursing homes. The Bills also provide for mobile polling teams to be deployed for residents to cast their votes by the bed.

4 The Returning Officer will consider various factors in determining whether to establish a special polling station or to deploy mobile polling team(s) at a nursing home, such as the number of voters in the nursing home and the availability of a suitable area in the nursing home to set up the special polling station.

Allow overseas Singaporeans to vote by post

5 To improve voting accessibility for overseas Singaporeans, the Bills provide for Singaporeans residing overseas to vote by post.

6 Return envelopes containing the postal ballot papers must be postmarked before Polling Day and reach the custody of the Returning Officer in Singapore within 10 days after Polling Day in Singapore to be accepted for counting. Accepting only return envelopes postmarked before Polling Day will ensure that the votes are cast before close of poll in Singapore.

Registration for overseas voting¹

7 For the convenience of overseas voters and to allow more overseas Singaporeans to qualify to be registered as overseas voters, the Bill provides for the following:

¹ These amendments are for the Parliamentary Elections Act only.

- (a) Allow overseas Singaporeans, who would like to be registered as overseas voters, more time to meet the residency criterion. Instead of the current requirement of having to reside in Singapore for an aggregate of 30 days in the 3 years preceding the “prescribed date”² (currently set as 1 March in any year), overseas Singaporeans can qualify to register as overseas voters as long as they have resided in Singapore for an aggregate of 30 days in the preceding 3 years from the date of application³ as an overseas voter.
- (b) Remove the need for existing overseas voters to re-register as overseas voters whenever the Registers of Electors are revised, which typically takes place before an election. Overseas voters will have their status retained unless they cancel their overseas voting registration (e.g., in the case of returning Singaporeans) or their names have been removed from the Registers of Electors (e.g., for failing to vote at the last election).

Updates to election advertising⁴ laws

8 The Bills seek to promote responsible and informed voting, by enhancing:

- (a) Transparency by allowing voters to know who is communicating the election advertising (EA); and
- (b) Accountability and traceability by making persons involved in the publishing or displaying of the EA responsible for their communications and ensuring that obligations imposed can be enforced.

9 As forms of media and communications evolve, the Bills provide for the following:

- (a) Amplification of existing online EA⁵ (e.g., boosting, sharing/resharing, reposting) will be subject to the same requirements as publishing new EA. Amplification of existing online EA increases the reach of the content to more users and has the same effect as publishing fresh content.
- (b) Clarification that paid EA will cover payments that are (i) direct and indirect (e.g., through an intermediary), and (ii) monetary and non-

² The Minister sets out the prescribed date in the Gazette Notification (GN) on Prescribed Date Order to provide for the cut-off date for the qualifying criteria to determine whether a person is entitled to have his name entered or retained in a Register of Electors. The GN is typically published before the revision of the Registers of Electors commences.

³ The current deadline of 2 days after the Writ of Election to register as an overseas voter still applies.

⁴ Election advertising refers to any material, paid or unpaid, that can reasonably be regarded as intended to: (a) promote or procure the electoral success at any election for one or more identifiable political parties, candidates or groups of candidates; or: (b) otherwise enhance the standing of any such political parties, candidates or groups of candidates with the electorate in connection with any election.

⁵ Online EA refers to any election advertising accessible from the internet.

monetary. This ensures a level playing field by covering various forms of payment under campaign spending limits.

10 To ensure transparency and accountability, the following published-by requirements will apply to all paid and unpaid EA. The EA will be required to display the full names of all who played an active role in publishing the EA:

- (a) Person(s) responsible for the publishing of the EA;
- (b) Person(s) who approved the EA content;
- (c) Person(s) who directed the EA to be published;
- (d) The printer, for printed EA; and
- (e) If the election advertising is paid for, it should also show the full name of person(s) who paid for the election advertising.

11 The exceptions to the above are Singapore citizens who are not candidates or election agents, who publish online EA in their personal capacity, and did not pay, receive payment or were directed by others to do so. These individuals will continue to be exempted from the published-by requirements.

