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The following Act was passed by Parliament on 27th April 2010 and assented to by the President on 10th May 2010:—

REPUBLIC OF SINGAPORE

No. 10 of 2010.

I assent.

(LS)

S R NATHAN,
President.
10th May 2010.

An Act to amend the Parliamentary Elections Act (Chapter 218 of the 2007 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Parliamentary Elections (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 13

2. Section 13(3) of the Parliamentary Elections Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the words “provisions of the Constitution,” the words “or on being informed by the Registrar-General of Births and Deaths that any person is dead,”.

Amendment of section 14

3. Section 14 of the principal Act is amended —

- (a) by deleting “\$100” in subsection (4) and substituting the words “\$1,000 or to imprisonment for a term not exceeding 6 months or to both”; and
- (b) by deleting “\$200” in subsection (6) and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

Amendment of section 21

4. Section 21 of the principal Act is amended —

- (a) by deleting “\$100” in subsection (1) and substituting the words “\$1,000 or to imprisonment for a term not exceeding 6 months or to both”; and
- (b) by deleting the words “3 years” in subsection (4) and substituting the words “12 months”.

Amendment of section 21A

5. Section 21A(4) of the principal Act is amended by deleting the words “\$1,000 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months”.

Repeal and re-enactment of section 26

6. Section 26 of the principal Act is repealed and the following section substituted therefor:

“Failure of election

26.—(1) Whenever an election in any electoral division wholly fails, a fresh writ may be issued by the President at any time for the holding of an election in that electoral division, except that where the election in an electoral division has failed because of the death of a candidate after the election has been reported as contested but before polling day, then section 34(8) and (9) or 34A(8) and (8A), as the case may be, shall apply.

(2) The original writ for an election in any electoral division that has wholly failed and everything done in connection with the election for the electoral division because of that writ shall be of no effect.

(3) Where a fresh writ is issued under subsection (1), sections 24 and 25 shall apply to that writ.

(4) For the purposes of this Act, an election shall have wholly failed if —

- (a) in the case of an election in a group representation constituency, no group of candidates is nominated or returned as elected for that constituency; or
- (b) in the case of any other electoral division, no candidate is nominated or returned as elected for that electoral division.”.

Amendment of section 28

7. Section 28(3) of the principal Act is amended by inserting, immediately after the words “a candidate for election”, the words “, if an election in an electoral division has wholly failed”.

Amendment of section 34

8. Section 34 of the principal Act is amended —

- (a) by deleting paragraph (d) of subsection (6) and substituting the following paragraph:

“(d) the date on which the poll will be taken, the date being not earlier than the 10th day, and not later than the 56th day, after the date of publication of the notice in the *Gazette* (referred to in this Act as polling day);”;

and

- (b) by deleting the words “for the election” in subsection (8)(b) and substituting the words “, time and place for the nomination of candidates for election, at least 4 clear days before the fresh date fixed for such nomination”.

Amendment of section 34A

9. Section 34A of the principal Act is amended —

- (a) by deleting paragraph (d) of subsection (6) and substituting the following paragraph:

“(d) the date on which the poll will be taken, the date being not earlier than the 10th day, and not later than the 56th day, after the date of publication of the notice in the *Gazette* (referred to in this Act as polling day);”; and

- (b) by deleting the words “for the election in that constituency” in subsection (8)(b) and substituting the words “, time and place for the nomination of candidates for election in that constituency, at least 4 clear days before the fresh date fixed for the nomination”.

Amendment of section 38

10. Section 38(5) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both, and shall, on conviction, become incapable for a period of 3 years from the date of his conviction of being registered as an elector or of voting at any election under this Act or of being elected as the President or a Member of Parliament, and if at that date he has been elected a Member of Parliament, his election shall be vacated from the date of the conviction”.

Amendment of section 39

11. Section 39(3) of the principal Act is amended by inserting, immediately after the words “by notification in the *Gazette*”, the words “under this section or section 56C”.

Amendment of section 43

12. Section 43 of the principal Act is amended by deleting “\$5” in subsections (8A) and (9) and substituting in each case “\$50”.

