

**Wrap Up Speech on
Parliamentary Elections (Amendment) Bill and
Presidential Elections (Amendment) Bill
on Mon, 6 Mar 2023**

Introduction

Mr Speaker, Sir, let me thank Members who spoke on this Bill. Let me first address the comments on the changes to the election advertising rules.

Election Advertising

Mr Louis Ng and Ms Sylvia Lim sought clarifications on the amendments pertaining to election advertising. Mr Ng asked whether it will be a defence for the accused to prove that he or she did not know that the content included election advertising, and whether enforcement will take into account the difference in

culpability between a layperson who carelessly forwards messages and links to a friend and a political operator looking to influence the elections. The answer to both questions is 'Yes'. It is not the intention to penalise unintentional breaches of the election advertising laws. The legislation provides for a defence if a person unknowingly breaches the election advertising rules but takes steps to rectify the breach when he or she becomes aware of it. There is also a defence for persons who breached election advertising rules due to circumstances beyond their control, for example if the breach was due to sabotage. Ultimately, any defence has to be considered based on the facts of each case.

Mr Ng also asked for clarifications on the difference between authorising and directing an election advertisement, and Ms Lim asked for the rationale for naming the individuals and entities who approved the content of the election advertisement, even though they ultimately take instructions from the candidates or political parties.

The published-by requirements require that election advertising displays the full names of all persons who played an active role in publishing it. Such persons include (1) the person who authorised making available to the general public the election advertising; (2) the person who approved the content in the election advertising; and (3) the person for whom or at whose direction the election advertising was published. For any election advertising, these three persons may or may not be same. Some of these roles may also be played by entities, including marketing firms engaged by candidates or political parties. It is important for the identities of those involved to be set out clearly to ensure accountability and transparency.

Let me illustrate with an example. A political party hires a social media influencer for a fee, to post election advertising on social media on its candidate's behalf. As required under the law, the candidate must first provide written authorisation to the influencer to conduct election activity on his or her behalf.

Thereafter, the candidate approves the content prepared by the influencer, before the influencer publishes the content on his or her social media account.

In this case, the political party is deemed to have directed the influencer to publish the election advertising, while the candidate had approved the contents of the election advertising. Meanwhile, the influencer is deemed to have authorised the publishing of the election advertising, since the election advertising was published on his or her social media account. Hence, the full names of the political party, the candidate and the influencer must be displayed on the social media post. The post should also state that it was paid for by the political party.

Mr Ng also had a question on the meaning of private or domestic communication. As stated in my opening speech, examples of private or domestic communication include sending or forwarding election-related content within a private chat, or a closed group with family or a small group of friends. When

deciding whether a communication is of a private or domestic nature, the Returning Officer (or RO) will make a case-by-case assessment, taking into consideration three factors: first, the number of individuals in Singapore who are able to access the content; second, whether there are restrictions to access the content, including whether it is a public or closed group; and third, the relationship between the sender and receiver of the content, for example, whether they are strangers or known to each other.

Next, Mr Ng sought clarification relating to the penalties imposed for breaching the new election advertising requirements, whether individuals will be given an opportunity to rectify breaches of election advertising requirements, and whether the penalties for such breaches are too “harsh” since if convicted, a voter may be banned from voting for seven years.

Mr Speaker, Sir, any person who publishes or causes to be published any election advertising during the election period is

already required to comply with the published-by requirements under existing law. These requirements are there to promote informed voting and to safeguard our elections from external influence. The penalty for not complying with these requirements is thus serious. This has not changed.

Let me reiterate that it is not our intention to penalise unintentional breaches of the election advertising laws. In general, individuals who have breached these laws will be notified and given the opportunity to voluntarily rectify the breach. Further enforcement action will be considered only if the individuals do not comply. Let me also assure Mr Ng that any prosecution for such an offence will depend on the facts of the case and will only be instituted with the consent of the Public Prosecutor.

Mr Giam asked about the kind of election activities allowed in the period from the day the Writ of Election is issued to Nomination Day. Political parties and candidates may continue to conduct

routine activities, as long as they are conducted within the limits of the law. On Mr Giam's other questions on whether former MPs are allowed to hold Meet-the-People sessions to interact with residents, provide assistance to them, whether grassroots advisors can continue to operate as per normal after the Writ is issued, and the Candidate Handbook, these questions are out of the scope of these Bills and Mr Giam may wish to file PQs and we will be happy to answer them separately.

Ms Lim asked about the amendment to require the display of posters and banners only in permissible locations and whether all political contestants will be assured of ample space in prime locations. The amendment is merely to set out clearly the permissible locations for the display of posters and banners such as lamp posts and banner structures. These locations will be set out in regulations later and I am sure there will be sufficient space for all political parties.