Powers for the Returning Officer to issue corrective directions

12 The Bills also provide for powers for the Returning Officer to direct any content publisher (e.g., individuals, social media companies) to take all reasonable steps to do one or more of the following with regard to online EA breaches:

- (a) Ensure the removal of the EA;
- (b) Disable access to the EA by Singapore end-users; and
- (c) Stop or reduce access, or further communication, of the EA to Singapore end-users.

Enhancing election expenses regime

Provide means for candidates and election agents to make technical corrections to election expenses returns without having to apply to the Election Judge to do so

13 The Bills provide for technical corrections (e.g., omissions) to be made to election expenses returns filed with the Returning Officer by submitting fresh returns. Such corrections must still be made before the deadline, which is 31 days after the election result is published in the Government Gazette.

Make election expenses returns available for online inspection

14 Currently, election expenses are available for physical inspection at ELD for a period of 6 months. The Bills provide for election expenses returns to be made available online for inspection at ELD website.

Audit on election expenses for greater transparency and accountability of candidates' election expenditure⁶

15 The Bill empowers the Returning Officer to audit the election expenses returns submitted by an election agent of a candidate to ascertain that they are in order. The audit will be carried out in accordance with generally accepted accounting standards.

Strengthening election processes

Persons and entities taking part in election activity

16 To ensure that children are protected from exploitation during elections, a person attending a primary or secondary school as a student is currently prohibited from taking part in election activities. The Bills seek to adopt an age-based restriction, which is more consistent, to prohibit individuals below 16 years old from taking part in election activities.

17 To ensure that Singapore's politics is only for Singaporeans to decide, foreign individuals and foreign entities should not be allowed to participate in election activities. The current Parliamentary Elections Act and Presidential Elections Act prohibit foreign individuals from participating in election activities but are silent on foreign entities, such as foreign companies or organisations. The Bills will make it clear that foreign entities are also prohibited from participating in election activities.

Provide greater flexibility in addressing disruptive events during elections

18 The Bills empower the Minister to make regulations for contingency arrangements to be put in place arising from disruptive events (e.g., flood or health hazard), to enable the Returning Officer to conduct safe, orderly, efficient and timely elections.

Allow polling stations to be set up in adjacent electoral divisions

19 Under current law, a polling station can only be situated within the electoral division boundary. To provide greater convenience to voters who are residing near the electoral boundary, the Bills allow for polling stations to be set up in the adjacent electoral division.

⁶ This amendment is for the Parliamentary Elections Act only.

Presidential Elections Committee procedures⁷

20 The Presidential Elections Committee (PEC) is responsible for ensuring that candidates for the office of President have the qualifications referred to in Article 19 of the Constitution i.e., the applicant is a person of integrity, good character and reputation and has met either the public sector service requirement or the private sector service requirement. The Bill streamlines processes to remove the requirement for the PEC to consider applications from:

- (a) Applicants below 45 years old (and therefore clearly do not qualify as President under the Constitution of the Republic of Singapore); and
- (b) Applicants who do not submit a community declaration for the community that the election is reserved for.

Community Committee procedures

21 The function of the Community Committee (CC) is to decide whether a candidate who has submitted a community declaration belongs to the Chinese community, the Malay community, or the Indian or other minority communities. Currently, the CC is required to notify every declarant that their community declarations have been accepted for consideration.

22 The Bill streamlines this by removing the need to do so for every declaration. With the proposed amendments, the CC will only be required to notify declarants in the following cases:

- (a) Notify a declarant who declared that he does not belong to (i) the Chinese community, (ii) the Malay community, and (iii) the Indian or other minority communities for an open election that his declaration is accepted; and
- (b) Notify a declarant that his community declaration is rejected as it is incomplete, or in the case of a reserved election, not made for the relevant community the election is reserved for.

23 In all other situations, the community declaration will be accepted for consideration without the need for explicit notification.

**ISSUED BY
ELECTIONS DEPARTMENT
PRIME MINISTER'S OFFICE**

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⁷ These amendments are for the Presidential Elections Act only.