

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PARLIAMENTARY ELECTIONS ACT

(CHAPTER 218)

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Parliamentary Elections Act

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An Act to make provision for Parliamentary elections.

[12th November 1954]

PART I**PRELIMINARY****Short title**

- 1.** This Act may be cited as the Parliamentary Elections Act.

Interpretation

- 2.** In this Act, unless the context otherwise requires —
 - “candidate” means a person who is nominated as a candidate for election to any seat in Parliament;
 - “Commissioner of National Registration” means the Commissioner of National Registration appointed under the National Registration Act (Cap. 201);
 - “election” means an election for the purpose of electing a Member of Parliament;

- “elector” means a person whose name is entered in a register as an elector to vote at an election;
- “electoral division” means an electoral division specified in the notification for the time being in force under section 8;
- “general election” means a general election of Members after a dissolution of Parliament;
- “group” means a group of not less than 3 but not more than 6 candidates nominated for any election in any group representation constituency in accordance with section 27B;
- “group representation constituency” means any electoral division declared to be a group representation constituency under section 8A (1) (a);
- “Member” means a Member of Parliament;
- “Parliament” means the Parliament of Singapore established by the Constitution;
- “polling district” means a part of an electoral division subdivided under section 9;
- “principal election agent” means an election agent of a candidate in a group who has been appointed under section 62 (5) as the principal election agent for that group;
- “register” or “register of electors” means the register of electors for any particular electoral division comprising sections, each of which shall relate to a polling district of that electoral division;
- “Registration Officer” and “Assistant Registration Officer” mean respectively the Registration Officer and an Assistant Registration Officer appointed under section 3;
- “Returning Officer” means the Returning Officer appointed under section 3;
- “Revising Officer” means a Revising Officer appointed under section 12;
- “voter” means a person who, whether his name does or does not appear in a register of electors, applies to vote or votes at an election.

Appointment of officers

3.—(1) The Minister may appoint a Registration Officer and a Returning Officer and such Assistant Registration Officers as he may from time to time think fit.

(2) An Assistant Registration Officer shall have all the powers and may perform all the duties of the Registration Officer.

(3) Any reference in this Act to the Registration Officer shall, unless the context otherwise requires, be deemed to include a reference to an Assistant Registration Officer.

(4) An appointment made by the Minister under this section may be revoked by him at any time.

Appointment of clerks and interpreters

4.—(1) The Registration Officer and the Returning Officer may, from time to time, appoint such numbers of clerks and interpreters as may be necessary for the purposes of this Act.

(2) The appointments made under subsection (1) may be revoked at any time.

Qualification of electors

5.—(1) Subject to sections 6 and 7, any person who on the prescribed date in any year —

- (a) is a citizen of Singapore;
- (b) is ordinarily resident in Singapore; and
- (c) is not less than 21 years of age,

shall be entitled to have his name entered or retained in a register of electors in that year.

[42/96]

(2) For the purposes of the preparation or revision of any register of electors after 12th November 1954, a person who is a citizen of Singapore and to whom an identity card has been issued or deemed to have been issued on or before the prescribed date in any year under the provisions of the National Registration Act (Cap. 201) and has not been withdrawn shall, until the contrary be shown, be presumed —

- (a) to be ordinarily resident in Singapore on the prescribed date in that year;

- (b) to be not less than 21 years of age on the prescribed date in that year, if from the particulars recorded in the register maintained by the Commissioner of National Registration he appears to be not less than that age on that date; and
- (c) to reside in the electoral division and polling district of the electoral division in which is situated the latest address shown in the register maintained by the Commissioner of National Registration.

[42/96]

(3) Notwithstanding subsection (2), the Registration Officer may, in preparing or revising any register of electors, omit therefrom the name of any person where he has reason to believe that the latest address of the person shown in the register maintained by the Commissioner of National Registration has ceased to exist or to be used as a place of residence.

(4) For the purposes of subsections (1) and (2), the prescribed date shall be 1st July or such other date as the Minister may, by order published in the *Gazette*, specify.

[42/96]

(5) No order shall be made under subsection (4) between the date of commencement of any preparation or revision of any register of electors for any year and the date of certification of that register under this Act (both dates inclusive).

[42/96]

Disqualification of electors

6.—(1) No person shall be entitled to have his name entered or retained in any register of electors if he —

- (a) has taken any oath or made any declaration or acknowledgment of allegiance, obedience or adherence to any foreign power or state or does, concurs in or adopts any act done with the intention that he shall become a subject or citizen of any foreign power or state or is the holder of a passport issued by any foreign power or state;
- (b) is serving a sentence of imprisonment (by whatever name called) imposed by any court in Singapore or in Malaysia or any other part of the Commonwealth, for an offence punishable with imprisonment for a term exceeding 12 months, or is under sentence of death imposed by any such court or is serving a sentence of imprisonment awarded in lieu of execution of any such sentence;

- (c) is under any written law found or declared to be of unsound mind;
- (d) is incapable of being registered by reason of his conviction of a corrupt or illegal practice under this Act or the Presidential Elections Act (Cap. 240A) or by reason of the report of an Election Judge in accordance with the provisions of this Act or the Presidential Elections Act or by reason of his conviction under section 55 of this Act or section 37 of the Presidential Elections Act;
- (e) is a serving member on full pay of any naval, military or air force not maintained out of moneys provided by Parliament unless he possesses a domicile in Singapore;
- (f) is a person whose name is entered on a register of electors in any other country or territory;
- (g) is a person whose name has been expunged from the register under sections 13 (3) and 43 (5) and whose name has not been restored to the register under section 43 (8); or
- (h) is a person whose name has been expunged from the register of electors under section 26 (5) of the Presidential Elections Act and whose name has not been restored to the register under section 26 (8) of that Act.

[27/91; 18/94]

(2) For the purposes of subsection (1) (b), where the conviction is by a court of law in Malaysia or any other part of the Commonwealth, the person shall not be so disqualified unless the offence is also one which, had it been committed in Singapore, would have been punishable by a court of law in Singapore.

Plural voting

7.—(1) Subject to the provisions of this Act, a person shall be entitled to have his name entered in the register of one electoral division only.

(2) If any person at any election votes in any electoral division other than that in which he is registered, he shall be guilty of an illegal practice.

(3) The court before which a person is convicted under subsection (2) may, in its discretion in the circumstances of any particular case, mitigate or remit any penalty or incapacity which may be imposed in respect thereof under section 79.

Electoral divisions

8.—(1) The Minister may, from time to time, by notification in the *Gazette*, specify the names and boundaries of the electoral divisions of Singapore for purposes of elections under this Act.

[22/84]

(2) The number of electoral divisions of Singapore shall be the total number of the electoral divisions specified in the notification made under subsection (1).

[22/84]

Group representation constituencies

8A.—(1) For the purposes of electing Members of Parliament on a group basis to ensure the representation in Parliament of Members from the Malay, Indian and other minority communities under this Act, the President shall, subject to this section, by order published in the *Gazette* —

- (a) declare any electoral division, having regard to the number of electors in that division, to be a group representation constituency and designate that constituency as a constituency in which any election is to be held on the basis of a group of such number of candidates, being not less than 3 but not more than 6; and
- (b) designate every group representation constituency as —
 - (i) a constituency where at least one of the candidates in every group shall be a person belonging to the Malay community; or
 - (ii) a constituency where at least one of the candidates in every group shall be a person belonging to the Indian or other minority communities.

[10/88; 9/91; 42/96]

(1A) There shall at all times be at least 8 electoral divisions which are not group representation constituencies.

[42/96]

(2) The number of Members to be returned by all group representation constituencies shall not be less than one-quarter of the total number of Members to be returned at a general election.

[10/88; 9/91; 42/96]

(3) The number of group representation constituencies to be designated under subsection (1) (b) (i) shall be three-fifths of the total number of group representation constituencies; and where that

number is not a whole number, it shall be rounded to the next higher whole number.

[10/88]

Polling districts and polling stations

9.—(1) Whenever any electoral division of Singapore is altered or a new division is created, the Registration Officer shall —

- (a) subdivide that division into polling districts;
- (b) assign to each such polling district a distinguishing letter or letters; and
- (c) publish in the *Gazette* a notice in the Form 2 in the First Schedule specifying —
 - (i) the polling districts into which that electoral division has been subdivided; and
 - (ii) the distinguishing letter or letters assigned to each such polling district.

(2) The subdivision of an electoral division into polling districts may be altered by the Registration Officer as occasion may require; and upon any such alteration being made he shall publish in the *Gazette* a notice specifying in relation to that electoral division the particulars mentioned in subsection (1) (c).

(2A) Any alteration under subsection (1) shall come into effect on the date of the publication of the notice under section 20 (1) relating to the next certification of the register of electors for that electoral division, but the revision of the register before such certification shall be made on the basis of that alteration.

(3) The Returning Officer shall provide as many polling stations for a polling district as are in his opinion sufficient for that polling district and may, in his discretion, provide as many polling places within each polling station as he considers necessary.

PART II

REGISTRATION OF ELECTORS AND REVISION OF REGISTERS

Registration of electors

10.—(1) As soon as may be after the publication of any notification under section 8, the Registration Officer, with such assistance

as he may require from the Commissioner of National Registration, shall prepare for that year a separate register of electors for each electoral division and shall enter in the register the names of all persons who are qualified as electors under section 5 and are not disqualified by any of the provisions of section 6.

(1A) The Minister may, before a general election, require the Registration Officer to bring up-to-date any register prepared under subsection (1) in such manner and by reference to such year as the Minister may direct.

(2) For the purpose of satisfying himself as to the qualification of any elector, the Registration Officer may make such enquiry as he may consider necessary.

(3) On the completion of the register for any electoral division, the Registration Officer shall give notice in the *Gazette* that the register is completed and that the register or a copy thereof is open for inspection at all reasonable hours in the office of the Registration Officer and at such other place or places in the division as may be specified in the notice.

Claims and objections

11.—(1) Any person who considers that he is entitled to have his name entered in a register of electors and whose name has been omitted from the register (referred to in this section as the claimant) may apply to the Registration Officer to have his name entered therein.

(2) Every claim under subsection (1) shall be in writing and shall be in the Form 3 in the First Schedule and shall reach the Registration Officer within 2 weeks from the date of publication in the *Gazette* of the notice of completion of the register.

(2A) Within 21 days from the expiry of the period of 2 weeks referred to in subsection (2), the Registration Officer shall exhibit notices containing the names and addresses of the claimants (if any) at the place or places within the electoral division in which those claimants reside specified in the notice mentioned in section 10 (3).

(3) Any person whose name appears in the register for any electoral division may object to the inclusion in the register of his own name or the name of any other person appearing therein or may object to the insertion in the register of the name of any claimant.

(4) In this section and section 12, every person objecting to the inclusion or insertion of any name in the register is referred to as the objector.

(5) Every objection to the inclusion of any name in the register shall be made in writing in duplicate and shall be in the Form 4 in the First Schedule and shall reach the Registration Officer within 2 weeks from the date of publication in the *Gazette* of the notice of completion of the register.

(6) Every objection to the insertion of the name of any claimant in the register shall be made in writing in duplicate and shall be in the Form 5 in the First Schedule and shall reach the Registration Officer within 6 days from the date on which the notice containing the names of claimants is exhibited under subsection (2A).

(7) One copy of each objection shall bear a stamp of one dollar.

(8) The Registration Officer shall, as soon as practicable after receiving an objection to the inclusion or insertion of any name in any register, send a notice of the objection to the person in regard to whom objection has been made.

(8A) The notice of objection shall be in Form 6 in the First Schedule.

(9) The Registration Officer shall as soon as practicable hold a public inquiry into all claims and objections which have been duly made, giving not less than 6 clear days' written notice of the date on which and the time and place at which the inquiry will commence to each claimant, objector and person in regard to whom objection has been made.

(9A) At any such public inquiry, any person appearing to the Registration Officer to be interested in or affected by the subject-matter of the inquiry may appear and be heard either by himself or by any other person duly authorised by him in writing in that behalf.

(9B) Notwithstanding subsection (9), the Registration Officer may, without any public inquiry, allow any claim in respect of which no objection has been made if he is otherwise satisfied that the claim should be allowed and shall insert the claimant's name in the register.

(10) Where an objection is made to the inclusion or insertion of any name in the register, the Registration Officer shall call upon the objector, or some person authorised in writing in that behalf by the objector, to give prima facie proof of the ground of the objection.

(11) If such prima facie proof is given, the Registration Officer shall require proof of the entitlement of the person in regard to whom objection has been made, and —

- (a) if the person's entitlement is not proved to the Registration Officer's satisfaction, he shall expunge that person's name from or, as the case may be, refuse to insert that person's name in the register;
- (b) if the person's entitlement is so proved, he shall retain that person's name or, as the case may be, insert that person's name in the register.

(12) If, on the date fixed for inquiry into any objection, the objector or a person authorised in writing in that behalf by the objector fails to appear, or appears but fails to give such prima facie proof, then —

- (a) if the objection is to the inclusion in the register of the name of a person appearing therein, the Registration Officer shall retain the person's name in the register without calling upon the person to prove his entitlement; or
- (b) if the objection is to the insertion in the register of the name of any claimant, the Registration Officer shall require proof of the entitlement of the claimant; and —
 - (i) if the claimant's entitlement is not proved to the Registration Officer's satisfaction, he shall refuse to insert the claimant's name in the register; or
 - (ii) if the claimant's entitlement is so proved, he shall insert the claimant's name in the register.

(13) If an objection is made and is overruled by the Registration Officer and, in his opinion, the objection was made without reasonable cause, the Registration Officer may if he thinks fit order in writing the objector to pay to the person in regard to whom objection has been made such sum not exceeding \$50 as the Registration Officer considers reasonable compensation for any loss of time incurred by the person in consequence of the objection.

(14) If, upon an objection being overruled, the objector appeals under section 12 to the Revising Officer and the appeal is dismissed, and in the opinion of the Revising Officer the appeal was made without reasonable cause, the Revising Officer may if he thinks fit order in writing the objector to pay to the person in regard to whom objection has been made such sum not exceeding \$50 as the Revising Officer considers reasonable compensation for any loss of time incurred by the person in consequence of the appeal.

(14A) If any appeal is allowed by the Revising Officer, he shall have power to revise or cancel any order made by the Registration Officer for the payment of compensation by the objector.

(15) Any sum awarded as compensation under this section shall be recoverable as though the order of the Registration Officer or Revising Officer were an order of a District Court for the recovery of money by that Officer.

(16) If an objection is made and is upheld by the Registration Officer and no appeal is made under section 12, or in the event of an appeal, if the appeal is dismissed by the Revising Officer, the sum of one dollar paid under subsection (7) shall be refunded to the objector.

Appeals to Revising Officer

12.—(1) For the purpose of hearing appeals against any decision of the Registration Officer, the Minister may appoint such Revising Officers as he may from time to time think fit.