Amendment of section 44

13. Section 44(4) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

Amendment of section 48A

14. Section 48A of the principal Act is amended by inserting, immediately after subsection (3), the following subsections:

“(4) Where polling at all polling stations established for the purposes of a poll in an electoral division is postponed under section 56C, the conduct of the counting of votes cast for the electoral division shall stand postponed until such other time as the Returning Officer, by notice in writing to each candidate or his election agent, shall specify.

(5) Where polling at any polling station established for the purposes of a poll in an electoral division is temporarily suspended, adjourned and postponed or abandoned and re-started under section 56C, the conduct of the count in respect of votes cast at the other polling stations for that electoral division at which the poll has closed, shall stand postponed until such other time as the Returning Officer, by notice in writing to each candidate or his election agent, shall specify.”.

Amendment of section 52

15. Section 52 of the principal Act is amended —

(a) by deleting subsections (1) and (1A) and substituting the following subsection:

“(1) At any general election, the number of non-constituency Members to be declared elected shall be the whole number (ignoring any less than 0) ascertained in accordance with the formula

$$9 - B,$$

where B is the total number of Opposition Members elected to Parliament in accordance with section 49(7) or (7A) or 49A(5), as the case may be.”;

(b) by deleting the word “The” in subsection (2) and substituting the words “Subject to subsection (3A), the”; and

(c) by deleting subsection (3A) and substituting the following subsection:

“(3A) A candidate shall not be declared as so elected under subsection (3) if —

- (a) he has polled less than 15% of the total number of votes (other than rejected votes) polled at the election in the electoral division contested by him;
- (b) 2 other candidates at the election in the same group representation constituency have been declared to be elected under subsection (3); or
- (c) one other candidate at the election in the same electoral division that is not a group representation constituency has been declared to be elected under subsection (3).”.

Amendment of section 55

16. Section 55(1) of the principal Act is amended by deleting the words “to imprisonment for a term not exceeding 2 years” and substituting the words “by a District Court to a fine and to imprisonment for a term not exceeding 5 years”.

Amendment of section 56

17. Section 56(7) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

New sections 56A to 56F

18. The principal Act is amended by inserting, immediately after section 56, the following heading and sections:

“POSTPONEMENT AND ADJOURNMENT
OF ELECTIONS

Postponement of nomination day, etc.

56A.—(1) Notwithstanding any other provision of this Act, at any time before the day of nomination appointed for any election in any electoral division, the President may postpone the date for the nomination of candidates to another day, or change the place of nomination, because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks, candidates and other persons authorised under section 29 to be present at the place of nomination, or to difficulties in the physical conduct of nomination proceedings.

(2) Any postponement of the date for the nomination of candidates to another day, or any change in the place of nomination, under subsection (1) shall be —

- (a) by notice published in the *Gazette* describing the postponement of the day of nomination or the change in the place of nomination, as the case may be; or
- (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity in the electoral division for which the election is to be held describing the postponement of the day of nomination or the change in the place of nomination, as the case may be,

and any postponement or change so made shall be valid and sufficient and any date or place provided for in lieu of a date or place fixed by the writ shall be deemed to be the day of nomination or place of nomination so fixed, as the case may be.

Change in hours for nomination of candidates, etc.

56B.—(1) Notwithstanding any other provision of this Act but subject to subsection (3), at any time before the day of nomination appointed for any election in any electoral division, the Returning Officer may change the hours for nomination proceedings to another time, because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks, candidates and other persons authorised under section 29 to be present at the place of nomination, or to difficulties in the physical conduct of nomination proceedings.

(2) Any change in the hours for nomination proceedings to another time under subsection (1) shall be —

- (a) by notice published in the *Gazette* describing the change in the hours for nomination proceedings; or
- (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity in the electoral division for which the election is to be held describing the change in the hours for nomination proceedings,

and any change so made shall be valid and sufficient.