Special polling arrangements at nursing homes

Mr Ng noted that a person in charge of a nursing home may inform the mobile polling team that a visit to a resident or in-patient is forbidden on medical grounds, and asked about the safeguards in place to ensure that this is not abused. Sir, I would like to assure Mr Ng that the mobile polling team will not take the polls of residents or in-patients if there are medical grounds, for example, because they are quarantined or are not able to receive any visitors. This is to safeguard their well-being and safety. For such cases, we will require the production of medical documentation as evidence.

On Ms Lim's question on voters with some limitation in mental capacity, we will adopt the same approach as that for regular polling stations. That is,

- Before the issuance of ballot paper, the election official will request the voter for his identification document and poll card. If the voter does not respond to the election official's

request for his identification document and poll card after a few attempts, the voter will not be issued a ballot paper.

- If the ballot paper has been issued but the voter is somehow unable to mark the ballot paper the election official will seek the agreement of the polling agents present that the voter be allowed to cast a blank vote.

I would also like to assure Ms Lim that for those who are able to make their way to the special polling stations set up in the premises of the nursing homes, the procedures are the same as the regular polling stations. Candidates will be able to send polling agents to the nursing homes to observe that voting continues to be secret and that the various procedures are adhered to.

Mr Giam asked whether a voter with disability can request someone who is known and trusted by him to help him vote. Sir, our voters with disabilities are independent and many of them

are able to vote on their own. Over the years, ELD has introduced various initiatives to make it easier for them to do so, such as stencils for those who are visually impaired and lap booths for those on wheelchair. If the voter is physically unable to mark the ballot paper, he can request for an election official to assist him. These arrangements have served us well and we have no plans to change them currently.

Sir, let me now address Mr Ng's question on how the RO will make the assessment to establish a special polling station in a nursing home and to authorise special polling arrangements there. As Mr Ng rightly noted, the Bill sets out various factors that the RO is required to consider. As mentioned in my speech, ELD is piloting this new initiative at selected nursing homes with more than 50 voters for a start. In preparation for the roll out of this new voting arrangements at these nursing homes, ELD has engaged MOH to understand the profiles of their residents and in-patients. ELD also visited these nursing homes to understand their unique contexts and environments.

Counting machines

Let me now address Ms Lim's and Mr Giam's comments on the amendments to enable the use of counting machines. Let me assure Ms Lim and Mr Giam that there are no plans to introduce electronic voting for now and ELD will continue to use stand-alone machines that are not connected to the Internet. While ELD does not rule out any future solutions that can help enhance our election processes, electronic voting currently requires information on the voter's vote to be retained in the system for audit purpose. This makes it challenging to maintain voting secrecy in the event that an audit has to be done. I would also like to assure Ms Lim that ELD will consult the political parties, as it has done in the past, should advancement in technology allows the safe and secure use of electronic voting machines before rolling this out. Mr Giam may also wish to note that Section 50B of the Parliamentary Elections Act currently sets out the various requirements to be fulfilled before electronic counting

machines can be used. These include testing of the system in the presence of candidates and their agents.

Conclusion

Mr Speaker, Sir, let me conclude by reiterating the intent behind these Bills, which is to update the existing laws to enhance voter accessibility, strengthen trust and confidence in our electoral processes and ensure that Singapore politics is for Singapore citizens only. ELD has consulted political parties on the key initiatives on the new voting modalities last year in 2022 and these are part of the continuous efforts of ELD to enhance our electoral processes and election administration.

Mr Speaker, Sir, let me also touch on a few points that were raised just now. Ms Lim asked if we are going to pre-screen the residents before we determine the nursing homes to be involved. The residents that will be eligible to vote in a nursing home depend on whether they are on the electoral roll and so, we do

not pre-screen them. But as I have explained, during the voting itself, election officials will make the assessment as to whether the person has the mental capacity. And I agree with the Member that the secrecy of voting and the neutrality of the election officials are very important, and this is why the current mode is for the election officials to conduct this rather than to certify other individuals who are not election officials to help these individuals. Ms Lim can also be assured that the issuance of the ballot paper is the same as any polling station. And you asked whether polling agents can access, I answered yes, to view the processes in the nursing homes. Mr Gerald Giam asked whether we can qualify individuals to help the persons with disability. As I have explained, I think it is best that we do this in a way that gives us confidence as our election officials are neutral and impartial rather than to involve other individuals to meet other needs, which we may not have the confidence that they are clear on the processes.

With that, Mr Speaker Sir, I beg to move, and I urge all Members on both sides of the House to give your fullest support to both Bills.