(2) If any claimant, objector or person in regard to whom objection has been made is dissatisfied with the decision of the Registration Officer, he may, within 10 days from the date of the decision, appeal to the Revising Officer.

(3) Every appeal under this section shall be in writing, shall state shortly the ground of appeal and shall bear a stamp of \$5.

(4) The Revising Officer shall hear such appeals in public giving notice of the dates of the hearing of the appeal to the parties concerned.

(4A) It shall be at the discretion of the Revising Officer whether or not to hear any evidence.

(4B) The Revising Officer's determination of the appeal shall be final and conclusive and shall not be called in question in any court.

(5) When the Revising Officer has determined the appeals which have been lodged with respect to any register, he shall forward to the Registration Officer a statement under his hand containing the names which he has decided shall be included or inserted in the register and those which he has decided shall be expunged from the register, and the Registration Officer shall amend the register accordingly.

(6) If an appeal is allowed, the sum of \$5 paid under subsection (3) shall be refunded to the appellant.

Certification of registers

13.—(1) The Registration Officer shall, as soon as conveniently may be after the claims and objections have been adjudicated upon, certify the register of electors for each electoral division in the Form 7 in the First Schedule.

(1A) The Registration Officer may certify any register in accordance with this section during the pendency of any appeal under section 12 but shall thereafter insert in or expunge from the certified register the name of any person in accordance with the decision of the Revising Officer on the determination of the appeal.

(2) Nothing in this Act shall be deemed to prohibit the Registration Officer, within 7 days after certifying any register, from correcting any clerical or other error therein.

(2A) Any correction under subsection (2) does not affect the entitlement of any person to have his name included or retained therein.

(3) Notwithstanding subsections (1), (1A) and (2), the Registration Officer shall, from time to time, on being informed by the Registrar of Citizens that any person has ceased to be a citizen of Singapore under the provisions of the Constitution, expunge the name of the person from any register of electors.

(4) Notwithstanding anything to the contrary in this Act, the Registration Officer may at any time after certifying any register of electors for any electoral division, except between the issue of a writ of election under section 24 and polling day appointed for election in that division, remove from the register the name of any person where the Registration Officer has reason to believe that the address of that person as shown in the register has ceased to exist or to be used as a place of residence.

(4A) Where the person whose name has been removed under subsection (4) has notified the Commissioner of National Registration in writing of his change of address at the time of the removal of his name, the Registration Officer shall transfer the name of that person to the appropriate register.

[18/99]

(5) The Registration Officer shall not remove or transfer any name under subsection (4) or (4A) unless at least 2 weeks before making the removal or transfer a notice has been given in the *Gazette* that he proposes to make the removal or transfer and that a list of the names of persons affected is available for inspection at such time and place or places as may be specified in the notice.

(5A) A notice for the purpose of subsection (5) may contain such particulars as the Registration Officer thinks sufficient and appropriate without specifying the names of persons who will be affected by the proposed removal or transfer.

(6) Subject to subsection (7), the Registration Officer shall have power where any name from any register has been removed by him under subsection (4) —

- (a) to restore the name to the register if the removal has been made by mistake or through inadvertence; or
- (b) to enter the name in the appropriate register on the application of the person whose name has been removed and has not been transferred to the appropriate register at the time of the removal.

(7) Where a writ of election has been issued under section 24 for an election in any electoral division, the Registration Officer shall not enter any name in the register of that division under subsection (6) (b) until after nomination day or, if a poll is to be taken, until after polling day.

Revision of registers

14.—(1) The Minister may from time to time, but in any case not later than 3 years after the last general election, require the Registration Officer to revise the registers of electors and complete the revision before such date as the Minister may, by notification in the *Gazette*, appoint.

(2) For the purpose of revising a register and of satisfying himself as to the entitlement of any person to registration or determining whether the name of any person should be inserted or retained in the register or expunged therefrom, the Registration Officer may make such inquiry as he may consider necessary either by himself or through a person appointed by him.

(2A) Any notice requiring information for the purposes of subsection (2) may be sent by ordinary letter post to the person from whom the information is required or may be delivered to him or to an adult member of his household.

(3) All officers in the service of the Government (other than officers of any Government department who are prohibited by law from furnishing information) and all local authorities are hereby authorised and required to furnish to the Registration Officer, or any person appointed by the Registration Officer for the purpose, all such information as he may require to enable him to revise the register.

(4) Every person who, being in possession of any information required under subsection (2A), fails to give such information to the Registration Officer or to any person appointed by the Registration Officer for the purpose, or wilfully gives any false information, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(5) Without prejudice to subsection (4), if any person being a registered elector fails to give such information with regard to his entitlement to registration to the Registration Officer or to any person appointed by the Registration Officer for the purpose within 14 days after the service upon him by the Registration Officer of a notice under subsection (2A), his name shall forthwith be expunged from the register by the Registration Officer and he shall not be entitled to have his name retained or inserted in the register for the ensuing year.

(6) Every person who is appointed by the Registration Officer and who wilfully suppresses any information relating to the entitlement of any person for registration or relevant for determining whether the name of any person should or should not be retained or inserted in a register, after such information has been furnished to or collected by him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Method of revising register

15.—(1) In revising a register of electors, the Registration Officer shall enter the names of all persons who are qualified as electors under section 5 and are not disqualified by any of the provisions of section 6.

(2) Upon the completion of the revised register of electors referred to in subsection (1), the Registration Officer shall give notice in the *Gazette* that the register of electors has been completed and that the register, or copy thereof, is open for inspection at all reasonable hours of the day at the office of the Registration Officer and at such place or places as may be specified in the notice.

Claims and objections at revision of register

16. Sections 11 and 12 shall apply to a revision of a register of electors as they apply to the preparation of the register.

Application of section 13 to revised register

17.—(1) Section 13 (1) and (1A) shall apply to the certification of a revised register of electors as they apply to the certification of a register of electors.

(2) Section 13 (2) to (4) shall apply to a revised register of electors as they apply to a register of electors.

Notices and adjournments

18.—(1) Subject to section 14, all notices required to be given by the Registration Officer or a Revising Officer shall be sufficiently given if sent by registered post to the address (if any) given in the claim or objection, or in default of that address, to the address given in the register of electors.

(2) The Registration Officer or a Revising Officer may from time to time adjourn any proceedings before him under this Act to any convenient time and place.

Persons residing in building located on common boundary

19.—(1) In preparing or revising a register of electors, the Registration Officer may, in his discretion, enter the name of any person in the register of electors for such electoral division as he

considers appropriate if that person is residing in a building which is located on a common boundary between 2 or more electoral divisions.

(2) The decision of the Registration Officer under subsection (1) shall be final and conclusive and shall not be called in question in any court.

Notice of certification of register and commencement and period of operation

20.—(1) On the certification of a register under this Act, the Registration Officer shall give notice in the *Gazette* that the register has been certified and that the register or a copy thereof, is open for inspection at all reasonable hours of the day at the office of the Registration Officer and at such place or places in the division to which the register relates as may be specified in the notice.

(2) The certified register shall —

- (a) in the case of a register prepared under section 10 (1) or (1A), come into operation at the next general election and not earlier; and
- (b) in the case of a revised register, come into operation on the date of publication of the notice of the certification of the register in the *Gazette*.

[42/96]

(2A) Subject to such alterations as may subsequently be made therein in accordance with section 13, 17 or 43 or with section 26 of the Presidential Elections Act (Cap. 240A), the register shall continue in operation until superseded by the coming into operation of the next certified register.

[42/96]

(3) Where a new electoral division is created under section 8 by the amalgamation of the whole of 2 or more existing electoral divisions, or where there is no change in the boundary of any electoral division specified in a notification under section 8 (1), section 10 shall not apply to that electoral division unless the Minister otherwise directs; and the certified registers of electors in operation for those existing electoral divisions which have been amalgamated to form any new electoral division shall be deemed to be the register of electors in operation for that new electoral division at the next general election.

[9/91]

Redistribution of polling districts, etc.

20A.—(1) Where any new electoral division is created or the boundaries of any existing electoral division are altered by —

- (a) redistributing the whole of one or more contiguous polling districts of any existing electoral division or divisions to form a polling district or districts of the new or altered electoral division without any change in the boundaries of those polling districts; or
- (b) transferring the whole of one or more contiguous polling districts of any existing electoral division or divisions to any other existing division or divisions without any change in the boundaries of those polling districts,

the Minister may, in lieu of specifying the boundaries of the electoral divisions in a notification under section 8, specify —

- (i) the polling districts which have been retained, redistributed or transferred to form subdivisions of the respective electoral divisions; and
- (ii) the new distinguishing letter or letters (if any) assigned to each such polling district,

and each electoral division shall be deemed to have been subdivided under section 9 (1) into the polling districts so retained, redistributed or transferred as its subdivisions.

[42/96]

(2) Unless the Minister otherwise directs, whenever any new electoral division is created or any electoral division is altered in the manner referred to in subsection (1) (a) or (b), section 10 shall not apply to that new or altered electoral division and the Registration Officer shall, before the next general election, prepare in accordance with subsection (3) a composite register for each new or altered division and certify it in the Form 7 in the First Schedule.

[42/96]

(3) A composite register for any new or altered electoral division shall be prepared by using the certified registers in operation and combining the sections of these certified registers relating to the polling districts which have been redistributed or transferred to form the polling districts of the new or altered electoral division.

[42/96]

(4) Any composite register prepared in accordance with subsection (3) for a new or altered electoral division shall —

- (a) be deemed to be the certified register in operation for that electoral division at the next general election following its certification but not earlier; and
- (b) subject to such alterations as may be made therein in accordance with section 13, 17 or 43 or with section 26 of the Presidential Elections Act (Cap. 240A), continue in operation until superseded by the coming into operation of the next certified register for that electoral division.

[42/96]

Penalty for false statements and wrongful claims

21.—(1) Every person who wilfully makes a false statement or declaration in any claim or objection or at any inquiry held in connection therewith or in any appeal shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(2) The Registration Officer or a Revising Officer may, on the consideration or hearing of any claim, objection or appeal, require that the evidence tendered by any person shall be given on oath and may administer the oath for that purpose.

(3) Every person who in the course of that consideration or hearing knowingly swears anything material to the validity of the claim, objection or appeal which is false shall be guilty of the offence of giving false evidence and shall be liable on conviction to the punishment provided therefor in the Penal Code (Cap. 224).

PART III

ELECTIONS

Number of Members to be returned for each electoral division and group representation constituency

22.—(1) Subject to subsection (2), each electoral division shall return one Member to serve in Parliament.

[10/88]

(2) Each group representation constituency shall return such number of Members to serve in Parliament as designated for that constituency by the President under section 8A (1) (a).

[10/88; 9/91; 42/96]

Assistant Returning Officers

23.—(1) The Minister may, in addition to appointing the Returning Officer under section 3, from time to time appoint by name or by office one or more persons to assist the Returning Officer in the performance of his duties.

(1A) A person appointed to assist the Returning Officer shall have all the powers and may perform all the duties of the Returning Officer and any reference in this Act to the Returning Officer shall, unless the context otherwise requires, be deemed to include a reference to an Assistant Returning Officer.

(1B) An appointment made by the Minister under subsection (1) may be revoked by him at any time.

(2) If the Returning Officer is, by sickness or other cause, prevented or disabled from performing any of his duties under this Act and there is insufficient time for any other person to be appointed by the Minister, the Returning Officer may appoint, by name or office, a deputy to act for him.

(3) Every appointment made under subsection (2) shall as soon as possible be reported to the Minister and may be revoked by the Minister, but without prejudice to the validity of anything already done by the deputy.

Writ of election

24.—(1) For the purposes of every general election of Members of Parliament, and for the purposes of the election of Members to supply vacancies caused by death, resignation or otherwise, the President shall issue writs under the public seal, addressed to the Returning Officer.

(2) Every such writ shall be in Form 1 in the First Schedule and shall specify the date or dates (referred to in this Act as the day of nomination) not being less than 5 days nor more than one month after the date of the writ and the place or places of nomination (referred to in this Act as the place of nomination).

(2A) In respect of any group representation constituency, no writ shall be issued under subsection (1) for an election to fill any vacancy unless all the Members for that constituency have vacated their seats in Parliament.

[10/88]

30.12.1999

(3) Upon receipt of the writ, the Returning Officer shall proceed to hold the election in the manner hereinafter provided.

Notice of time and place of election

25. On the President issuing a writ, the Returning Officer shall give notice of the issue of the writ and of the day, time and place of the nomination of candidates by causing a notice in the Form 8 in the First Schedule to be published in the *Gazette* at least 4 clear days before the day fixed for the nomination.

Power to issue second writ

26. If, at any time after the President has issued a writ for the holding of a general election or an election to fill a vacancy in the seat of a Member, it is shown to his satisfaction that in any electoral division owing to any cause whatsoever no election has been held in pursuance of the writ, the President may at any time issue another writ for the holding of an election in that division and sections 24 and 25 shall apply to that writ.

Nomination papers

27.—(1) Any person eligible for election as a Member of Parliament in accordance with the provisions of the Constitution may be nominated as a candidate for election.

(2) Each candidate shall be nominated by means of a nomination paper which shall be in Form 9 in the First Schedule.

(2A) The nomination paper shall be signed by 2 persons as proposer and seconder, respectively, and by not less than 4 other persons all of whose names shall appear in the register of electors for the electoral division for which the candidate seeks election.

(2B) The written consent of the candidate shall be endorsed on the nomination paper.

(3) Every candidate shall, at the time of his nomination, deliver to the Returning Officer a statutory declaration of his qualifications made and subscribed by the candidate in Form 10 in the First Schedule.

(3A) If the statutory declaration under subsection (3) is not so delivered, the nomination of the candidate shall be deemed to be void.

(4) The Returning Officer may, at any time between the date of the notice of the writ referred to in section 25 and 12 noon of the day of nomination, supply a form of nomination paper and statutory declaration to any registered elector requiring them.

Election of Members on a group basis in group representation constituencies

27A.—(1) In every general election of Members and the election of Members to supply vacancies caused by death, resignation or otherwise, the Members for any group representation constituency shall be elected in accordance with this Act subject to the modifications in this section.

[10/88]

(2) All elections in any group representation constituency shall be held on a basis of a group of such number of candidates as designated for that constituency by the President under section 8A (1) (a).

[10/88; 9/91; 42/96]

(3) Subject to subsection (4), any group that desires to contest in any election in any group representation constituency shall consist of such number of candidates as designated for that constituency by the President under section 8A (1) (a), all of whom shall either be —

(a) members of the same political party standing for such election for that political party; or

(b) independent candidates standing as a group.

[10/88; 9/91; 42/96]

(4) Where any group representation constituency is —

(a) a constituency designated under section 8A (1) (b) (i), at least one of the candidates in every group shall be a person belonging to the Malay community; or

(b) a constituency designated under section 8A (1) (b) (ii), at least one of the candidates in every group shall be a person belonging to the Indian or other minority communities.