(3) In changing the hours for nomination proceedings under subsection (1), the Returning Officer may specify such other times in the day but —

- (a) shall specify a period of one hour for the Returning Officer to receive nomination papers;
- (b) shall specify a period of 90 minutes for the making of objections to any nomination paper;

- (c) shall specify the latest time by which a candidate must make his deposit for the purposes of section 28, may correct errors in the nomination papers and may withdraw his candidature; and
- (d) shall specify the time by which the nomination of a candidate who is the subject of multiple nominations described in section 32A shall be void.

(4) Any changes in time under subsection (1) in lieu of the hours fixed by the notice of the issue of the writ under section 25 for an election in an electoral division shall be deemed to be the hours for nomination proceedings so fixed, and sections 27, 27A, 27B, 28, 29, 29A, 30, 32, 32A and 33 shall apply with such modifications as are necessary.

Adjournment, etc., of polling

56C.—(1) Notwithstanding any other provision of this Act, if at any time before the polling day appointed in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the polling at all polling stations established for the purposes of the poll in the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of presiding officers, clerks, interpreters, polling agents or voters within the polling station, or to difficulties in the physical conduct of voting,

which has arisen or is likely to arise before or during the polling at all of those polling stations, the Returning Officer may postpone the polling day for that election to another day, except that the postponed

poll for an election that is a general election must be within 3 months after the dissolution of Parliament.

(2) Notwithstanding any other provision of this Act, if at any time before or during the conduct of polling in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the polling at any polling station established for the purposes of the poll in the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of presiding officers, clerks, interpreters, polling agents or voters within the polling station, or to difficulties in the physical conduct of voting,

which has arisen or is likely to arise before or during the polling at that polling station, the Returning Officer may, subject to subsection (3), do one of the following:

- (i) temporarily suspend the polling at that polling station for a period not exceeding 2 hours, with or without changing the location of that polling station;
- (ii) adjourn and postpone the polling at that polling station to another day, with or without changing the location of that polling station;
- (iii) wholly abandon and re-start the polling at that polling station on another day, with or without changing the location of that polling station;
- (iv) terminate the polling at that polling station early; or
- (v) in the case of polling at an overseas polling station, abandon the poll at the polling station if he is satisfied that polling thereat cannot start or be resumed or completed.

(3) Any poll at an overseas polling station, if resumed or held in place of a postponed poll thereat, must close not later than the close of the poll on polling day in Singapore, and any poll held in place of a postponed poll at any polling station for an election that is part of a general election must be held within 3 months after the dissolution of Parliament.

(4) In exercising any power under subsection (1) or (2), the Returning Officer shall —

- (a) by notification published in the *Gazette* declare the temporary suspension, adjournment, postponement, abandonment, re-start, or early termination (as the case may be) of polling at the polling station concerned and, where applicable, specify the date and time on and at which polling at that polling station is to resume, re-start or be held in place of the suspended, adjourned, postponed or abandoned poll, as the case may be; or
- (b) if publication under paragraph (a) is not practicable, by notice published in such manner as will secure adequate publicity in the electoral division for which the election is to be held for the temporary suspension, adjournment, postponement, abandonment, re-start or early termination (as the case may be) of the polling and, where applicable, the date and time on and at which polling at that polling station is to resume, re-start or be held in place of the suspended, adjourned, postponed or abandoned poll, as the case may be,

and any postponement, resumption, re-start or other change so made shall be valid and sufficient and any date or place provided for in lieu of a date or place fixed by the notice of contested election shall be deemed to be the polling day or polling place so fixed, as the case may be.

(5) If, in exercising any power under subsection (2), the Returning Officer changes the location of any polling station, the notice given under subsection (4) shall also contain the address of the re-located polling station.

(6) Any temporary suspension, adjournment, postponement, abandonment, re-start, or early termination, as the case may be, of

polling at a polling station pursuant to the exercise of any power under subsection (1) or (2) shall be carried out in the prescribed manner.

(7) Nothing in this section shall restrict the exercise of any power under section 50C(3).

