

Speech for
Presidential Elections (Amendment) Bill and
Parliamentary Elections (Amendment) Bill
on Monday, 6 Mar 2023

Introduction

Mr Speaker, Sir, on behalf of the Prime Minister, I beg to move that the Bill be now read a second time.

2. As the proposed amendments are largely similar, this Bill is associated with the Parliamentary Elections (Amendment) Bill, which is the next Bill on the Order Paper.

3. Sir, may I propose, with your permission, that the substantive debate on both Bills take place now. I welcome Members' comments or questions on both Bills after my speech. This allows the substantive points to be covered in a single debate. We will still have the formal second reading of the Parliamentary Elections (Amendment) Bill later, in adherence with procedural requirements.

Coverage of Bill

4. Mr Speaker, Sir, the amendments being proposed to the Parliamentary Elections Act or “PEA” and the Presidential Elections Act or “PrEA” are in line with the Elections Department’s (or ELD’s) continuous efforts to enhance our electoral processes and election administration. The amendments can be grouped into five categories.

5. The first category seeks to improve voter access for overseas Singaporeans and Singaporeans residing in nursing homes.

6. The second category updates the election advertising laws to support informed voting.

7. The third category seeks to streamline the administration, as well as enhance accountability and transparency, of the election expenses regime.

8. The fourth category seeks to clarify and improve election processes.

9. The fifth category focuses on the amendments that apply specifically to streamlining administrative processes for presidential elections.

Enhancing voter access for overseas Singaporeans and voters residing in nursing homes

10. Mr Speaker, Sir, let me begin with the key amendments under the first category, to enhance voter access for overseas Singaporeans and voters residing in nursing homes.

11. General Election 2020 (or GE 2020), held during the COVID-19 pandemic, highlighted two key issues in our electoral landscape. First, the electorate is ageing rapidly – 21% of voters for GE 2020 were aged 65 and above, compared to 14% in GE 2011. Second, travel restrictions can make it difficult for some overseas Singaporeans to travel to overseas polling stations or back to Singapore to vote.

12. In May and June last year, ELD sought feedback from various stakeholders, including political parties, nursing home operators and overseas Singaporeans, on special arrangements for voters residing at some nursing homes, and postal voting for overseas Singaporeans.

Voters who are in-patients or residents of nursing homes

13. Taking into account the feedback, Clause 19 of the PEA Bill and Clause 18 of the PrEA Bill empower the Returning Officer to make special polling arrangements in nursing homes, so that it is more convenient for voters who are in-patients or residents of nursing home to cast their votes there. These include setting up a special polling station within the premises of the nursing homes, and deploying mobile polling teams to collect ballot papers from bedbound voters in the nursing homes.

14. The selection of nursing homes for special polling arrangements would consider factors such as the number of voters in the nursing home, and the practicality of deploying the mobile polling teams, taking into account the resources required.

15. For a start, ELD plans to pilot the special polling arrangements in nursing homes with more than 50 voters. This will involve 25 to 30 nursing homes and reach out to over 2,000 voters, about two-thirds of registered voters currently residing in nursing homes. The outcome of the pilot will help scope the provision of special polling arrangements at nursing homes for subsequent elections. The list of nursing homes selected for the pilot

will be made public on Nomination Day, if the election is contested. Polling agents will be allowed to witness the conduct of polls at the nursing homes, to give candidates assurance on the integrity and secrecy of voting.

Postal Voting

16. Next, the Bills provide eligible Singaporeans residing overseas the option to vote by postal ballot.

17. While there were suggestions to introduce postal voting in the past, we have not implemented this given the challenges associated with postal voting which is, after all, a form of remote voting. Members may ask if the Government has changed our position. To be clear, the Government maintains the position that voting in-person at polling stations remains the most transparent and secure method of voting that best ensures that each person wanting to vote can be accurately identified as an eligible voter and only votes once. However, we recognise that it may not be possible, for various reasons, for overseas Singapore citizens to travel to one of the overseas polling stations or to return to Singapore to vote. With the introduction of postal voting, eligible Singapore citizens living, studying or

working overseas will be able to mail in their votes even if there are travel disruptions or restrictions.