[10/88; 9/91]

(5) At any time after the date of the notice of the writ referred to in section 25 and at least 2 clear days before the day of nomination, any person —

(a) belonging to the Malay community who desires to contest as such a person in any election in any constituency designated under section 8A (1) (b) (i); or

- (b) belonging to the Indian or other minority communities who desires to contest as such a person in any election in any constituency designated under section 8A (1) (b) (ii),

shall apply in the prescribed manner to the appropriate Committee for a certificate in the prescribed form which shall certify whether the applicant is a person belonging to the Malay community or a person belonging to the Indian or other minority communities, as the case may be, for the purposes of any such election.

[10/88]

(6) Upon receipt of any application under subsection (5), the appropriate Committee shall —

- (a) determine whether the applicant is a person belonging to the Malay community or a person belonging to the Indian or other minority communities; and
- (b) if the appropriate Committee considers that he is a person belonging to the Malay community or a person belonging to the Indian or other minority communities, issue to him not later than the day before the day of nomination a certificate certifying that to be the fact.

(7) Any such certificate shall, for the purposes of this Act, be conclusive as to the fact which it certifies.

[10/88]

(8) For the purposes of this section and section 27C —

“Committee” means the Malay Community Committee or Indian and Other Minority Communities Committee established under section 27C;

“person belonging to the Malay community” means any person, whether of the Malay race or otherwise, who considers himself to be a member of the Malay community and who is generally accepted as a member of the Malay community by that community;

“person belonging to the Indian or other minority communities” means —

- (a) any person of Indian origin who considers himself to be a member of the Indian community and who is generally accepted as a member of the Indian community by that community; or

- (b) any person who belongs to any minority community other than the Malay or Indian community.

[10/88]

Nomination papers for elections in group representation constituencies

27B.—(1) Any person eligible for election as a Member of Parliament in accordance with the provisions of the Constitution may, subject to section 27A, be nominated as a candidate with the other candidates in a group for any election in any group representation constituency.

[10/88; 9/91]

(2) Each group shall be nominated by means of a nomination paper which shall be in Form 9A in the First Schedule.

(2A) The nomination paper shall be signed by 2 persons as proposer and seconder, respectively, and by not less than 4 other persons all of whose names must appear in the register of electors for the group representation constituency in which the group seeks election.

(2B) The written consent of every candidate in a group shall be endorsed on the nomination paper.

[10/88]

(3) Every candidate in a group shall, at the time of the nomination of the group, deliver to the Returning Officer —

(a) a statutory declaration of his qualifications and the political party for which he stands (if any) made and subscribed by the candidate in Form 10 in the First Schedule; and

(b) if he is a person belonging to —

(i) the Malay community and is nominated as such a person for election in any constituency designated under section 8A (1) (b) (i); or

(ii) the Indian or other minority communities and is nominated as such a person for election in any constituency designated under section 8A (1) (b) (ii),

a certificate issued to him under section 27A (6) certifying that he is a person belonging to the Malay community or a person belonging to the Indian or other minority communities, as the case may be.

(3A) If any statutory declaration or certificate which is required by subsection (3) to be delivered by any candidate in a group is not so delivered, the nomination of that group shall be deemed to be void.

[10/88]

(4) The Returning Officer may, at any time between the date of the notice of the writ referred to in section 25 and 12 noon of the day of nomination, supply a form of nomination paper and statutory declaration to any registered elector requiring the same.

[10/88]

(5) Where the nomination paper of any group does not comply with this section or section 27A, or where any candidate in a group withdraws his candidature under section 32, the nomination of that group shall be deemed to be void.

[10/88]

(6) Section 27 shall not apply to any election in any group representation constituency.

[10/88]

Committee to determine whether prospective candidate is Malay or other racial minority

27C.—(1) For the purposes of section 27A, there shall be established —

- (a) a Malay Community Committee whose function shall be to determine whether a person desiring to be a candidate for any election in any constituency designated under section 8A (1) (b) (i) belongs to the Malay community; and
- (b) an Indian and Other Minority Communities Committee whose function shall be to determine whether a person desiring to be a candidate for any election in any constituency designated under section 8A (1) (b) (ii) belongs to the Indian or other minority communities.

[10/88]

(2) The Malay Community Committee shall consist of a chairman and 4 other members, all of whom shall be persons belonging to the Malay community and shall be appointed by the President on the nomination of the Presidential Council for Minority Rights established under Article 69 of the Constitution after consulting such organisation of the Malay community as the Council thinks fit.

[10/88]

(3) The Indian and Other Minority Communities Committee shall consist of a chairman and 4 other members, who shall be persons

belonging to the Indian or other minority communities and shall be appointed by the President on the nomination of the Presidential Council for Minority Rights established under Article 69 of the Constitution after consulting such organisations of the Indian and other minority communities as the Council thinks fit.

[10/88]

(4) A decision of any such Committee shall require a simple majority of the members present and voting, except that in the case of an equality of votes, the chairman or the member presiding shall have a casting vote in addition to his original vote.

[10/88]

(4A) The Committee may act notwithstanding the absence of any member.

[10/88]

(5) Subject to this section, any such Committee may regulate its own procedure.

[10/88]

(6) The validity of any proceedings of any such Committee shall not be affected by any defect in the appointment of any member of the Committee.

[10/88]

(7) Any Committee established under this section shall be guided by the merits of each case without regard to legal forms and technicalities, or to whether the evidence before it is in accordance with the law of evidence or not.

[10/88]

(8) Any decision of a Committee established under this section shall be final and conclusive and shall not be appealed against or called in question in any court.

[10/88]

(9) Regulations may be made to provide for regulating and facilitating the performance by any Committee of its function under this Act.

[10/88]

Deposits by candidates

28.—(1) A candidate, or some person on his behalf, shall deposit or cause to be deposited with the Returning Officer or with some person authorised by the Returning Officer in that behalf, between the date of the issue of the writ referred to in section 24 and 12 noon of the day of nomination, a sum equal to 8% of the total allowances payable to a Member of Parliament in the preceding calendar year, rounded to the nearest \$500.

(1A) In default of the sum being so deposited under subsection (1), the candidate shall be deemed to have withdrawn his candidature under section 32.

(1B) The Returning Officer shall forthwith give a receipt for that sum and pay that sum into the Consolidated Fund, and that sum shall be dealt with in accordance with the provisions of this Act.

[11/88]

(2) Any sum required to be deposited under subsection (1) shall be paid in legal tender or by a bank draft or a certified cheque.

(3) If a candidate is not nominated as a candidate for election or if, after the deposit is made, the candidate withdraws his candidature under section 32, the deposit shall be returned to the person by whom the deposit was made.

(3A) If the candidate dies after the deposit is made and before the poll is commenced, the deposit, if made by him, shall be returned to his legal personal representative or, if not made by him, shall be returned to the person by whom the deposit was made.

(4) Subject to subsection (4A), the sum deposited by any candidate under subsection (1) shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath or made affirmation as a Member, and, where the candidate is not elected, as soon as practicable after the result of the election is declared.

[10/88]

(4A) If a candidate who has made the required deposit is not elected and —

(a) the number of votes polled by him does not exceed one-eighth of the total number of votes polled in the electoral division for which he contested; or

(b) where he is a candidate for a group representation constituency, the number of votes polled in that constituency by the group to which he belongs does not exceed one-eighth of the total number of votes polled in that constituency,

the sum deposited shall be forfeited and paid into the Consolidated Fund.

[10/88]

(5) Notwithstanding anything in this section, where a candidate is nominated at a general election in more than one electoral division, he shall in no case recover his deposit more than once.

(5A) In the case referred to in subsection (5), the deposits shall be forfeited and paid into the Consolidated Fund except, if the candidate or the group to which he belongs has for any electoral division obtained the required number of votes, such one deposit as the Returning Officer thinks fit shall be returned to the candidate.

[10/88]

(6) For the purposes of this section —

- (a) the number of votes polled shall be deemed to be the number of votes counted other than rejected votes; and
- (b) “certified cheque” means a cheque which is certified by the drawee bank as good for payment of the sum stated in the cheque.

(7) The Returning Officer shall, on giving notice under section 25 of the issue of a writ, specify in the notice the amount to be deposited under subsection (1).

[11/88]

Proceedings on nomination day

29.—(1) The Returning Officer shall, on the day of nomination, attend at the place of nomination from 11 a.m. until 12 noon to receive nomination papers, statutory declarations and certificates (if any) issued under section 27A (6) (referred to in this Act as nomination papers).

[10/88]

(2) Every nomination paper, certificate and statutory declaration must be delivered to the Returning Officer together with a true copy of each on the day and at the place and between the hours aforesaid by the candidate, and if not so delivered, shall be rejected.

[10/88]

(3) The Returning Officer shall forthwith cause a copy of the nomination paper to be posted in a conspicuous position outside the place of nomination.

(4) The Returning Officer shall permit the candidates and their proposers and seconders and one other person (if any) appointed by each candidate in writing to be present on the day and at the place of nomination between 11 a.m. and 12.30 p.m. and there and then to examine the nomination papers of candidates which have been received for that electoral division.

Objections to nomination papers

30.—(1) Objection may be made to a nomination paper on all or any of the following grounds but on no other ground:

- (a) that the description of the candidate is insufficient to identify the candidate;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of this Act;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not capable of being elected a Member of Parliament;
- (d) that the provisions of section 27A or 28 have not been observed.

[10/88]

(2) No objection to a nomination paper shall be allowed —

- (a) unless it is made to the Returning Officer between 11 a.m. and 12.30 p.m. on the day of nomination; or
- (b) on the ground that a group seeking election in any constituency designated under section 8A (1) (b) does not consist of at least a person belonging to the Malay community or a person belonging to the Indian or other minority communities as required under section 27A (4), if any candidate in that group has delivered to the Returning Officer under section 27B (3) (b) a certificate issued to the candidate under section 27A (6).

[10/88]

(3) Every objection shall be in writing signed by the objector and shall specify the ground of objection.

(4) The Returning Officer may himself lodge an objection on any of the grounds set out in subsection (1).

(5) The Returning Officer shall, with the least possible delay, decide on the validity of every objection and inform the candidate concerned of his decision, and, if the objection is allowed, of the grounds of his decision.

(6) If the Returning Officer disallows any objection, his decision shall be final and conclusive and shall not be called in question in any court; but if he allows the objection, his decision shall be subject to reversal on an election petition.

Persons entitled to be present at nomination

31. No person other than the Returning Officer, the candidates and their respective proposers and seconders and one other person (if any) appointed in writing by each candidate shall, except with the consent of and for the purpose of assisting the Returning Officer, be entitled to be present at the proceedings specified in sections 29 and 32.

Withdrawal of candidature

32.—(1) A candidate may before 12 noon on the day of nomination, but not afterwards, withdraw his candidature by giving a notice to that effect signed by him to the Returning Officer.

(2) The Returning Officer shall forthwith cause notice of the withdrawal to be posted in a conspicuous position outside the place of nomination.

UNCONTESTED ELECTIONS**Uncontested elections**

33. If, on the day of nomination, in any electoral division, after the decision by the Returning Officer on any objection which may have been lodged, only one candidate or a group of candidates stands nominated for that division, the Returning Officer shall forthwith —

- (a) declare the nominated candidate or the group of candidates to be elected; and
- (b) cause the name or names of the Member or Members so elected to be published in the *Gazette*.

[10/88]

CONTESTED ELECTIONS**Contested elections**

34.—(1) If, on the day of nomination in any electoral division, after the decision by the Returning Officer of any objections which may have been lodged, more candidates than one stand nominated for that division, the Returning Officer shall —

- (a) forthwith adjourn the election to enable a poll to be taken in accordance with the provisions of this Act; and
- (b) allot to each candidate an approved symbol which shall be printed on the ballot paper opposite that candidate's name.

(1A) The Returning Officer may, in his discretion, allot to any candidate some other symbol selected by the candidate or by the political association to which he belongs.

(2) In subsection (1), “approved symbol” means any symbol approved by the Returning Officer for the purposes of this Act by notification published in the *Gazette*.

(3) Subject to subsection (1A), the determination of the approved symbol to be allotted to each candidate shall be made by lot by the Returning Officer.

(4) No candidate shall be allotted any symbol which is of any racial or religious significance.

(5) In the event of any dispute arising regarding the allocation of any symbol under this section, the decision of the Returning Officer shall be final and shall not be questioned.

(6) The Returning Officer shall cause to be published in the *Gazette* a notice in the Form 11 in the First Schedule specifying —

- (a) the electoral division in which the election is contested;
- (b) the date on which the poll will be taken, the date being not less than 9 days or more than 8 weeks after the date of publication of the notice in the *Gazette*;
- (c) the names of the candidates in the order in which they will be printed on the ballot papers, the symbol allotted to each candidate and the names of their proposers and seconders; and
- (d) the situation of the polling stations for that electoral division and the particular polling stations, if any, reserved for female voters.

(7) In computing time for the purposes of subsection (6) (b), the last day of the period shall not be excluded only by reason of the fact that it is a Sunday or that it is a public holiday under the provisions of this Act or of any other written law.

(8) If, after an election has been reported as contested, one of the candidates nominated dies before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of the death —

- (a) countermand the notice for the poll; and

- (b) appoint, by notice published in the *Gazette*, a fresh date for the election.

(9) Where the Returning Officer has countermanded the poll under subsection (8), all proceedings with reference to the election shall be commenced afresh except that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

Contested elections in group representation constituencies

34A.—(1) If, on the day of nomination, in any group representation constituency, after the decision by the Returning Officer on any objection which may have been lodged, more groups than one stand nominated for that constituency, the Returning Officer shall —

- (a) forthwith adjourn the election to enable a poll to be taken in accordance with the provisions of this Act; and
- (b) allot to each group of candidates an approved symbol which shall be printed on the ballot paper opposite the names of each group.

(1A) The Returning Officer may, in his discretion, allot to any group of candidates some other symbol selected by the group or the political party to which it belongs.

[10/88]

(2) In subsection (1), “approved symbol” means any symbol approved by the Returning Officer for the purposes of this Act by notification published in the *Gazette*.

[10/88]

(3) Subject to subsection (1A), the determination of the approved symbol to be allotted to each group of candidates shall be made by lot by the Returning Officer.

(4) No group of candidates shall be allotted any symbol which is of any racial or religious significance.

[10/88]

(5) In the event of any dispute arising regarding the allocation of any symbol under this section, the decision of the Returning Officer shall be final and shall not be questioned.

[10/88]

(6) The Returning Officer shall cause to be published in the *Gazette* a notice in the Form 11 in the First Schedule specifying —

- (a) the group representation constituency in which the election is contested;

- (b) the date on which the poll will be taken, the date being not less than 9 days or more than 8 weeks after the date of publication of the notice in the *Gazette*;
- (c) the names of the candidates in each group in the order in which they will be printed on the ballot papers, the symbol allotted to each group of candidates and the names of their proposers and seconders; and
- (d) the situation of the polling stations for that group representation constituency and the particular polling stations, if any, reserved for female voters.