Voting at adjourned polling

56D. Where for any reason the polling at any polling station established for the purposes of the poll in any electoral division is so suspended or postponed under section 50C(3) or 56C, only those electors —

- (a) who are registered electors for that electoral division for which the polling station is established;
- (b) who are entitled to vote as electors for that electoral division at that polling station; and
- (c) who have not already voted,

shall be entitled to vote on the date and time on and at which polling at that polling station is to resume or to be held in place of the postponed poll, as the case may be.

Adjournment, etc., of counting

56E.—(1) Notwithstanding any other provision of this Act, if at any time before or during the counting of votes in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the counting of votes at any counting place for the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks counting the votes and candidates or their counting agents

present in the counting place, or to difficulties in the physical conduct of counting,

which has arisen or is likely to arise before or during the counting of votes at that counting place, the Returning Officer may —

- (i) temporarily suspend the counting at that counting place for a period not exceeding 2 hours, with or without changing the location of that counting place;
- (ii) adjourn and postpone the counting at that counting place to another day, with or without changing the location of that counting place;
- (iii) wholly abandon the counting of votes at that counting place if he is satisfied that counting thereat cannot be resumed or completed and that the number of votes to be counted will not affect the result of the election, and in the case of an abandoned recount of votes at that counting place, declare the election results using the results of the first count; or
- (iv) wholly abandon the counting of votes at that counting place and re-start (within 3 months after the dissolution of Parliament in the case of a general election) the polling at all polling stations which are specified in the direction under section 48A to be counted at that counting place and the counting of the votes cast thereat, if he is satisfied that counting thereat cannot be resumed or completed and that the number of votes to be counted will affect the result of the election.

(2) In exercising any power under subsection (1), the Returning Officer shall —

- (a) announce to such of the candidates and their counting agents attending the counting of the votes at the counting place concerned, the temporary suspension, adjournment, postponement or abandonment (as the case may be) of counting of votes at the counting place and where applicable, the date and time on and at which counting of votes at that counting place is to resume or be held in place of the suspended, adjourned, postponed or abandoned count, as the case may be; and

- (b) by notice published in the *Gazette* declare the temporary suspension, adjournment, postponement or abandonment (as the case may be) of counting of votes at the counting place concerned and where applicable, specify the date and time on and at which counting of votes at that counting place is to resume or be held in place of the suspended, adjourned, postponed or abandoned count, as the case may be.
- (3) If, in exercising any power under subsection (1), the Returning Officer changes the location of any counting place, the announcement and notice given under subsection (2) shall also contain the address of the re-located counting place.
- (4) Before every temporary suspension or adjournment of the counting of votes at any counting place —
 - (a) all counted ballot papers, uncounted ballot papers and all other documents relating to the counting of votes at the counting place shall be sealed up in separate packets and placed in any ballot box or boxes; and
 - (b) those ballot box or boxes shall then be sealed with the seal of the Returning Officer and the seals of such of the candidates or their counting agents as attend and desire to affix their seals.
- (5) Before resuming the counting of votes following any such temporary suspension or adjournment of counting, the Returning Officer or a person authorised by him shall, in the presence of such of the candidates and their counting agents as attend, show each ballot box with such seals unbroken before taking out the uncounted ballot papers therein.
- (6) Any temporary suspension, postponement, adjournment or abandonment of the counting of votes at any counting place pursuant to the exercise of any power under subsection (1), and the resumption of counting of votes or polling in place of the suspended, adjourned, postponed or abandoned count, shall be carried out in the prescribed manner.
- (7) In this section, any reference to counting of votes includes a reference to the recounting of votes.

Adjournment, etc., of adding of counted votes

56F.—(1) Notwithstanding any other provision of this Act, if at any time before or during the adding of all the counted votes in respect of an election in an electoral division, it appears to the Returning Officer that, in relation to the electoral division, the adding of those votes at the principal counting place for the electoral division is likely to be obstructed, disrupted, undermined or seriously affected because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks adding the votes and candidates or their election agents present in the principal counting place, or to difficulties in the physical conduct of adding the counted votes,

which has arisen or is likely to arise before or during the addition of votes at the principal counting place for that electoral division, the Returning Officer may —

- (i) temporarily suspend the addition of votes at the principal counting place for a period not exceeding 2 hours, with or without changing the location of the principal counting place; or
- (ii) adjourn and postpone the addition of votes at the principal counting place to another day, with or without changing the location of the principal counting place.