18. As set out in Clause 28 of the PEA Bill and Clause 25 of the PrEA Bill, ELD intends to implement processes supported by technology to provide assurance on the integrity and secrecy of postal voting. Let me elaborate. With your permission, Mr Speaker, Sir, to help Members navigate the postal voting process, may I ask the Clerks to distribute the infographic. Members may also access the handout through the MP@SG Parl mobile app.

19. Step 1 is to register to vote overseas by applying online via ELD Voter Services. During registration, the overseas Singapore citizen has to make a deliberate choice to either vote by post or at one of the overseas polling stations. Application to vote by post or at one of the overseas polling stations by an eligible overseas Singapore citizen can be done anytime except during the period from the 3rd day after the Writ of Election is issued until the end of the election. If he has chosen to vote by post, he will need to provide his wet-ink signature during the registration.

20. Step 2, an overseas Singapore citizen who has opted to be a postal voter can log in to ELD Voter Services using his Singpass after

Nomination Day to download and print his postal ballot paper and prepaid return envelope.

21. Step 3, the postal voter will mark his vote on the postal ballot paper, fold and insert it in the return envelope, and seal and sign on the return envelope. Step 4, the postal voter should then post the sealed return envelope without delay. This has to be done during the postal voting period, which starts on the day immediately after Nomination Day and ends on the eve of Polling Day in Singapore. In order to be accepted for counting, the return envelope must be postmarked before Polling Day and reach the Returning Officer in Singapore within 10 days after Polling Day.

22. The requirement for the postmark to be before Polling Day is to ensure that all votes are cast before the close of poll in Singapore so that voters residing in a time zone that is behind Singapore, such as the USA, do not cast their votes after knowing the results of the local poll.

23. To ensure that only bona fide postal ballot papers are counted, there will be a pre-count process in Singapore to sieve out the return envelopes which do not meet the criteria for counting. The process is set out in the lower row of the infographic on counting of postal votes. For example, the return envelope must bear the signature of the voter furnished during

registration and an official QR code which is unique to each voter. The QR code enables the wet-ink signature on the return envelope to be matched against the specimen signature furnished during registration. To ensure voting secrecy, the postal ballot papers from the return envelopes will be removed and mixed with other overseas ballot papers before the start of counting. Candidates and counting agents will be able to observe this entire process.

24. Ahead of the upcoming presidential election, ELD will demonstrate the process and the system to be used to the media and the political parties.

Postal voting offences

25. Next, let me touch on the postal voting offences. Clauses 26 and 28 of the PEA Bill and Clauses 25 and 26 of the PrEA Bill deal with offences pertaining to postal voting. These include forging or fraudulently defacing any return envelope, supplying any return envelope without due authority to any person, or unauthorised possession of a return envelope. The present offences on improper handling of ballot papers will be extended to include postal ballot papers. These provisions seek to address the

concerns surfaced during ELD's engagements with the political parties and overseas Singaporeans.

Updating of the law on election advertising to promote informed voting

26. Mr Speaker, Sir, now I move on to the second category of amendments to update the election advertising laws. These amendments aim to support informed voting at elections, which is essential to Singapore's system of representative government. Currently, the rules for online and non-online election advertising are set out in the subsidiary legislation. Clause 30 of the PEA Bill and Clause 28 of the PrEA Bill elevate these provisions on online and non-online election advertising to the respective main Acts. These amendments are needed to ensure transparency, so that voters know who is communicating the election advertising, and accountability, by making persons publishing election advertising responsible for their communications.