[10/88]

(7) In computing time for the purposes of subsection (6) (b), the last day of the period shall not be excluded only by reason of the fact that it is a Sunday or that it is a public holiday under the provisions of this Act or of any other written law.

[10/88]

(8) If, after the election in a group representation constituency has been reported as contested, one of the candidates nominated for that constituency dies before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of the death —

- (a) countermand the notice for the poll; and
- (b) appoint, by notice published in the *Gazette*, a fresh date for the election in that constituency.

(8A) Where the Returning Officer has countermanded the poll under subsection (8), all proceedings with reference to the election shall be commenced afresh, except that no fresh nomination shall be necessary in the case of any group which stood nominated at the time of the countermand of the poll.

[10/88]

(9) Section 34 shall not apply to any election in any group representation constituency.

[10/88]

Polling day at general election to be public holiday

35. Polling day at any general election shall be a public holiday as though it had been so expressly appointed in addition to the days mentioned in any written law for the time being in force relating to holidays.

Presiding officers

36.—(1) The Returning Officer shall appoint, and may revoke the appointment of, one or more persons (referred to in this Act as presiding officers) to preside at each polling station.

(1A) If more than one presiding officer is appointed for any polling station, the Returning Officer may appoint one of the presiding officers to be the senior presiding officer who shall exercise general supervision over the other presiding officers, and over all arrangements for the conduct of the poll in that station.

(1B) Each presiding officer shall be supplied with a copy of that part of the register of electors containing the names of electors in the register assigned to his polling place.

(2) If any presiding officer is, by sickness or other cause, prevented from acting at any election and there is insufficient time for another person to be appointed by the Returning Officer, the presiding officer may appoint a deputy to act for him.

(2A) Every such appointment shall as soon as possible be reported to the Returning Officer and may be revoked by the Returning Officer, but without prejudice to the validity of anything already done by the deputy.

(3) The Returning Officer may, if he thinks fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to the Returning Officer.

Facilities to be provided at polling stations

37.—(1) Outside each polling station, there shall be affixed in a conspicuous place by the presiding officer before the commencement of the poll a notice showing the name of each candidate in English, Malay, Chinese and Tamil, and the symbol allotted to the candidate under section 34.

(2) The names of the candidates shall be arranged alphabetically in English in the order of their surnames, and if there are 2 or more candidates with the same surname, of their other names.

(3) Subsections (1) and (2) shall not apply to any election in any group representation constituency.

[10/88]

(4) Outside each polling station in any group representation constituency, there shall be affixed in a conspicuous place by the presiding officer before the commencement of the poll a notice showing the names of the candidates in each group in English, Malay, Chinese and Tamil, and the symbol allotted to each group under section 34A.

(5) The names of the candidates in each group shall be arranged alphabetically in English in the order of their surnames, and if there are 2 or more candidates with the same surname, of their other names.

(6) The groups of candidates shall be arranged alphabetically in English in the order of the surnames of the first candidates in each group and if there are 2 or more such candidates with the same surname, of their other names.

[10/88]

(7) It shall be the duty of the Returning Officer to provide at each polling station reasonable facilities for the electors allotted to that station to enable them to mark their votes screened from observation and to vote in accordance with the provisions of this Act.

(8) The Returning Officer shall determine, or may authorise the presiding officer or senior presiding officer to determine, in what manner those facilities shall be distributed among the electors entitled to vote at that station.

(9) An election shall not be questioned by reason of non-compliance with subsection (7) or (8) or any informality relative to polling stations.

Registers of electors to be conclusive evidence of right to vote

38.—(1) Without prejudice to subsection (2), the register of electors in operation in accordance with this Act at the time of any election of a Member to represent the electoral division to which the register relates shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at the election.

(2) The right and duty of voting of any person whose name is for the time being contained in the register shall not be prejudiced by any appeal pending before a Revising Officer in respect of the inclusion of that person's name in the register.

(3) Any vote given by the person mentioned in subsection (2) during the pendency of that appeal shall be as good as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal.

(4) A person who, by reason of circumstances existing on the day of the election, is not, by virtue of section 5 or 6, entitled to have his name entered or retained in any register of electors shall not be entitled to vote at the election.

(5) If the person mentioned in subsection (4) votes at the election, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.

(6) Nothing in this section shall affect the liability of any person to any penalty for an infringement of section 7 relating to plural voting.

Admittance to polling station

39.—(1) Subject to subsection (1A), no person shall be admitted to vote at any polling station except the polling station allotted to him.

(1A) Where an elector for any electoral division is employed as a presiding officer, police officer, or in any other official capacity at a polling station within that division, and it is inconvenient for him to vote at the polling station in the division which has been allotted to him, the Returning Officer may authorise the elector, by a certificate under his hand, to vote at any other polling station in the division, and that polling station shall, for the purposes of this section, be deemed to be the polling station allotted to that elector.

(2) The certificate referred to in subsection (1A) shall be given under the hand of the Returning Officer and shall state the name of the elector and his number, description in the register of electors, and the fact that he is so employed as aforesaid.

(3) Unless the Returning Officer, by notification in the *Gazette*, appoints any other hour, the poll in any electoral division shall open at 8 a.m. on the day appointed under section 34 or 34A, as the case may be, and shall close at 8 p.m. on that day.

(4) The presiding officer shall —

(a) keep order in his station;

(b) regulate the number of voters to be admitted at a time; and

- (c) exclude all other persons except the candidates, the polling agent or agents of each candidate, the Returning Officer and persons authorised in writing by the Returning Officer, the police officers on duty and other persons officially employed at the polling station.

(5) The number of polling agents that may be admitted to any polling station for an electoral division shall be as follows:

- (a) only one polling agent for each candidate contesting the election in that electoral division; or
- (b) in the case of a polling station for a group representation constituency, only one polling agent for each group of candidates contesting the election in that constituency.

[42/96]

(5A) Notwithstanding subsection (5), where more than one polling place has been established at any polling station, only one polling agent for each candidate or each group of candidates, as the case may be, shall be admitted to each such polling place.

[42/96]

(6) No polling agent whose name has not been notified to the presiding officer as required by section 64 (1) shall be admitted to a polling station.

(7) If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorised in writing by the presiding officer or by the Returning Officer to remove him.

(7A) The person removed under subsection (7) shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(7B) Any person removed under subsection (7), if charged with the commission in that station of any offence, may be kept in custody until he can be brought before a Magistrate.

(8) The powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at that station.

Poll by ballot and ballot papers

40.—(1) In the case of a poll at an election, the votes shall be given by ballot, and the ballot of each voter shall consist of a paper (referred to in this Act as a ballot paper).

(2) Every ballot paper shall contain —

- (a) a list of the candidates in English, described, subject to section 105, as in their respective nomination papers, and arranged alphabetically in English in the order of their surnames, and, if there are 2 or more candidates with the same surname, of their other names; and
- (b) the symbol allotted to each candidate.

(2A) Subsection (2) shall not apply to any election in any group representation constituency.

[10/88]

(3) In respect of any group representation constituency, every ballot paper shall contain —

- (a) a list of the candidates in each group in English, described, subject to section 105, in their respective nomination papers and arranged alphabetically in English in the order specified in section 37 (5) and (6); and
- (b) the symbol allotted to each group.

(3A) Every ballot paper shall be in the appropriate Form 12 in the First Schedule and shall be capable of being folded.

[10/88]

(4) Each ballot paper shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face.

(5) The official mark for the authentication of ballot papers shall comprise a pattern, design, watermark or logo approved by the Returning Officer which shall be affixed, stamped, overprinted or marked (by writing or otherwise), or any combination thereof, on the ballot paper in a particular manner approved by the Returning Officer.

[18/99]

Ballot boxes

41.—(1) Every ballot box shall be so constructed that the ballot papers can be introduced into the box after it has been sealed or

locked but cannot be withdrawn from the box unless the seal or lock is broken.

[42/96]

(2) The presiding officer at a polling station shall, immediately before the commencement of the poll, and in the sight of such person as may be present in the polling station —

- (a) show that each ballot box to be used at the commencement of the poll is empty;
- (b) close the ballot box; and
- (c) ensure that the ballot box is sealed or locked in such a manner as to prevent it being opened without breaking the seal or lock.

[42/96]

(3) The ballot boxes, after being sealed or locked in accordance with subsection (2), shall be kept in the view of the presiding officer of the polling station for the receipt of ballot papers and shall not be opened again until after the close of the poll.

[42/96]

(4) Subsections (2) and (3) shall apply to every ballot box used during a poll and it shall be sufficient compliance with those subsections if a ballot box, other than a ballot box used at the commencement of a poll, is shown and sealed or locked in accordance with subsection (2) before it is used.

[42/96]

Manner of voting

42.—(1) Each voter entitled to vote shall be given one ballot paper and shall have one vote.

(1A) Each voter entitled to vote in any group representation constituency shall have one vote and may vote for any one group of candidates in the manner prescribed by this section.

[10/88]

(2) The ballot paper shall be delivered to the voter by the presiding officer or a person acting under his authority.

(2A) Immediately before the ballot paper is delivered to the voter —

- (a) the paper shall, unless it already bears the complete official mark for the authentication of ballot papers, be affixed, stamped or marked (by writing or otherwise) by the presiding officer in the approved manner with that official

mark or the remaining part thereof, or initialled by the presiding officer;

- (b) the number, name and description of the voter, as stated in the copy of the register of electors, shall be called out;
- (c) the number of the elector shall be marked on the counterfoil; and
- (d) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper but without showing the particular ballot paper which he has received.

[18/99]

(3) The voter, on receiving the ballot paper, shall forthwith proceed to such place in the station as may be indicated by the presiding officer or by any person acting under that officer's authority, and shall there secretly mark the paper as near as may be in accordance with the directions given for the guidance of voters under this Act.

(3A) The voter shall then fold the paper so as to conceal his vote, and shall put the paper so folded up into the ballot box.

(3B) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(4) The presiding officer or any person authorised by him may ask any voter if the voter understands the method of voting in accordance with this Act and may, if he thinks fit, on the application of any voter, explain to the voter, in the presence of the polling agents of the candidates if present, the method of voting in accordance with this Act; but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular candidate or group of candidates.

[10/88]

(5) The presiding officer, on the application of a voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall mark the ballot paper of the voter in the manner directed by the voter, and shall cause the ballot paper to be placed in the ballot box.

(6) The presiding officer may at any time while a poll is proceeding take such steps as may be necessary to ensure that no voter delays unduly in any place reserved for the marking of ballot papers.

(7) During the taking of the poll, the presiding officer shall cause to be exhibited outside his polling station a notice in English, Malay, Chinese and Tamil, substantially in the form set out in the Second Schedule, giving directions for the guidance of voters in voting.

Compulsory voting

43.—(1) Every elector shall record his vote at each election in the division for which he is registered.

(2) The Returning Officer shall, at the close of each election, prepare a list of the numbers, names and descriptions as stated in the register of electors of such electors as have failed to vote at the election and certify the list under his hand.

(3) Notwithstanding section 49 (9) to (12), it shall be lawful for the Returning Officer to break the seals of packets containing the marked copies of the registers of electors and to inspect and retain those copies for the purpose of preparing the list referred to in subsection (2) and of any inquiries connected therewith.

(4) The list prepared by the Returning Officer under subsection (2) shall be forwarded by the Returning Officer to the Registration Officer.

(5) Notwithstanding any other provisions of this Act, the Registration Officer shall on receipt of such list cause the names of all persons appearing in the list to be expunged from the register.

(6) The Registration Officer shall give notice in the *Gazette* that such list has been received by him from the Returning Officer and that that list or copies thereof are open for inspection at all reasonable hours of the day at the office of the Registration Officer and at such other place or places in each electoral division as may be specified in the notice.

(7) Every person whose name appears on the list of which notice has been given by the Registration Officer under subsection (6) may make a written application for the restoration of his name to the register of electors.

(8) If any applicant under subsection (7) satisfies the Registration Officer that he has a good and sufficient reason for not having recorded his vote, his name shall be restored to the register without penalty.

(8A) Where the applicant does not so satisfy the Registration Officer, his name shall be restored to the register on payment of the sum of \$5 to the Registration Officer.

(9) Any name to be restored to the register under subsection (8) or (8A) shall, except as otherwise provided in subsection (11), be restored the day after the Registration Officer has satisfied himself that the applicant has a good and sufficient reason for not recording his vote or the day after the payment of the sum of \$5 to the Registration Officer, as the case may be.

(10) Where any person whose name is to be restored to the register under subsection (8) or (8A) has notified the Commissioner of National Registration of any change in his address and it appears from such change of address that he is no longer residing in the same electoral division, his name shall be restored to the appropriate register of the electoral division in which he is residing.

(11) Where a writ of election has been issued under section 24 for an election in any electoral division, no name shall be restored to the register of that division until after nomination day or, if a poll is to be taken, until after polling day.

Declarations by voters

44.—(1) The presiding officer at any polling station may, in his discretion, require any voter, before he is given a ballot paper, to furnish such evidence of his identity as the presiding officer may consider necessary and to make and subscribe all or any of the declarations set out in the Forms 13, 14 and 15 in the First Schedule.

(2) Every such declaration shall be exempt from stamp duty.

(3) If any person fails to furnish such evidence of his identity or refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(4) If any person wilfully makes a false statement in any such declaration, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.

Spoilt ballot papers

45.—(1) A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper

may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in place of the ballot paper so delivered up (referred to in this Act as a spoilt ballot paper).

(2) The spoilt ballot paper shall be immediately cancelled by the presiding officer.

Tendered votes

46.—(1) If a person representing himself to be a particular elector named in the register applies for a ballot paper after another person has voted as such elector, the applicant shall on taking an oath of identity, which may be administered by the presiding officer and which shall be in the Form 16 in the First Schedule, be entitled to receive a ballot paper and to vote in the same manner as any other voter.

(2) The ballot paper (referred to in this Act as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, before being placed in a ballot box, shall be endorsed by the presiding officer with the name of the voter and his number in the register, and that number shall be entered on a list (referred to in this Act as the tendered votes list).

(3) Tendered ballot papers shall be dealt with in the manner hereinafter provided.

Closing of poll

47.—(1) No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll.

(2) Notwithstanding subsection (1), if at the hour fixed for the closing of the poll there is in the polling station any voter to whom a ballot paper has been delivered, the voter shall be allowed to record his vote.

Procedure on closing of poll

48.—(1) As soon as practicable after the close of the poll, the presiding officer of each polling station shall, in the presence of such

of the candidates and their polling agents as attend, make up into separate packets, sealed with his own seal and the seals of the candidates or their agents if they desire to affix their seals —

- (a) the unused and spoilt ballot papers placed together;
- (b) the marked copies of the register of electors;
- (c) the counterfoils of the ballot papers; and
- (d) the tendered votes list.