(2) In exercising any power under subsection (1), the Returning Officer shall —

- (a) announce to such of the candidates and their election agents attending the addition of the votes at the principal counting place concerned, the temporary suspension, adjournment or postponement (as the case may be) of addition of votes at the principal counting place and where applicable, the date and time on and at which addition of votes at the principal

counting place is to resume or to be held in place of the suspended, adjourned or postponed addition of votes, as the case may be; and

- (b) by notice published in the *Gazette* declare the temporary suspension, adjournment or postponement (as the case may be) of the addition of the votes at the principal counting place concerned and where applicable, specify the date and time on and at which addition of votes at that principal counting place is to resume or to be held in place of the suspended, adjourned or postponed addition of votes, as the case may be.

(3) If, in exercising any power under subsection (1), the Returning Officer changes the location of any principal counting place, the announcement and notice given under subsection (2) shall also contain the address of the re-located principal counting place.

(4) Any temporary suspension, adjournment or postponement (as the case may be) of the addition of votes at any principal counting place pursuant to the exercise of any power under subsection (1), and the resumption of the addition of votes or the addition of votes in place of the suspended, adjourned or postponed addition, shall be carried out in the prescribed manner.”.

Amendment of section 61

19. Section 61 of the principal Act is amended —

- (a) by deleting the words “ending on the eve of polling day at the election” in subsection (1)(c) and substituting the words “ending with the start of polling day at that election”;
- (b) by deleting the words “a fine of not less than \$250 and not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both; and” in subsection (1)(i) and substituting the words “a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both;”;
- (c) by deleting paragraph (ii) of subsection (1) and substituting the following paragraphs:
 - “(ii) in the case referred to in paragraph (b), to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both;

- (iii) in the case referred to in paragraph (c), to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both;
 - (iv) in the case referred to in paragraph (d) or (e), to a fine or to imprisonment for a term not exceeding 12 months or to both; or
 - (v) in the case referred to in paragraph (f), to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.”;
- (d) by deleting subsection (4) and substituting the following subsection:
- “(4) Without prejudice to section 57, every offence of undue influence or bribery under section 59 or 60, as the case may be, and every other corrupt practice under subsection (1)(c), (d) or (e) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”; and
- (e) by deleting paragraphs (c) and (d) of subsection (6) and substituting the following paragraphs:
- “(c) 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);
- (d) 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; or”.

Amendment of section 62

20. Section 62 of the principal Act is amended by inserting, immediately after subsection (5), the following subsections:

- “(6) The election agent of a candidate (referred to as candidate A) belonging to a group of candidates may act by the election agent of

any other candidate belonging to the same group (referred to as a sub-agent) whom the first-mentioned election agent authorises in writing in respect of such expenses incurred on account of or in respect of the conduct or management of the election for the candidates as is named in the authority, and —

- (a) anything done by or to the sub-agent shall be deemed to be done by the election agent and sub-agent jointly; and
- (b) the candidate A shall suffer the like incapacity as if any act or default of the sub-agent had been his election agent's act or default.

(7) For the avoidance of doubt, nothing in subsection (6) prevents an election agent of a candidate belonging to a group from authorising in writing more than one sub-agent from among the respective election agents of the other candidates belonging to the same group.

(8) The authorisation of a sub-agent under subsection (6) —

- (a) shall not be vacated by the election agent who authorised him ceasing to be an election agent; and
- (b) may be revoked by whoever is for the time being the election agent.

(9) The references in sections 64, 65(1) and (1A), 66, 68 and 69 to an election agent of a candidate (referred to as candidate A) shall, in relation to an election in a group representation constituency, be taken as references to the election agent —

- (a) acting by himself; or
- (b) acting by the election agent of any other candidate belonging to the same group as candidate A whom the first-mentioned election agent has authorised in writing under subsection (6) to act as his sub-agent in respect of such expenses incurred on account of or in respect of the conduct or management of the election for the candidates as are named in that authority.”.