27. Let me begin with the amendments for online election advertising, which will be referred to as OEA in short.

Online election advertising

28. The laws for OEA are largely unchanged by the Bills. The amendments are intended to provide greater clarity on the rules for online election campaigning, and to address unique features and functionalities of online communication activities, especially since political discussions and campaigning are increasingly taking place online. At the same time, space is preserved for Singapore citizens to participate in political discourse online. For example, during the election period, barring Cooling-off Day and Polling Day, a Singapore citizen can continue to publish OEA without adhering to published-by requirements, as long as the content is published in his individual capacity, he is not directed by others to do so, and is not paid or did not pay to publish.

29. Clause 2 of the PEA Bill and PrEA Bill each contains updated definitions on the scope of OEA. First, the meaning of publishing OEA is extended to include amplifying access, such as boosting, reposting, sharing or resharing of existing OEA. Amplifying access increases the reach of the original content to more users, and has a similar effect to publishing fresh content. Hence, it should be held to the same requirements.

30. Second, OEA content is considered to be published in Singapore, if the content is accessible from Singapore, or if it originates in Singapore.

31. To enhance transparency and accountability, Clause 30 of the PEA Bill sets out the updated published-by requirements in a new Section 61B. For the PrEA Bill, this is in Clause 28 and a new Section 42B. Currently, OEA is required to display the particulars of the person who is responsible for publishing the OEA, and the particulars of the person who directed the OEA to be published. If the OEA is paid for, it should also show the particulars of the person who paid for it. With the amendments, the particulars of the person who approved the content of the OEA must be shown as well. In the virtual world, it is easy to hide behind aliases and third parties to put out election advertising. This amendment strengthens transparency, so that voters can better discern the persons responsible for the election advertising.

32. From the start of the campaign period, election activity can only be conducted by political parties or candidates, or third party campaigners authorised by a candidate or their election agent. As paid election advertising constitutes election activity, Clause 30 of the PEA Bill sets out the offence for unauthorised third parties to publish paid OEA. The equivalent provision in the PrEA Bill is in Clause 28.

33. The same clauses restate the ban on publishing or displaying election advertising on Cooling-off Day and Polling Day. These will replace current Section 78B of the PEA and Section 60A of the PrEA respectively. In line with the updated scope of OEA, amplifying access to OEA which was published before the cooling-off period will also be subject to the ban to ensure space for voters to reflect on the issues at stake before casting their votes.

34. The exceptions to the cooling-off period ban will be retained, including for private and domestic communications, such as individuals sharing election-related content within a private chat or closed group with family or a small group of friends.

35. Currently, the Returning Officer (or RO) has powers to issue directions to candidates or their election agents to address certain breaches of the OEA regulations. Clause 30 of the PEA Bill and Clause 28 of the PrEA Bill will provide expanded powers for the RO to address OEA-related breaches, by issuing corrective directions to any content publisher, including social media companies, to remove or disable access in Singapore to the OEA, or to stop or reduce electronic communication activity involving the OEA. The RO can also specify that the corrective

actions must be taken within a certain period of time, so that breaches are addressed promptly during the short campaigning period.

36. These powers are intended to address the concern that online content that breach the elections laws can potentially spread rapidly, and hence tip the playing field and impact electoral outcomes. The RO will look at the specifics of each case, to determine the appropriate course of action. If necessary, the RO can exercise these powers expeditiously, to uphold the integrity of our elections.

37. We have witnessed how the threat of foreign interference in elections has intensified around the world, especially in the online space. Having OEA laws, and keeping them up-to-date, helps safeguard our electoral processes from external influence and ensure that Singapore's future is only to be decided by Singaporeans. Besides having these laws, all political parties and candidates participating in elections have a vital role to abide by these rules to protect the integrity of our elections.