(2) The ballot box or boxes unopened shall be secured by the presiding officer and sealed with his seal and with the seals of such of the candidates or their agents as attend and desire to affix their seals, in such manner that the box or boxes cannot be opened and nothing can be inserted therein without breaking the seals.

(3) Every presiding officer of a polling station shall despatch each such packet and the ballot box or boxes in safe custody to the Returning Officer or an Assistant Returning Officer at the counting place where the votes cast at the polling station are to be counted in accordance with the provisions of this Act.

(4) Where the Returning Officer has, in any direction made under section 48A (1), specified a polling station to be a counting place, the presiding officer of the polling station shall keep at that station every such packet and ballot box in safe custody pending counting of the votes at that polling station.

[42/96]

Counting places

48A.—(1) The Returning Officer may —

- (a) direct that the votes cast at any polling station or stations for an electoral division be counted at such counting place for that electoral division (which may or may not be a polling station) and time as he may specify; and
- (b) where more than one counting place is specified for an electoral division under paragraph (a), direct that the total number of votes given to each candidate or group of candidates at the poll be ascertained at a principal counting place for that electoral division (which may or may not be a counting place for that division) and time as he may specify.

[42/96]

(2) The Returning Officer shall give notice in writing of his direction under subsection (1) to each candidate or his election agent not less than 2 clear days before polling day.

[42/96]

Counting votes

49.—(1) Subject to subsection (2) —

- (a) counting agents for any candidate nominated for an electoral division other than a group representation constituency may be appointed either by the candidate or his election agent only; and
- (b) counting agents for any group of candidates nominated for a group representation constituency may be appointed either by the election agent of any candidate in the group or the principal election agent for that group only.

[18/99]

(2) Not more than one counting agent may be appointed for a candidate or group of candidates to attend the counting of votes at each counting place specified in the direction made under section 48A (1).

[18/99]

(2A) The Returning Officer shall make arrangements for the counting of votes in the presence of such of the candidates and their counting agents as attend as soon as practicable —

- (a) where only one counting place is specified for an electoral division in a direction made under section 48A (1) — after he has received at that counting place all the ballot boxes used during the poll; or
- (b) where more than one counting place is specified for an electoral division in a direction made under section 48A (1) —
 - (i) after the procedure in section 48 has been complied with at the close of the poll if the polling station is a counting place; and
 - (ii) after the Returning Officer or an Assistant Returning Officer has received at each counting place all the ballot boxes containing the votes cast at such polling station or stations specified in the direction in relation to that counting place.

[42/96]

(3) The Returning Officer, his assistants and clerks, and the candidates and their counting agents, but no other persons except with the sanction of the Returning Officer, may be present at the counting of the votes.

(4) Before the Returning Officer proceeds to count the votes, he or a person authorised by him shall, in the presence of such of the candidates and their counting agents as attend, open each ballot box and, taking out the papers therein, mix together the whole of the ballot papers contained in the ballot boxes.

(4A) The Returning Officer, while counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(5) The Returning Officer shall so far as practicable proceed continuously with counting the votes and shall endorse “rejected” on any ballot paper which he may reject as invalid.

(6) The Returning Officer shall not count the tendered ballot papers but shall place them in separate packets according to the candidate or group of candidates whom they support and shall mark each packet with the name of the candidate or group of candidates and shall seal the packet and retain it unless it is required for the purposes of an election petition.

[10/88]

(7) Where only one counting place is specified for an electoral division in a direction made under section 48A (1), the Returning Officer shall, when the counting of votes has been completed, forthwith declare the candidate or group of candidates to whom the greatest number of votes is given to be elected; except that upon the application of any candidate or his counting agent, a recount shall be made before the Returning Officer makes the declaration.

[10/88; 42/96]

(7A) Where more than one counting place is specified for an electoral division in a direction made under section 48A (1), an Assistant Returning Officer shall, immediately after the counting of votes or, where any candidate or his counting agent applies to the Assistant Returning Officer for a recount, after the recounting of votes, at each counting place for the electoral division —

- (a) announce to the candidates or their counting agents as attend the number of votes given to each candidate or group of candidates;

- (b) prepare a record (referred to in this Act as the record of counting) in a prescribed form containing the number of votes given to each candidate or group of candidates and other results of the counting of votes at his counting place, and certify that record;
- (c) transmit to the principal counting place for that electoral division, by any means available, the results of the counting of votes at his counting place;
- (d) seal up in separate packets the ballot papers and all other documents at the counting place relating to the poll, and, except for the sealed packet containing the record of counting, place them in any ballot box which shall then be sealed with his seal and with the seals of such of the candidates or their counting agents as attend and desire to affix their seals, and all ballot papers and documents in the ballot box shall be deemed to be sealed in pursuance of subsection (9);
- (e) despatch or deliver the sealed ballot box referred to in paragraph (d) in safe custody to the Returning Officer; and
- (f) despatch or deliver the sealed packet containing the record of counting in safe custody to the principal counting place for that electoral division.

[42/96]

(7B) Except with the sanction of the Returning Officer, no person other than the following persons may be present at a principal counting place during the addition of votes:

- (a) the Returning Officer and such other officers and staff appointed by him to assist him in adding the votes cast for each candidate or group of candidates at the counting places and ascertaining the total number of votes given to each candidate or group of candidates at the poll; and
- (b) the candidates and their election agents or, where the votes to be added relate to a group of candidates, the groups of candidates and their principal election agents.

[42/96]

(7C) Notwithstanding subsection (7B), where a principal counting place is also a counting place, such counting agents as were present during the counting of votes may continue to be present during the addition of votes.

[42/96]

(7D) At a principal counting place for an electoral division, the Returning Officer shall, upon receipt of the results of the counting of votes at all counting places for that electoral division, ascertain the total number of votes given to each candidate or group of candidates at the poll by adding up the number of votes recorded for each candidate or group of candidates in those results.

[42/96]

(7E) When the Returning Officer has ascertained the total number of votes given to each candidate or group of candidates under subsection (7D), he shall forthwith declare as having been elected the candidate or group of candidates to whom the greatest total number of votes is given.

[42/96]

(8) When an equality of votes is found to exist between any candidates or groups of candidates, and the addition of a vote would entitle any of the candidates or groups of candidates to be declared elected, the determination of the candidate or group of candidates to whom the one additional vote shall be deemed to have been given shall be made by lot in the presence of the Returning Officer in such manner as he may determine.

[10/88]

(9) After the result has been declared by the Returning Officer under subsection (7) or (7E), he shall seal all documents relating to the election as required by this Act and shall, subject to subsection (10), retain the ballot papers and documents for a period of 6 months and thereafter shall cause them to be destroyed unless otherwise directed by order of the President.

[42/96]

(10) A Judge of the High Court may make an order that any ballot paper or other document relating to an election which has been sealed as required by this Act be inspected, copied or produced at such time and place and subject to such conditions as the Judge may consider expedient.

(11) A Judge of the High Court shall not make an order under subsection (10) unless he is satisfied that the inspection, copy or production is required for the purpose of instituting or maintaining a prosecution or an election petition in connection with the election.

(12) Except as provided in this section, no person shall be allowed to inspect any such ballot paper or document after it has been sealed up in pursuance of subsection (9).

[16/93]

Votes to be rejected

50.—(1) The Returning Officer shall reject as invalid the following ballot papers only, namely, any ballot paper —

- (a) which does not bear the complete official mark for the authentication of ballot papers or is not initialled by the presiding officer;
- (b) on which votes are given for more than one candidate or group of candidates;
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back;
- (d) which is unmarked; or
- (e) which is void for uncertainty.

[10/88; 18/99]

(2) Where the Returning Officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter and the candidate or group of candidates for whom he gives his vote, the Returning Officer shall not reject the ballot paper on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under this Act.

[10/88]

(3) Before rejecting a ballot paper, the Returning Officer shall show it to each candidate or his counting agent if present and hear his views thereon, taking all proper precautions to prevent any person from seeing the number printed on the back of the paper.

(4) The decision of the Returning Officer whether or not any ballot paper shall be rejected shall be final and shall not be questioned on an election petition.

Publication of result and statement of poll in *Gazette*

51. The Returning Officer shall forthwith after the result has been declared by him compile a statement of the poll in the Form 17 in the First Schedule and shall cause the name or names of the members so elected and also the statement to be published in the *Gazette*.

Election of non-constituency Members in certain circumstances

52.—(1) At any general election, the number of non-constituency Members to be declared elected shall be 3 (or such greater number not exceeding 6 as the President may by order specify for the purpose

of that general election) less the total number of Opposition Members elected to Parliament in accordance with section 49 (7).

[21/91]

(1A) Where any order is to be made under subsection (1), such order shall be made at any time after Parliament is dissolved but not later than the day of nomination for a general election following the dissolution; and the order shall cease to have effect at the next dissolution of Parliament.

[21/91]

(2) The non-constituency Member or Members to be declared elected under subsection (1) shall be determined from among the candidates of those political parties (other than the party or parties that will form the Government) contesting the general election on the basis of the percentage of the votes polled at the same general election by such candidates in the following order of priority — the candidate receiving the highest percentage of votes being placed first and the other candidates being placed in descending order in accordance with the percentages of votes polled by them.

(3) Subject to subsection (3A), where any non-constituency Member is to be declared elected under this section, the Returning Officer shall, as soon as he determines the candidate who stands first in accordance with the order of priority under subsection (2), declare that candidate to be so elected; and if more than one non-constituency Member are to be declared elected, the Returning Officer shall declare as so elected the next succeeding candidate or candidates, as the case may be, in the order of priority under subsection (2).

(3A) No such candidate shall be declared as so elected under subsection (3) unless he has polled not less than 15% of the total number of votes (other than rejected votes) polled at the election in the electoral division contested by him.

[21/91]

(3B) Where there is an equality of the percentage of the votes between any candidates and the number of such candidates who are eligible to be declared elected under this section exceeds the number of non-constituency Members to be declared elected, the determination of the candidate or candidates to be declared elected shall be as follows:

- (a) if all such candidates are from the same group, the Returning Officer shall inform that group of the number of candidate

or candidates in that group to be declared elected and the group shall within 7 days determine among themselves who shall be declared elected and shall forthwith notify the Returning Officer of such determination; or

- (b) in any other case, or where the group referred to in paragraph (a) fails to notify the Returning Officer, the determination shall be made by lot in the presence of the Returning Officer in such manner and at such time as he may determine.

[10/88]

(3C) Upon receipt of a notification under subsection (3B) (a), the Returning Officer shall as soon as possible declare the candidate or candidates determined under that subsection to be elected as a non-constituency Member or Members, as the case may be.

[10/88]

(3D) For the purposes of this section and section 53, each candidate in a group for any group representation constituency shall be deemed to have received in respect of that constituency the percentage of the votes polled by that group in that constituency.

[10/88]

(4) In this section, “Opposition Member” means a Member of Parliament who is not a member of the political party or parties forming the Government.

Failure to take Oath of Allegiance by non-constituency Member

53.—(1) Subject to subsection (3), if any non-constituency Member declared to be elected under section 52 fails to take and subscribe before Parliament the Oath of Allegiance under Article 61 of the Constitution at the first or second sitting of Parliament during its first session after the general election, Parliament may by resolution declare that his seat has become vacant and that it be filled by the next succeeding candidate at the general election in the order of priority as determined in accordance with section 52 (2) from among those candidates who are eligible to be elected as non-constituency Members and have not been so elected.

(2) The candidate last-mentioned in subsection (1) shall upon such resolution be deemed to be elected as a non-constituency Member under section 52 in place of the non-constituency Member whose seat was declared vacant.

[22/84]

(3) Parliament shall not move any resolution under subsection (1) unless the next succeeding candidate has polled not less than 15% of the total number of votes (other than rejected votes) polled at the election in the electoral division contested by him.

[22/84]

Failure to comply with provisions of this Act

54.—(1) No election shall be invalid by reason of any failure to comply with any provision of this Act relating to elections if it appears that the election was conducted in accordance with the principles laid down in that provision, and that the failure did not affect the result of the election.

(2) Where in this Act any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any candidate or agent at the time and place appointed for the purpose shall not, if that act or thing is otherwise duly done, invalidate that act or thing.

Offences

55.—(1) Every person who —

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the Returning Officer any nomination paper knowing it to be forged;
- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;
- (c) without due authority supplies any ballot paper to any person;
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person;
- (e) not being a person entitled under this Act to be in possession of any ballot paper which has been marked with the official mark in accordance with this Act, has any such ballot paper in his possession;
- (f) puts into any ballot box anything other than the ballot paper which he is authorised by law to put in;

- (g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station;
- (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election;
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) manufactures, constructs, imports into Singapore, has in his possession, supplies or uses for the purpose of an election, or causes to be manufactured, constructed, imported into Singapore, supplied or used for the purpose of any election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years and shall, on conviction, become incapable for a period of 7 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 or appointment shall be vacated from the date of the conviction.

[21/91]

(2) Every person who attempts to commit an offence specified in this section shall be liable to the punishment prescribed for that offence.

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

(4) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or marking instrument at an election, the property in the nomination paper, ballot box, ballot paper or marking instrument, as well as the property in the counterfoil of any ballot paper, may be stated to be in the Returning Officer at that election.

(5) A prosecution for an offence under this section shall not be instituted without the sanction of the Public Prosecutor.

Maintenance of secrecy at elections

56.—(1) Every officer, clerk, interpreter, candidate and agent authorised to attend at a polling station, or at the counting of the votes, shall, before so attending, make an oath of secrecy, substantially in the Form 18 in the First Schedule.

(2) The Returning Officer shall have power to administer any oaths required to be taken under subsection (1).

(3) Subject to subsection (3A), every officer, clerk, interpreter, candidate and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in the station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark.

(3A) The total number of voters who have voted at any station at any time before the poll is closed may, in the discretion of the presiding officer, be divulged to the candidate or his agent authorised to attend at the polling station.

(4) No such officer, clerk, interpreter, candidate or agent, and no person shall —

- (a) attempt to obtain in the polling station information as to the candidate or group of candidates, for whom any voter in the station is about to vote or has voted; or
- (b) communicate at any time to any person any information obtained in a polling station as to the candidate or group of candidates, for whom any voter in the station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at the station.

[10/88]

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not —

- (a) attempt to ascertain at the counting the number on the back of any ballot paper; or
- (b) communicate any information obtained at the counting as to the candidate or group of candidates, for whom any vote is given by any particular ballot paper.

[10/88]

(6) No person, except a presiding officer acting for a purpose authorised by this Act or a person authorised by the presiding officer and acting for that purpose, shall communicate or attempt to communicate with any voter after the voter has received a ballot paper and before he has placed it in a ballot box.

(7) Every person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.

CORRUPT PRACTICES

Personation

57.—(1) Every person who —

- (a) at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person; or
- (b) having voted once at any such election, applies at the same election for a ballot paper in his own name,

shall be guilty of the offence of personation.

(2) The offence of personation under this section shall be a seizable offence within the meaning of the Criminal Procedure Code (Cap. 68).