Amendment of section 65

21. Section 65 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) Subsections (1) and (1A) shall not be deemed to apply to —

- (a) any payments made by the Returning Officer;
- (b) any payments which are, in accordance with section 66(8), (9) or (10) or 68(1), made by the candidate;
- (c) any expenses which are paid in accordance with section 68(4) by a person or political party authorised as mentioned in that section; and
- (d) any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if the sum is not repaid to him.”.

Amendment of section 68

22. Section 68 of the principal Act is amended —

- (a) by deleting subsections (4) and (5) and substituting the following subsections:

“(4) If so authorised in writing by the election agent of a candidate (referred to in this subsection as candidate A) —

- (a) any person may pay any necessary expense for stationery, postage, telephonic communication (or any other similar means of communication) and other petty expenses; or
- (b) the political party for whom candidate A is standing for election (or an officer thereof authorised by the party to act on its behalf) may pay any expenses incurred on account of or in respect of the conduct or management of the election of candidate A,

to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent of candidate A.

(5) A statement of the particulars of payments made by any person or political party so authorised under subsection (4) shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person or political party, as the case may be.”; and

- (b) by deleting the section heading and substituting the following section heading:

“Expenses which may be paid otherwise than by election agents”.

Amendment of section 71

23. Section 71 of the principal Act is amended —

- (a) by deleting “\$100” in subsection (5) and substituting “\$500”;
and
(b) by deleting subsections (6), (7) and (8) and substituting the following subsection:

“(6) The illegal practice and the offence under subsections (1A) and (4), respectively, shall each be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 72

24. Section 72(1) of the principal Act is amended by deleting the words “No person” and substituting the words “Subject to section 62(6) and (7), no person”.

Amendment of section 74

25. Section 74 of the principal Act is amended —

- (a) by deleting the words “, which bills and receipts” in subsection (1)(a) and substituting the words “and any written authority under section 68(4), which bills, receipts and written authority”;
(b) by inserting, immediately after subsection (1), the following subsection:

“(1A) In every case where section 62(6) applies, within 31 days after the date of publication of the result of an election in a group representation constituency in the *Gazette*, the principal election agent for the group of candidates that stood for the election shall transmit to the Returning Officer a true return (referred to in this Act as the consolidated return respecting election expenses), in Form 19A in the First

Schedule, containing detailed statements as respects that group of candidates of —

- (a) all payments made by the sub-agent authorised under section 62(6) for the purpose of expenses incurred or to be incurred on account of or in respect of the management of the election for the group, together with all the bills and receipts referred to in section 66(1), and the dates of payment of all sums for which no receipt is attached;
 - (b) the amount of those payments apportioned (by agreement between the election agents of the respective candidates) to each candidate;
 - (c) the disputed claims so far as every sub-agent authorised under section 62(6) is aware; and
 - (d) all unpaid claims, if any, of which every election agent authorised under section 62(6) is aware in respect of which application has been made or is about to be made to an Election Judge or a Judge of the High Court.”;
- (c) by inserting, immediately after subsection (2), the following subsection:
- “(2A) The consolidated return respecting election expenses shall be signed by the principal election agent and shall be accompanied by a statement made by the principal election agent and every sub-agent authorised under section 62(6), which shall be in Forms 19A and 20A, respectively, in the First Schedule.”;
- (d) by deleting the words “subsection (1) or (2)” in subsection (4) and substituting the words “subsection (1), (2) or (2A)”;
- (e) by inserting, immediately after subsection (4), the following subsection:
- “(4A) If any principal election agent, or any election agent authorised as a sub-agent under section 62(6), fails to comply with the requirements of subsection (1A) or (2A), the principal election agent or election agent, as the case may be, shall be

guilty of an illegal practice and the provisions of this section shall be in addition to and not in derogation of section 61.”.

Amendment of section 76

26. Section 76(3) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,000 or to imprisonment for a term not exceeding 6 months or to both”.