Non-online election advertising

38. Now, let me elaborate on the amendments relating to non-online election advertising or "NOEA". Clause 2 of both Bills defines NOEA which

covers a wide range of non-online advertising, from electronic advertising by way of short messaging service or SMS, and telephone calls, to traditional advertising such as a banner, flag or poster. To maintain coherence in the treatment of OEA and NOEA, the published-by requirements continue to apply to NOEA. Of the five published-by requirements, two are new, namely, to disclose the person or entity who approved the election advertising content, and to disclose the person or entity who paid for the election advertising. The two new requirements will better enable voters to assess the credibility of the information presented when forming their views on their preferred candidate.

39. Clause 30 of the PEA Bill and Clause 28 of the PrEA Bill stipulate that the public display of traditional election advertising should only commence during the campaign period under the authority of a permit granted by the RO as per the current regulations. To ensure a level playing field at parliamentary elections, Clause 30 of the PEA Bill introduces a new offence of publicly displaying, between the issuance of the Writ of Election, and before the start of the campaign period, any traditional election advertising that contains political party symbols or party-affiliated symbols. There are exceptions, for example, flags that contain only the name and/or symbol of a political party, for the sole purpose of indicating that the office of the political party is located at or within a building.

40. Clause 30 of the PEA Bill and Clause 28 of the PrEA Bill also provide that the display of posters and banners must be at a place stated in a list of permissible locations in the regulations, and not within the 50 metre zone around any polling station. For example, posters and banners may be hung on street lamp posts along public roads outside the 50 metre zone around any polling station.

41. Finally, Clause 30 of the PEA Bill and Clause 28 of the PrEA Bill set out the ban on foreigners knowingly publishing or publicly displaying election advertising, and extend the ban to cover foreign entities. These amendments serve to strengthen the well-established principle that Singapore politics are for Singaporeans alone to decide.

Enhancing the election expenses regime

42. Sir, the third category of amendments seeks to streamline the administration, as well as enhance the accountability and transparency, of the election expenses regime.

43. Clause 35 of both Bills will allow candidates to make technical corrections to their election expenses returns by submitting fresh returns

to the RO, instead of having to apply to the Election Judge to do so. Examples of technical corrections include blank entry due to inadvertent omission, miscalculation during tallying, correction made but no signature initialed against it. Such corrections must, however, be made before the deadline for the submission of the election expenses returns, which is 31 days after the election result is published in the Government Gazette.

44. To facilitate public inspection of election expenses returns, Clause 36 of both Bills will allow for the publication of all election expenses online for greater transparency. This will allow voters and other stakeholders to inspect the returns filed by candidates free of charge without having to make a trip to ELD.

45. To further enhance the accountability and transparency of our election processes, Clause 37 of the PEA Bill provides powers to the RO to audit any election expenses returns submitted for parliamentary elections. Allowing the election authorities to audit a candidate's election expenses returns is not a new concept. Countries such as Canada, New Zealand and United Kingdom, require some form of audited election expenses returns from the candidates or from the political party that fielded the candidates.

Clarifying and improving election processes

46. Sir, the fourth category of amendments seeks to improve the election processes. Let me highlight the key amendments.

47. Under the current law, a polling station for an electoral division can only be situated within the electoral division boundary. To provide greater convenience to voters who are residing near the electoral boundary, Clause 14 of the PEA Bill and Clause 13 of the PrEA Bill will allow the RO to set up polling stations in the adjacent electoral division if it will benefit a large number of such voters.

48. Currently, to ensure that children are protected from exploitation during elections, a person attending a primary or secondary school as a student is prohibited from taking part in election activities. The amendment in Clause 42 of the PEA Bill and Clause 41 of the PrEA Bill will change this to an age-based restriction to prohibit individuals below 16 years old from taking part in election activities. This is a more consistent approach.

49. 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 PEA and PrEA prohibit foreign

individuals from participating in election activities but are silent on foreign entities, such as foreign companies. Clause 41 of the PEA Bill and Clause 42 of the PrEA Bill seek to make clear that foreign entities are also prohibited from participating in election activities.