Treating

58.—(1) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving, any meat, drink, refreshment, cigarette, entertainment or other provision or thing or any money or ticket or other means or device to enable the procuring of any such meat, drink, refreshment, cigarette, entertainment or other provision or thing, to or for any person —

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting;
- (b) for the purpose of inducing that person to attend or remain at any election meeting;

- (c) on account of any such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at the election; or
- (d) on account of any such person having attended an election meeting.

(2) A person shall also be guilty of treating if he corruptly accepts or takes any such meat, drink, refreshment, cigarette, entertainment or other provision or thing or any such money or ticket or who adopts any other means or device to enable the procuring of such meat, drink, refreshment, cigarette, entertainment or other provision or thing.

Undue influence

59. Every person who —

- (a) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting at any election; or
- (b) by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of any elector or voter, or thereby compels, induces or prevails upon any elector or voter either to vote or refrain from voting at any election,

shall be guilty of the offence of undue influence.

Bribery

60. The following persons shall be deemed guilty of the offence of bribery:

- (a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector or voter, or to or for any person on behalf of any elector or voter or to or for any other person, in order to induce any elector or voter to vote or refrain from

voting, or corruptly does any such act on account of that elector or voter having voted or refrained from voting at any election under this Act;

- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any elector or voter or to or for any person on behalf of any elector or voter, or to or for any other person, in order to induce that elector or voter to vote or refrain from voting, or corruptly does any such act on account of that elector or voter having voted or refrained from voting at any election under this Act;
- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement referred to in paragraph (a) or (b) to or for any person in order to induce that person to procure or endeavour to procure the return of any person as a Member of Parliament, or the vote of any elector or voter at any election under this Act;
- (d) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement to or for any person who is assisting or has promised to assist a candidate at an election to induce that person to refrain from assisting that candidate;
- (e) every person who upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages, promises or endeavours to procure, the return of any person as a Member of Parliament, or the vote of any elector or voter at an election under this Act;
- (f) every person who —
 - (i) advances or pays or causes to be paid any money to or to the use of any other person with the intent that the money or any part thereof shall be expended in bribery at any election under this Act; or
 - (ii) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;

- (g) every elector or voter who, before or during any election under this Act, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;
- (h) every person who, after any election under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such election;
- (i) every person who, directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for any candidate or group of candidates, at an election, or on account of and as payment for his having assisted or agreed to assist any candidate or group of candidates, at an election, applies to that candidate or to any candidate in that group, or to his agent or agents, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment;
- (j) every person who, directly or indirectly, by himself or by any other person on his behalf, in order to induce any other person to agree to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or to endeavour to procure any office, place or employment to or for that other person, or gives or lends, or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or valuable consideration to or for any person or to or for that other person, or to or for any person on behalf of that other person.

[10/88]

Punishment and incapacities for corrupt practice

61.—(1) Every person who —

- (a) commits the offence of personation, or aids, abets, counsels or procures the commission of the offence of personation;
- (b) commits the offence of treating, undue influence or bribery;
- (c) prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or poster which refers to any election and which does not bear upon its face the names and addresses of its printer and publisher;
- (d) makes or publishes, before or during any election, for the purpose of affecting the return of any candidate, any false statement of fact in relation to the personal character or conduct of the candidate;
- (e) makes or publishes, before or during any election, for the purpose of promoting or procuring the election of any candidate, any false statement of the withdrawal of any other candidate at the election; or
- (f) being a candidate or election agent, knowingly makes the declaration as to election expenses required by section 74 falsely,

shall be guilty of a corrupt practice and shall on conviction by a District Court be liable —

- (i) in the case referred to in paragraph (a), to 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
- (ii) in any other case, to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both.

(2) Every person who is convicted of a corrupt practice shall become incapable for a period of 7 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.

[21/91]

(3) A prosecution for a corrupt practice except any corrupt practice as defined in subsection (1) (d) and (e) shall not be instituted without the sanction of the Public Prosecutor.

(4) Nothing in this section shall prevent any police officer from exercising the powers conferred upon him by Chapter XIII of the Criminal Procedure Code (Cap. 68) in the case of non-seizable offences or from exercising his powers to prevent a continuance of any corrupt practice.

ELECTION AGENT, ELECTION EXPENSES AND ILLEGAL PRACTICES

Nomination of election agent

62.—(1) On or before the day of nomination at an election, a person shall be named in writing by or on behalf of each candidate as his agent for that election and the person is referred to in this Act as the election agent.

(2) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act, both as a candidate and as an election agent, and any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) On or before the day of nomination, the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the Returning Officer.

(3A) The Returning Officer shall then forthwith, by affixing a notice in a conspicuous place outside his office, give public notification of the name and address of every election agent so declared.

(4) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.

(4A) In the event of such revocation or of the death of an election agent, whether the event is before, during or after the election, another election agent shall forthwith be appointed, and his name and address declared in writing to the Returning Officer, who shall forthwith give public notice of the name and address in the manner specified in subsection (3A).

(5) A principal election agent for a group of candidates shall be appointed by the candidates from amongst their election agents and

the provisions of this section relating to the appointment and revocation of appointment of an election agent and public notification thereof shall apply, with the necessary modifications, in respect of a principal election agent.

[42/96]

Person convicted of corrupt practice not to be appointed election agent

63. No person shall be appointed election agent who has within 7 years prior to such appointment been convicted of any corrupt practice under this Act or the Presidential Elections Act (Cap. 240A).

[27/91]

Making of contracts through election agent

64.—(1) Subject to subsection (1A), the election agent of a candidate shall —

- (a) appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election;
- (b) hire every committee-room hired on behalf of the candidate; and
- (c) inform the presiding officer at each polling station in writing of the name of the polling agent or agents appointed to act at that station before the person is admitted to the station.

[42/96]

(1A) In the case of a group of candidates, either the principal election agent for the group or the election agent of any candidate in that group shall appoint every polling agent on behalf of the group of candidates at an election and shall inform the presiding officer at each polling station in writing of the name of the polling agent or agents appointed to act at that station before the person is admitted to the station.

[42/96; 18/99]

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at the election, unless made by the candidate himself or by his election agent.

(3) Any inability under this section to enforce the contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice committed by his agent.

Payment of expenses through election agent

65.—(1) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person at any time, whether before, during or after the election, in respect of any expenses incurred on account of or in respect of the conduct or management of the election otherwise than by or through the election agent of the candidate.

(1A) All money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.

(2) Subsections (1) and (1A) shall not be deemed to apply to any payment by the Returning Officer or to 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.

(3) A person who makes any payment, advance or deposit in contravention of this section or pays in contravention of this section any money so provided as aforesaid shall be guilty of an illegal practice.

Period for sending in claims and making payments for election expenses

66.—(1) Every payment made by an election agent in respect of any expenses incurred on account of or in respect of the conduct and management of an election shall, except where less than \$10 or where, from the nature of the case, such as travel by rail or postage, a receipt is not obtainable, be vouched for by a bill stating the particulars and by a receipt.

(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of the election, which is not sent in to the election agent within the time limited by this Act, shall be barred and shall not be paid.

(2A) Subject to such exception as may be allowed in pursuance of this Act, an election agent who pays a claim in contravention of subsection (2) shall be guilty of an illegal practice.

(3) Except as by this Act permitted, the time limited by this Act for sending in claims shall be 14 days after the date of publication of the result of the election in the *Gazette*.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of the election, shall be paid within the time limited by this Act and not otherwise.

(4A) Subject to such exception as may be allowed in pursuance of this Act, an election agent who makes a payment in contravention of subsection (4) shall be guilty of an illegal practice.

(5) Except as by this Act permitted, the time limited by this Act for the payment of those expenses shall be 28 days after the date of publication of the result of the election in the *Gazette*.

(6) Where it has been proved to the satisfaction of the Election Judge by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of the candidate, the election of the candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of the payment having been made in contravention of this section.

(7) If the election agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the period of 28 days, the claim shall be deemed to be a disputed claim.

(8) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of that court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act, requiring claims to be paid by the election agent.

(9) On cause shown to the satisfaction of a Judge of the High Court, the Judge, on application by the claimant or by the candidate or his election agent, may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for those expenses, although sent in after the time in this section mentioned for sending in claims, or although the claim was sent in to the candidate and not to the election agent.

(10) Any sum specified in the order of leave may be paid by the candidate or his election agent; and when paid in pursuance of that leave shall be deemed to be paid within the time limited by this Act.

Remuneration of election agent

67.—(1) So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor.

(2) If any difference arises respecting the amount of the claim, the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly.

Personal expenses of candidate and petty expenses

68.—(1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election to an amount not exceeding \$1,000, but any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to the election agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid by the candidate.

(3) The personal expenses of a candidate include his reasonable travelling expenses, and the reasonable expenses of his living at hotels or elsewhere for the purposes of the election.

(4) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expense for stationery, postage, telegrams and other petty expenses 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.

(5) A statement of the particulars of payments made by any person so authorised 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.

Expenses in excess of maximum to be illegal practice

69.—(1) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before,

during, or after an election, on account of or in respect of the conduct or management of the election, in excess of the amount determined in accordance with the Third Schedule.

(1A) There shall not be included in the amount specified in subsection (1) any expenditure incurred by the candidate for his personal expenses, nor the fee, if any, paid to the election agent not exceeding \$500.

[21/91]

(2) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

(3) The Minister may by order amend the Third Schedule; and every such order shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[21/91]

(4) Where a writ of election has been issued under section 24 for an election in any electoral division, no order under subsection (3) shall be made until after the day of nomination or, if a poll is to be taken, until after polling day of that election.

[21/91]

Certain expenditure to be illegal practice

70.—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made —

- (a) on account of the conveyance of electors or voters to or from the poll, whether for the hiring of vehicles or animals of transport of any kind whatsoever, or for railway or other fares, or otherwise; or
- (b) to or with an elector or voter on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice.

(2) Notwithstanding anything in subsection (1) —

- (a) where it is the ordinary business of an elector or voter as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with the elector or voter, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section; and

- (b) where electors or voters are unable at an election to reach their polling stations from their place of residence without crossing the sea or a branch or arm thereof or a river, means may be provided for conveying those electors or voters by sea to their polling stations, or to enable them to cross the river in order to reach their polling stations, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Act.

Use of motor vehicles at elections

71.—(1) Subject to this section, a person shall not either let, lend, employ, hire, borrow or use any motor vehicle for the purpose of conveyance of electors or voters to or from the poll.

(1A) A person knowingly acting in contravention of subsection (1) shall be guilty of an illegal practice except that a candidate shall not be liable nor shall his election be avoided for an illegal practice under this subsection committed without his consent or connivance by any person other than his election agent.

(1B) The court before whom a person is convicted under subsection (1A) may, if the court thinks it just in the circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 79.

(2) Nothing in this section shall prevent any person from employing a motor vehicle for the purpose of conveying to or from the poll himself or any member of his family.

(3) For the purposes of subsection (2), “member of his family” means a person’s spouse, parents and children.

(4) Between 8 a.m. and 8 p.m. on polling day, no person shall park a motor vehicle within 100 metres of any polling station other than a motor vehicle used for the conveyance of any sick, infirm or disabled person for such time as is reasonably necessary to enable the person to cast his vote.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(6) A police officer in uniform may, subject to subsection (7), arrest without warrant any person in charge of or driving a motor

vehicle, who has committed or is suspected of having committed an offence under this section.

(7) The power of arrest under subsection (6) shall not be exercised if either —

- (a) such person on the demand of the police officer produces his driving licence so as to enable the officer to ascertain the name and address of the holder of the licence, the date of issue and the authority by which it was issued; or
- (b) such person, not being a paid driver or the driver of a motor vehicle used for the carriage of passengers for hire or reward or for the carriage of goods, gives the officer his name and a place of address within Singapore.

(8) If the officer has reason to suspect that a name or address so ascertained or given is false, he may, notwithstanding subsection (7), exercise the power of arrest under subsection (6).

Certain employment to be illegal

72.—(1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purpose or in the capacities following:

- (a) one election agent and no more;
- (b) only one polling agent for each polling place, except that in relation to a candidate at an election in a group representation constituency, only one polling agent for the group for each polling place;
- (c) a reasonable number of clerks and messengers having regard to the area of the electoral division and the number of electors on the register of electors for the division.

[42/96]

(2) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during or after an election, the person engaging or employing him shall be guilty of an illegal practice.

Saving for creditors

73. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the

incurring of expenses in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant that they were in contravention of this Act.

Return and declaration respecting election expenses

74.—(1) Within 31 days after the date of publication of the result of an election in the *Gazette*, the election agent of every candidate at that election shall transmit to the Returning Officer a true return (referred to in this Act as the return respecting election expenses), in Form 19 in the First Schedule, containing detailed statements as respects that candidate of —

- (a) all payments made by the election agent together with all the bills and receipts referred to in section 66 (1), which bills and receipts are in this Act included in the expression “return respecting election expenses” and the dates of payment of all sums for which no receipt is attached;
- (b) the amount of personal expenses, if any, paid by the candidate;
- (c) the disputed claims so far as the election agent is aware;
- (d) all unpaid claims, if any, of which the election agent is aware in respect of which application has been made or is about to be made to an Election Judge or Judge of the High Court;
- (e) all moneys, securities and other valuable considerations received by or promised to the election agent from or by any candidate or any other person for the purpose of expenses incurred or to be incurred on account or in respect of the management of the election, naming every person from whom the sum may have been received or by whom the sum may have been promised, showing as to each sum whether it was received as contribution, loan, deposit or otherwise.

[16/93]

(2) The return respecting election expenses shall be signed by the election agent and shall be accompanied by a statement made by the candidate and his election agent which shall be respectively in Forms 20 and 21 in the First Schedule and shall be on oath before a Justice of the Peace or a commissioner for oaths.

(3) If the return and statements are not transmitted before the expiration of the time limited for the purpose, the candidate shall not

after the expiration of the time sit or vote in Parliament as a Member until either the return and statements have been transmitted or until the date of the allowance of such authorised excuse for failure to transmit them as in this Act mentioned.

(3A) If a candidate sits or votes in contravention of this Act, he shall be guilty of an offence and shall be liable on conviction to a penalty of \$500 for every day on which he so sits or votes.

(3B) Where a candidate or an election agent fails to transmit the return respecting election expenses and the statement referred to in subsection (2) before the expiration of the time limited for the purpose and in the manner required by this Act, the candidate or election agent shall not be qualified to be elected as President.

[12/91]

(4) If any candidate or election agent fails to comply with the requirements of subsection (1) or (2), he 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.

Publication of receipt of return, etc.

75.—(1) When any return respecting election expenses and the statements made in respect thereof have been received by the Returning Officer, he shall, as soon as possible, cause a notice of the date on which the return and statements in question were received by him and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and published in the *Gazette*.