Amendment of section 77

27. Section 77 of the principal Act is amended —

- (a) by inserting, immediately after the words “on polling day” in subsection (1), the words “or on the eve of polling day at an election”;
- (b) by deleting subsection (3) and substituting the following subsection:

“(3) The offence under subsection (4) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”; and
- (c) by deleting the section heading and substituting the following section heading:

“Badges, symbols, etc., prohibited on polling day and eve of polling day”.

Amendment of section 78

28. Section 78 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

- “(5) Every offence under such regulations shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 78A

29. Section 78A of the principal Act is amended —

- (a) by deleting the words “candidates or their election agents and relevant persons” in subsection (1)(b) and substituting the words “and candidates or their election agents”;

- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Every offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”;

- (c) by deleting the words “ending with the close of all polling stations on polling day at the election;” in the definition of “election period” in subsection (3) and substituting the words “ending with the start of polling day at the election.”; and
- (d) by deleting the definitions of “Media Development Authority of Singapore” and “relevant person” in subsection (3).

Repeal and re-enactment of section 78B

30. Section 78B of the principal Act is repealed and the following section substituted therefor:

“Election advertising ban

78B.—(1) Except as otherwise provided by or under subsection (2), 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.

(2) Subsection (1) shall 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;
- (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; and
- (f) such activities or circumstances as may be prescribed by the Minister.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction by a District Court to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) Every offence under this section shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 78C

31. Section 78C of the principal Act is amended —

- (a) by deleting “\$1,000” in subsection (2) and substituting “\$1,500”; and
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 78D

32. Section 78D of the principal Act is amended —

- (a) by deleting “\$1,000” in subsection (2) and substituting “\$1,500”; and

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- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 79

33. Section 79(1) of the principal Act is amended by deleting “\$300” and substituting “\$2,000”.

Amendment of section 80

34. Section 80 of the principal Act is amended —

- (a) by inserting, immediately after the words “on polling day” in subsection (1), the words “and the eve of polling day at an election in an electoral division”;
- (b) by deleting the words “an election” in subsection (1)(a) and (b) and substituting in each case the words “the election”;
- (c) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (2) and substituting the words “\$1,500 or to imprisonment for a term not exceeding 12 months or to both”;
- (d) by deleting subsection (4) and substituting the following subsection:
- “(4) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”;
- (e) by inserting, immediately after the words “on polling day” in subsection (5), the words “or on the eve of polling day”; and
- (f) by deleting the section heading and substituting the following section heading:

“Prohibition of canvassing on polling day and eve of polling day”.

New section 80A

35. The principal Act is amended by inserting, immediately after section 80, the following section:

“Restrictions on election meetings

80A.—(1) Without prejudice to sections 12 and 13 of the Public Order Act 2009 (Act 15 of 2009), and notwithstanding section 14 of that Act, all election meetings, wherever held, are prohibited —

- (a) in the case of a general election, on polling day and the eve of polling day at the general election; or
- (b) in the case of a by-election in any electoral division, on polling day and the eve of polling day at the by-election,

and notwithstanding section 7 of that Act, no permit shall be granted under Part II of that Act for such an election meeting even if a notice under section 6 of that Act is given in respect of that election meeting.

(2) Notwithstanding section 14 of the Public Order Act 2009, an election meeting shall not take place within any public place that is designated as an unrestricted area under that section during any of the following periods:

- (a) in the case of a general election, between the day of nomination appointed for the general election and the day before the eve of polling day at that general election (both days inclusive); or
- (b) in the case of a by-election in any electoral division, between the day of nomination appointed for the by-election and the day before the eve of polling day at that by-election (both days inclusive),

unless the Commissioner of Police is notified under section 6 of that Act of the intention to hold the election meeting, and a permit is granted under section 7 of that Act in respect of that election meeting; and Part II of that Act shall apply to such an election meeting as if it does not take place within an unrestricted area.