50. I will now cover the amendments relating to events that disrupt the election process. Currently, the provisions to deal with disruptive events are in the PEA and PrEA, which mean that any amendment that needs to be made to respond to contingencies will need to be passed in Parliament. From the experience of the COVID-19 pandemic, there is a real need to provide greater flexibility in addressing disruptive events, to enable contingency arrangements to be put in place quickly, should they be required, to enable an election to be conducted while meeting the needs of the situation.

51. Clause 44 of the PEA Bill and Clause 43 of the PrEA Bill allow the Minister to make regulations so that contingency arrangements can be put in place in a more timely and effective manner. The definition of disruptive events is also expanded to include transport accident, unplanned and prolonged outage of any telecommunication or electricity service, or an information and communications system, which is essential for the proper conduct of an election. Any regulation made under the Act to implement

such contingency arrangements must be presented to Parliament as soon as possible after publication in the Government Gazette.

Other amendments that apply to PrEA only

52. Sir, I will now cover the amendments that apply to presidential elections in Clauses 3 and 4 of the Presidential Elections (Amendment) Bill. These amendments are administrative in nature to streamline the presidential election processes.

53. First, the Presidential Elections Committee, (“PEC” in short), is responsible for ensuring that candidates for the office of President have the required qualifications prescribed in the Constitution. For example, the applicant must be a person of integrity, good character and reputation and has met either the public or private sector service requirement. Clause 3 of the PrEA Bill streamlines the processes to remove the requirement for the PEC to consider applications from applicants who do not meet the minimum age of 45 years on Nomination Day to qualify as a Presidential candidate. Clause 4 of the PrEA Bill allows the PEC to reject an application from an applicant who does not state in his community declaration that he considers himself to be a member of the community that the election is reserved for.

54. The next amendment relates to the Community Committee (“CC” in short). The function of CC is to decide whether a person 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. With the proposed amendments under Clauses 5 and 6 of the PrEA Bill, the CC will only be required to notify declarants in the following cases:

- (a) First, to notify a declarant in an open election, who had declared that he did not belong to any of the prescribed communities, that his declaration has been accepted.
- (b) Second, to notify a declarant that his community declaration has been rejected as it is incomplete, or in the case of a reserved election, not made for the relevant community the election is reserved for.

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

56. The PrEA Bill also replicates relevant changes made to the PEA in 2018 through the amendments in Clauses 8, 10, 11, 14, 16, 25, 32, 34, 36 and 41. These amendments relate to allowing electronic payment of election deposits, streamlining of processes involving nomination, polling, recounting of overseas votes and election expenses returns, and updating of the definition of election activity. All these changes were elaborated during the amendments of the PEA that year and I will not repeat them today.

Conclusion

57. Mr Speaker, Sir, the amendments described above are part of ELD's regular efforts to update and refine our electoral rules and processes. These proposals will help to enhance voter accessibility, and engender greater trust and confidence in our election administration and electoral processes.

58. Mr Speaker, I beg to move.

Postal voting process

1: Register to vote by post via ELD's online Voter Services using Singpass and upload a wet-ink signature during registration.



2: Download and print a postal ballot paper and return envelope the day after Nomination Day.



3: Mark, fold and insert the postal ballot paper in the return envelope. Seal and sign on the return envelope.



4: Post the sealed return envelope to Returning Officer in Singapore.

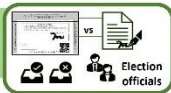


 Return envelopes must be **postmarked before Polling Day in Singapore** and reach **Returning Officer in Singapore within 10 days after Polling Day** to be accepted for counting

Counting of postal votes (After Polling Day)



1: Return envelopes must bear the signature of the voter.




2: Wet-ink signature on return envelope will be matched against the signature submitted at the point of registration.



3: Remove postal ballot paper from the return envelope and mix with other ballot papers from overseas voters for counting. This is to ensure voter confidentiality.



4: Count and adjudicate on ballot papers from overseas voters.

 After counting of overseas votes is completed, ELD will aggregate votes cast in Singapore and overseas, and publish the total votes cast