(2) The Returning Officer shall —

- (a) preserve all such returns and statements with the bills and vouchers relating thereto;
- (b) at all reasonable times during 6 months next after the publication in the *Gazette* of the notice mentioned in this section shall permit any person to inspect them and to make extracts therefrom on payment of a fee of \$2; and
- (c) on payment of 30 cents for each page, supply a copy or copies of any part thereof.

(3) After the expiration of the period of 6 months mentioned in subsection (2) (b), those documents may be destroyed or returned to

the candidate if application for their return is made by the candidate before they are destroyed.

[22/84]

Employers to allow employees reasonable period for voting

76.—(1) Every employer shall, on polling day, allow to every elector in his employ a reasonable period for voting.

(1A) No employer shall make any deduction from the pay or other remuneration of any such elector or impose upon or exact from him any penalty by reason of his absence during that period.

(2) This section shall extend to the employees of the Railway except such as are actually engaged in the running of trains and to whom such time cannot be allowed without interfering with the manning of the trains; and the General Manager of Railways shall be deemed to be the employer of such employees.

(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other manner, interferes with the granting to any elector in his employ of a reasonable period for voting shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.

Badges, symbols, etc., prohibited on polling day

77.—(1) No badge, symbol, rosette, favour, set of colours, flag, advertisement, handbill, placard or poster or any replica of a voting paper shall be worn, used, carried or displayed by any person or on any motorcar, truck or other vehicle as political propaganda on polling day.

(2) The prohibition under subsection (1) shall not preclude the wearing on his person by a candidate of a badge indicating his affiliation with a political party or a replica of the symbol allotted to him or to the group of candidates to which he belongs under section 34 or 34A, as the case may be.

[10/88]

(3) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this section and take him before a Magistrate's Court to be dealt with according to law.

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

Regulations for display of posters and banners

78.—(1) The Minister may make regulations to regulate the display of posters and banners in respect of an election.

(2) Such regulations may provide for the Returning Officer to determine the number and size of posters and banners which may be displayed in any electoral division and for the determination of the places at which they may be so displayed.

(3) For the purposes of this section and any regulations made thereunder —

“banner” includes a flag, bunting, ensign or standard;

“poster” includes any label, set of colours, drawing, painting, advertisement, handbill or placard or any replica of a voting paper or of the symbol of any political party.

(4) Any person who commits an offence under such regulations shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

Punishment for conviction for illegal practice

79.—(1) Every person who commits an illegal practice shall be guilty of an offence and shall be liable on conviction by a District Court to a fine not exceeding \$300 and 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.

[12/91]

(2) A prosecution for an illegal practice shall not be instituted without the sanction of the Public Prosecutor except that nothing herein shall prevent any police officer from exercising the powers conferred upon him by Chapter XIII of the Criminal Procedure Code (Cap. 68) in the case of non-seizable offences or from exercising his powers to prevent a continuance of any illegal practice.

Prohibition of canvassing on polling day

80.—(1) No person shall on polling day —

- (a) by word, message, writing or in any other manner endeavour to persuade any person to give or dissuade any person from giving his vote at an election; or
- (b) visit an elector at his home or place of work for any purpose in connection with an election.

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

(3) Notwithstanding the provisions of the Criminal Procedure Code (Cap. 68) relating to the powers of search of any police officer, if any police officer has reasonable cause to believe that an offence is being committed under subsection (1), the police officer, by virtue of his office, shall be empowered to enter and search any premises or place for the purpose of ascertaining whether such an offence is being committed.

(4) Any police officer may arrest without warrant any person offending in his view against subsection (1) and take him as soon as practicable before a Magistrate's Court to be dealt with according to law.

(5) For the purposes of this section, any person who, on polling day, enters or is seen at more than 2 houses or places of work of electors in the same polling district other than his own home or place of work, shall, unless he proves the contrary, be presumed to have committed an offence under subsection (1) (a) and (b).

Prohibition of dissuasion from voting

81.—(1) No person shall between the day of nomination and polling day (both days being inclusive) at any election, by word, message, writing or in any other manner dissuade or attempt to dissuade any person from giving his vote at the election.

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

(3) Notwithstanding the provisions of the Criminal Procedure Code (Cap. 68) relating to the powers of search of any police officer, if any police officer has reasonable cause to believe that an offence is being committed under subsection (1), the police officer, by virtue of his office, shall be empowered to enter and search any premises or place for the purpose of ascertaining whether such an offence is being committed.

(4) Any police officer may arrest without warrant any person offending in his view against subsection (1) and take him as soon as practicable before a Magistrate's Court to be dealt with according to law.

Undue influence at or near polling station

82.—(1) No person shall —

- (a) endeavour to establish the identity of any person entering a polling station;
- (b) check the name of any person entering a polling station on any list at the approach to a polling station;
- (c) anywhere place any desk or table or establish any office or booth for the purpose of recording particulars of voters;
- (d) wait outside any polling station on polling day, except for the purpose of gaining entry to the polling station to cast his vote;
- (e) loiter in any street or public place within a radius of 200 metres of any polling station on polling day; or
- (f) open or maintain, for the purpose of any activity directed towards promoting or procuring the election of a candidate at any election, any office in any room, building or any place whatsoever, whether open or enclosed, on polling day.

(1A) Notwithstanding subsection (1), every candidate or his election agent may open or maintain in his electoral division one office for each polling district, which shall not be within a radius of 200 metres of any polling station, and the address of every such office shall be registered by the candidate or his election agent with the Returning Officer before polling day.

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

(3) Any police officer may arrest without warrant any person offending in his view against subsection (1) and take him before a Magistrate's Court to be dealt with according to law.

Persons prohibited from conducting election activity

83.—(1) No person —

- (a) attending a primary or secondary school as a student;
- (b) against whom an order of supervision has been made under section 30 (b) of the Criminal Law (Temporary Provisions) Act (Cap. 67);
- (c) who is an undischarged bankrupt; or
- (d) who is not a citizen of Singapore,

shall take part in any election activity.

(2) No person shall conduct any election activity unless he is in possession of a written authority signed by a candidate or his election agent in Form 22 or Form 23, as the case may be, in the First Schedule. Such authority shall be issued only on or after the day of nomination.

(3) Every candidate and election agent shall supply particulars in duplicate of all written authorities issued by him under subsection (2) to the Returning Officer, who shall on receipt thereof forward a copy of those particulars to the Commissioner of Police.

(4) A candidate or election agent shall, if so required by the Commissioner of Police, forthwith withdraw and deliver to the Returning Officer the written authority given by the candidate or election agent to any person who is stated by the Commissioner of Police to be a person in respect of whom an order has been made under section 30 (b) of the Criminal Law (Temporary Provisions) Act.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

(6) No candidate or election agent shall authorise any person to conduct an election activity, knowing or having reason to believe that the person is attending a primary or secondary school as a

student or that an order has been made in respect of the person under section 30 (b) of the Criminal Law (Temporary Provisions) Act (Cap. 67).

(7) Any police officer may arrest without warrant any person offending in his view against subsection (1) or (2) and take him as soon as practicable before a Magistrate's Court to be dealt with according to law.

(8) For the purposes of this section, "election activity" includes any activity which is done for the purpose of promoting or procuring the election of a candidate at any election other than clerical work wholly performed within enclosed premises.

Unlawful assembly

84. Where it is shown that the common object of an assembly of 5 or more persons is —

- (a) to interrupt or interfere with an election meeting; or
- (b) to go about in a group on polling day in a manner calculated to cause intimidation, alarm or annoyance to any elector, voter or candidate,

the assembly shall be deemed to be an unlawful assembly as defined in section 141 of the Penal Code (Cap. 224).

Offence to operate loudspeaker

85.—(1) It shall be an offence for a person to operate any loudspeaker or other instrument for the production or reproduction of any speech, sound or music in any street or public place or any premises adjoining any street or public place, so as to interfere with any election meeting or so as to cause annoyance to persons conducting or attending the meeting.

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

(3) Any police officer may arrest without warrant any person offending in his view against subsection (1) and take him as soon as practicable before a Magistrate's Court to be dealt with according to law.

**EXCUSE FOR CORRUPT AND
ILLEGAL PRACTICE****Report exonerating candidate in certain cases of corrupt and illegal practice by agents**

86. Where, upon the trial of an election petition respecting an election under this Act, the Election Judge reports that a candidate at the election has been guilty by his agents of the offence of treating or undue influence or of any illegal practice in reference to the election, and the Election Judge further reports, after giving the Public Prosecutor an opportunity of being heard, that the candidate has proved to the court —

- (a) that no corrupt or illegal practice was committed at the election by the candidate or his election agent and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or his election agent;
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at the election;
- (c) that the offences mentioned in the said report were of a trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,

then the election of the candidate shall not, by reason of the offences mentioned in the report, be void, nor shall the candidate be subject to any incapacity under this Act.

Power of election court to except innocent act from being illegal practice, etc.

87.—(1) Where, on application made, it is shown to an Election Judge or to a Judge of the High Court by such evidence as seems to the Judge sufficient —

- (a) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act, or of being a payment, engagement, employment, or

contract in contravention of this Act, or of otherwise being in contravention of any of the provisions of this Act, be but for this section an illegal practice; and

- (b) that the act or omission arose from inadvertence or from accidental miscalculations or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith,

and in the circumstances it seems to the Judge, after giving the candidates, the Returning Officer, and any elector within the electoral division an opportunity of being heard, to be just that the candidate in question and the election and other agent and person, or any of them, should not be subject to any of the consequences under this Act of that act or omission, the Judge may make an order allowing that act or omission to be an exception from the provisions of this Act which would otherwise make the act or omission an illegal practice, payment, employment or hiring.

(2) Upon the making of an order under subsection (1), the candidate, agent or person shall not be subject to any of the consequences under this Act of the act or omission mentioned in that subsection.

[16/93]

Authorised excuse for non-compliance with provisions as to return and statements respecting election expenses

88.—(1) Where the return and statements respecting election expenses of a candidate at an election have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then —

- (a) if the candidate applies to an Election Judge or a Judge of the High Court and shows that the failure to transmit the return and statements, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness or misconduct of his election agent or of any clerk or officer of the agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or
- (b) if the election agent of the candidate applies to an Election Judge or a Judge of the High Court and shows that the failure to transmit the return and statements which he was

required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness, or of the death, illness or misconduct of any prior election agent of the candidate, or of the absence, death, illness or misconduct of any clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the Judge may, after such notice of the application, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, and after giving the other candidates, the Returning Officer and any elector within the electoral division an opportunity of being heard, make such order for allowing an authorised excuse for the failure to transmit such return and statements, or for an error or false statement in such return and statements as to the Judge seems just.

[16/93]

(2) Where it appears to the Judge that any person being or having been an election agent has refused or failed to make such return or supply such particulars as will enable the candidate and his election agent, respectively, to comply with the provisions of this Act as to the return and statements respecting election expenses, the Judge shall —

- (a) before making an order allowing the excuse as in this section mentioned shall order the person to attend before the Judge; and
- (b) unless the person attends and shows cause to the contrary, order him to make the return and statements, or to deliver a statement of the particulars required to be contained in the return, as to the Judge appears just, and to make or deliver them within such time and to such person and in such manner as the Judge may direct, or may order him to be examined with respect to those particulars, and, in default of compliance with that order, the person shall be guilty of an illegal practice.

(3) The order may make the allowance conditional upon the making of the return and statements in a modified form or within an extended time, and upon the compliance with such other terms as to the Judge seems best calculated for carrying into effect the objects of this Act.

(4) An order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(5) Where it is proved by the candidate to the Judge that any act or omission of the election agent in relation to the return and statements respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing the act or omission, the Judge shall relieve the candidate from the consequences of the act or omission on the part of his election agent.

(6) The date of the order or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them is referred to in this Act as the date of the allowance of the excuse.

GROUND FOR AVOIDING ELECTIONS

Avoidance by conviction of candidate

89. The election of a candidate as a Member is avoided by his conviction for any corrupt or illegal practice.

Avoidance of election on election petition

90. The election of a candidate as a Member shall be declared to be void on an election petition on any of the following grounds which may be proved to the satisfaction of the Election Judge:

- (a) that by reason of general bribery, general treating, or general intimidation, or other misconduct, or other circumstances, whether similar to those before enumerated or not, the majority of electors were or may have been prevented from electing the candidate or group of candidates whom they preferred;
- (b) non-compliance with the provisions of this Act relating to elections, if it appears that the election was not conducted in accordance with the principles laid down in those provisions and that the non-compliance affected the result of the election;
- (c) that a corrupt practice or illegal practice was committed in connection with the election by the candidate or with his knowledge or consent or by any agent of the candidate;

- (d) that the candidate personally engaged a person as his election agent, or as a canvasser or agent, knowing that the person had, within 7 years prior to the engagement, been convicted or found guilty of a corrupt practice by a District Court or by the report of an Election Judge;
- (e) that the candidate was at the time of his election a person disqualified for election as a Member.

[10/88]

Proceedings in respect of qualification

91.—(1) Proceedings may be instituted in the High Court against any person acting or claiming to be entitled to act as an elected Member of Parliament on the ground of his being disqualified within the meaning of this section for so acting.

(2) Proceedings under subsection (1) on the ground of a person acting as aforesaid shall not be instituted after the expiration of 6 months from the date of the last occasion on which he so acted.

(3) Where in proceedings instituted under this section it is proved that the defendant has acted as an elected Member of Parliament while disqualified from so acting, then the High Court shall have power —

- (a) to make a declaration to that effect and to declare that the office in which the defendant has acted is vacant;
- (b) to grant an injunction restraining the defendant from so acting; and
- (c) to make any order which may seem fit as to the costs of the proceedings.

(4) Where in proceedings instituted under this section it is proved that the defendant claims to act as an elected Member of Parliament and is disqualified from so acting, the High Court shall have power to make a declaration to that effect and to declare that the office in which the defendant claims to be entitled to act is vacant, and to grant an injunction restraining him from so acting.

(5) No proceedings shall be instituted under this section by any person other than a person who pursuant to this Act is an elector for the electoral division for which the person against whom proceedings are to be instituted was elected.

(6) For the purposes of this section, a person shall be deemed to be disqualified for acting as an elected Member of Parliament —

- (a) if he is not qualified to be, or is disqualified from being, an elected Member of Parliament or a holder of that office; or
- (b) if by reason of resignation or failure to attend meetings of Parliament or for any other reason his seat has become vacant and he has ceased to be an elected Member of Parliament or to hold that office.

PART IV

ELECTION PETITIONS

Appointment and powers of Election Judge

92.—(1) Every election petition shall be tried by the Chief Justice or by a Judge of the Supreme Court nominated by the Chief Justice for the purpose.

(2) The Chief Justice or the Judge so nominated is referred to in this Act as the Election Judge.

(3) Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial by the High Court in the exercise of its original civil jurisdiction and shall be subject to the same penalties for the giving of false evidence.

(4) On the trial of an election petition under this Act, the Election Judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers.