(3) Any reference in the Public Order Act 2009 to an assembly or a procession that is unlawful under Part II of that Act shall include a reference to an election meeting —

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- (a) that is held in contravention of subsection (1) or (2); or
 - (b) in the case of an election meeting that takes place in an unrestricted area within the meaning of section 14 of the Public Order Act 2009 —
 - (i) that is held on a date or at a time which differs from the date or time specified in relation to the election meeting in the notice given under section 6 of that Act; or
 - (ii) that is not in compliance with any requirement imposed by section 8(1) of that Act or any condition imposed under section 8(2) of that Act on organisers or persons taking part in that election meeting.
- (4) In this section, “election meeting” means a public assembly (within the meaning of the Public Order Act 2009) organised by or on behalf of a candidate nominated for election —
- (a) to promote or procure the electoral success at the 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 the election.”.

Amendment of section 81

36. Section 81 of the principal Act is amended —

- (a) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (2) and substituting the words “\$2,000 or to imprisonment for a term not exceeding 12 months or to both”; and
- (b) by deleting subsection (4) and substituting the following subsection:

“(4) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 82

37. Section 82 of the principal Act is amended —

- (a) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (2) and substituting the words “\$2,000 or to imprisonment for a term not exceeding 12 months or to both”; and
- (b) by deleting subsection (3) and substituting the following subsection:

“(3) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 83

38. Section 83 of the principal Act is amended —

- (a) by inserting, immediately after subsection (1), the following subsection:

“(1A) An individual who is not a citizen of Singapore shall not knowingly publish or display, or knowingly cause or permit to be published or displayed, any election advertising in or among any electors in an electoral division during the period beginning with the day the writ of election is issued for an election and ending with the start of the eve of polling day at the election.”;
- (b) by deleting the words “\$1,000 or to imprisonment for a term not exceeding 12 months” in subsection (5) and substituting the words “\$2,000 or to imprisonment for a term not exceeding 12 months or to both”;
- (c) by deleting subsection (7) and substituting the following subsection:

“(7) Every offence under this section for contravening subsection (1), (1A) or (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”; and
- (d) by inserting, immediately after subsection (8), the following subsection:

“(9) Nothing in this section shall prohibit the carrying out by any prescribed person, or person in a prescribed class of persons, of such type of work as is prescribed, being work that is performed solely pursuant to a contract for service entered

into with a person authorised to conduct election activity under this section.”.

Amendment of section 85

39. Section 85 of the principal Act is amended —

- (a) by deleting “\$1,000” in subsection (2) and substituting “\$1,500”; and
- (b) by deleting subsection (3) and substituting the following subsection:

“(3) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 88

40. Section 88 of the principal Act is amended —

- (a) by inserting, immediately after the words “his election agent” in subsection (1)(a), the words “, of the principal election agent appointed for the group of candidates of whom the candidate is one or the sub-agent that his election agent authorised under section 62(6),”;
- (b) by inserting, immediately after the words “the election agent of the candidate” in subsection (1)(b), the words “, or the principal election agent appointed for the group of candidates of whom the candidate is one, or the election agent authorised as a sub-agent under section 62(6),”;
- (c) by inserting, immediately after the words “an election agent” in subsection (2), the words “or a principal election agent”;
- (d) by inserting, immediately after the words “his election agent” in subsection (2), the words “or the candidate and the principal election agent appointed for the group of candidates of whom the candidate is one, or the election agent authorised as a sub-agent under section 62(6),”;
- (e) by inserting, immediately after the words “the election agent” in subsection (5), the words “or principal election agent”; and

- (f) by inserting, immediately after the words “his election agent” in subsection (5), the words “or principal election agent, as the case may be”.

Amendment of section 104

41. Section 104 of the principal Act is amended —

- (a) by deleting “\$50” in subsection (2) and substituting “\$1,000”; and
- (b) by inserting, immediately after subsection (2), the following subsection:

“(3) The offence under subsection (2) shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).”.

Transitional provision

42. Section 12 of this Act shall apply only to and in relation to every written application by any person for the restoration of his name to a register of electors made on or after the commencement of that section under section 43 of the principal Act.