(5) Any person refusing to obey the order of the Election Judge under subsection (4) shall be guilty of contempt of court.

(6) The Election Judge may examine any witness so compelled to attend or any person in court, although the witness is not called and examined by any party to the petition.

(7) After the examination of a witness by the Election Judge, the witness may be cross-examined by or on behalf of the petitioner and the respondent, or either of them.

(8) The Election Judge shall be attended on the trial of an election petition in the same manner as if he were a Judge of the High Court.

(9) Unless otherwise ordered by the Chief Justice, all interlocutory matters in connection with an election petition may be dealt with and decided by any Judge of the High Court.

[16/93]

Who may present petition

93. An election petition may be presented to the Supreme Court by any one or more of the following persons:

- (a) some person who voted or had a right to vote at the election to which the petition relates;
- (b) some person claiming to have had a right to be returned or elected at the election;
- (c) some person alleging himself to have been a candidate at the election.

Relief which may be claimed

94. All or any of the following relief to which the petitioner may be entitled may be claimed in an election petition:

- (a) a declaration that the election is void;
- (b) a declaration that the return of the person elected was undue;
- (c) a declaration that any candidate was duly elected and ought to have been returned;
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he or the group of candidates to which he belongs had a majority of lawful votes, a scrutiny.

[10/88]

Certificate of Election Judge as to validity of election

95.—(1) At the conclusion of the trial of an election petition, the Election Judge shall determine whether the Member whose return or election is complained of, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the President.

(2) Upon the certificate being given under subsection (1), the determination shall be final; and the return shall be confirmed or altered, or the President shall within one month of the determination, by notice in the *Gazette*, order the holding of an election in the

electoral division concerned, as the case may require, in accordance with the certificate.

[10/88]

(3) Where the election of any Member for a group representation constituency is determined by the Election Judge under subsection (1) to be void, the election of the other Members for that constituency shall be deemed to be void.

[10/88; 9/91]

Report of Election Judge as to corrupt or illegal practice

96.—(1) At the conclusion of the trial of an election petition, the Election Judge shall also report in writing to the President —

- (a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, or by his agent, and the nature of the corrupt or illegal practice (if any); and
- (b) the names and descriptions of all persons (if any) who have been proved at the trial to have been guilty of any corrupt or illegal practice.

(2) Before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an Election Judge under this section, the Election Judge shall give the person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

(3) When the Election Judge reports that a corrupt or illegal practice has been committed by any person, that person shall be subject to the same incapacities as if at the date of the report he had been convicted of that practice.

(4) A person shall be subject to the same incapacities if he was a candidate at the election and the Election Judge reports that the corrupt or illegal practice was committed with his knowledge and consent or by his agent.

(5) The President shall cause a copy of such report to be published in the *Gazette*, and it shall be the duty of the Registration Officer forthwith to peruse the report and forthwith to delete from the registers of electors the name of every person appearing from the report to be incapable of voting at an election.

Time for presentation

97.—(1) Subject to this section, every election petition shall be presented within 21 days of the date of publication of the result of the election in the *Gazette*.

(2) An election petition questioning the return or the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since the date referred to in subsection (1) by the Member whose election is questioned or by an agent of the Member or with the privity of the Member or his election agent in pursuance or in furtherance of the corrupt practice may, so far as respects that corrupt practice, be presented at any time within 28 days after the date of the payment or act.

(3) An election petition questioning the return or the election upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented within the following time:

(a) at any time before the expiration of 14 days after the date of the publication in the *Gazette* of the notice required by section 75 as to the election expenses of the Member whose election is questioned; or

(b) if the election petition specifically alleges a payment of money or other act to have been made or done since that date by the Member whose election is questioned or by an agent of the Member or with the privity of the Member or of his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within 28 days after the date of the payment or other act.

(4) An election petition presented in due time may, for the purpose of questioning the return or the election upon an allegation of a corrupt or illegal practice, be amended with the leave of a Judge of the High Court within the time within which an election petition questioning the return or the election upon that ground may be presented.

[16/93]

(5) For the purposes of this section, where there is an authorised excuse for failing to make and transmit the return and statements respecting election expenses, the date of the allowance of the excuse or, if there was a failure in 2 or more particulars and the excuse was

allowed at different times, the date of the allowance of the last excuse, shall be substituted for the date of the publication in the *Gazette* of the notice mentioned in subsection (3).

Prohibition of disclosure of vote

98. No elector who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted.

Votes to be struck off at a scrutiny

99.—(1) On a scrutiny at the trial of an election petition, the following votes only shall be struck off:

- (a) the vote of any person whose name was not on the register of electors assigned to the polling station at which the vote was recorded or who has not been authorised to vote at the station under section 39;
- (b) the vote of any person whose vote was procured by bribery, treating or undue influence;
- (c) the vote of any person who committed or procured the commission of personation at the election;
- (d) where the election was a general election, the vote of any person proved to have voted at the general election in more than one electoral division;
- (e) the vote of any person, who, by reason of a conviction of a corrupt or illegal practice or by reason of the report of an Election Judge, or by reason of his conviction of an offence under section 55, was incapable of voting at the election;
- (f) votes given for a disqualified candidate or group of candidates by a voter knowing that the candidate, or any candidate in that group, as the case may be, was disqualified or the facts causing the disqualification, or after sufficient public notice of the disqualification, or when the disqualification or the facts causing it were notorious.

[10/88]

(2) The vote of a registered elector shall not, except in the case specified in subsection (1) (e), be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered on the register of electors.

(3) On a scrutiny, any tendered vote proved to be a valid vote shall, on the application of any party to the petition, be added to the poll.

[10/88]

Procedure and practice on election petitions

100.—(1) The procedure and practice on election petitions shall be regulated by rules which may be made by the Rules Committee constituted and appointed under section 80 of the Supreme Court of Judicature Act (Cap. 322).

(2) The Rules contained in the Fourth Schedule shall be deemed to have been made under the powers conferred by subsection (1).

[21/91]

Rejection of ballot paper by Returning Officer not to be questioned

101. On an election petition, the decision of a Returning Officer whether or not a ballot paper shall be rejected under section 50 shall not be questioned.

PART V

GENERAL

Minister may make regulations

102. The Minister may make regulations prescribing anything that is to be prescribed under the provisions of this Act and generally for the purposes of giving effect to the provisions of this Act.

Inaccurate description of places and persons

103. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document prepared or issued under or for the purposes of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in such register, notice or document as to be identifiable.

Publication of notices, etc.

104.—(1) Where any notice is required by this Act to be published and, in the opinion of the authority who is required to publish the notice, the prescribed mode of publication does not give sufficient publicity to the notice, he may, in addition to publishing the notice as

required by this Act, exhibit copies of the notice in conspicuous places within the electoral division to which the notice relates or take such other steps as he may consider necessary for giving publicity thereto.

(2) Every person who, without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited by any authority under subsection (1) or any document which is made available for inspection in accordance with this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50.

Names of candidates

105.—(1) Before 12.30 p.m. on the day of nomination, any candidate may, by writing under his hand, indicate to the Returning Officer which of his names mentioned in the nomination paper he desires should be omitted and which should be specified by initial only.

(2) For the purposes of the election, the names which the candidate desires to omit may be omitted and an initial may be used in place of those names which he desires should be specified by initial.

Use of schools as polling stations

106.—(1) The Returning Officer may use, free of charge, as a polling station, any school or portion thereof for the purposes of any election.

(2) The Returning Officer shall make good any damage done to, and defray any expenses incurred by the persons having control over, any school or portion thereof by reason of its being used as a polling station.

Forms

107. The forms in the First Schedule or forms substantially to the like effect, shall be sufficient in law, and may be varied, or other forms prescribed, by the Minister as circumstances require.

FIRST SCHEDULE

FORM 1

Section 24 (2)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

WRIT OF ELECTION

By
President of the Republic of Singapore

President

To: THE RETURNING OFFICER
ALL ELECTORAL DIVISIONS

Whereas by section 24 (1) of the Parliamentary Elections Act, it is provided that for the purposes of every general election of Members of Parliament, and for the purposes of the election of Members to supply vacancies caused by death, resignation or otherwise, the President shall issue writs under the public seal, addressed to the Returning Officer:

*And Whereas I think it is expedient that writs should be issued for the election of Members to serve in Parliament:

†And Whereas the seat of the Elected Member for the Electoral Division of _____ has become vacant.

‡And Whereas the seats of the Elected Members for the Electoral Division of _____ have become vacant.

Now, therefore, I, _____, the President, do hereby require that you, after giving notice of the time and place or places fixed for the nomination of candidates, cause election or elections to be made according to law for the Electoral Divisions specified in the Schedule to this Writ and that, if necessary, you do cause a poll or polls to be taken on the date required to be notified under section 34 (6) (b) or 34A (6) (b), as the case may be, of the Parliamentary Elections Act.

The places of nomination for the Electoral Divisions are given in the Schedule to this Writ.

Given under my hand and the seal of the
Republic of Singapore this _____ day of _____



President.

*to be included in a writ for a general election.

†to be included in a writ for a by-election.

‡to be included in a writ for a by-election in a group representation constituency.

FIRST SCHEDULE — *continued*

<i>Places of Nomination</i> <i>(Nomination Centres)</i>	<i>Electoral Division or Divisions</i>
<i>(set out nomination centres)</i>	<i>(set out Electoral Divisions)</i>

FIRST SCHEDULE — *continued*

FORM 2

Section 9 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

Electoral Division of

BOUNDARIES OF POLLING DISTRICTS

TAKE NOTICE that the Polling Districts and distinguishing letters thereof are as follows:

Name and Distinguishing Letters of Electoral Division	POLLING DISTRICT	
	Distinguishing Letters and Numbers	Boundaries

.....
Registration Officer.

Date

FIRST SCHEDULE — *continued*

FORM 3

Section 11 (2)

**PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)**

**FORM OF CLAIM BY PERSON WHOSE NAME HAS BEEN
OMITTED OR EXPUNGED FROM THE REGISTER**

To: THE REGISTRATION OFFICER
Elections Department

Electoral Division of
.....

I PARTICULARS OF CLAIMANT AS SHOWN IN IDENTITY CARD												Telephone (Home)	For Official Use Registration No.	
NRIC No.						Sex	Date of Birth					Telephone (Office)		
Name (in block letters and underline surname)														
Address												Postal Code	Date of Report on Change of Address	

I, the abovenamed person, hereby certify that to the best of my knowledge and belief the above information given by me is true and I hereby apply to have my name inserted/retained in the Register of Electors on the following grounds:

.....
Date

.....
(Signature or thumb mark of Claimant)

II ACTION BY INSPECTION CENTRE CLERK:

The ground of claim is (please tick below)

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Name omitted from Register of Electors |
| <input type="checkbox"/> | Change of address |
| <input type="checkbox"/> | Change of name |
| <input type="checkbox"/> | Other ground |

.....
Date

.....
Name (in block letters)

.....
Signature

III ACTION BY ELECTIONS DEPARTMENT

ARO'S COMMENTS	TYPE OF DECISIONS	ARO'S DECISION	
		INITIAL	DATE
	Change of Address		
	Change of Particulars	Name	
		Sex	
	Restored Voter		
	New Voter		
	No Action		
	Disallowed		

REMARKS

FIRST SCHEDULE — *continued*

FORM 4

Section 11 (5)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

FORM OF OBJECTION

To: THE REGISTRATION OFFICER
Elections Department

Electoral Division of

.....
.....

PARTICULARS OF PERSON MAKING OBJECTION

Name (<i>in block letters</i>)	NRIC No.								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>								
Address (<i>as shown in NRIC</i>)	Polling District								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>								
	Serial No.								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>								

I, the abovenamed person, hereby declare that my name appears in the Register of Electors and that I wish to object to the name of the person mentioned and described below being included in the Register of Electors for the abovementioned Electoral Division. The grounds of my objection are specified below.

PARTICULARS AS APPEAR IN THE REGISTER OF ELECTORS OF PERSON OBJECTED TO				Grounds of Objection					
Polling District	Name	Address							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>									
Serial No.									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; height: 20px;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>									

Dated this day of

.....
Signature or thumb mark of Objector.

Signed or marked by the abovenamed objector in my presence,

.....
Signature of Witness.

.....
Name of Witness.

.....
Address of Witness.

FIRST SCHEDULE — *continued*

FORM 5

Section 11 (6)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

FORM OF OBJECTION AGAINST CLAIMANT

To: THE REGISTRATION OFFICER
Elections Department

Electoral Division of

.....

.....

PARTICULARS OF PERSON MAKING OBJECTION

Name (*in block letters*)

NRIC No.

Address (*as shown in NRIC*)

Polling District

Serial No.

I, the abovenamed person, hereby declare that my name appears in the Register of Electors and that I wish to object to the name of the claimant mentioned and described below being entered/retained in the Register of Electors for the abovementioned Electoral Division. The grounds of my objection are specified below.

PARTICULARS AS APPEAR IN THE CLAIMANTS
LIST OF PERSON OBJECTED TO

Grounds of
Objection

Name of Claimant
Objected to

Address

Dated this day of

.....
Signature or thumb mark of Objector.

Signed or marked by the abovenamed objector in my presence,

.....
Signature of Witness.

.....
Name of Witness.

.....
Address of Witness.

FIRST SCHEDULE — *continued*

FORM 6

Section 11 (8A)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

NOTICE TO PERSONS OBJECTED TO

TAKE NOTICE that I have received objections to the inclusion of your name and address in the proposed list of electors for Polling District No. of the Electoral Division of and that a public inquiry will take place on the day of between the hours of and

AND FURTHER TAKE NOTICE that unless you appear before me and show cause why your name (should not be deleted from) (should be included in) the list of electors, your name (may be deleted therefrom) (may not be included therein).

The grounds of objections are

.....
Registration Officer.

Date

(Reverse side of Form)

(FORM 6)

(Frank)

TO BE SEND TO ALL PERSONS OBJECTED TO

.....

.....

(Name and address)

FIRST SCHEDULE — *continued*

FORM 7

Section 13 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)**CERTIFICATE OF REGISTRATION OFFICER**

I,, Registration Officer, certify that this is
the Register of Electors for the Electoral Division of
.....

Dated this day of

.....
Registration Officer.

FIRST SCHEDULE — *continued*

FORM 8

Section 25

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

**NOTICE OF ELECTION FOR *ALL ELECTORAL DIVISIONS/
THE ELECTORAL DIVISION OF**

The President having issued his Writ for the election of *a Member/ Members of Parliament for *all Electoral Divisions/the Electoral Division of , the Returning Officer will on the day of , between 11 a.m. and 12 noon at the places of nomination specified in the Schedule to the Writ for *each Electoral Division/the Electoral Division, proceed to the nomination and, if there is no opposition, to the election of a Member or Members of Parliament for *the respective Electoral Divisions/the Electoral Division.

Forms of nomination papers may be obtained at the office of the Returning Officer between the hours of a.m./p.m. and a.m./p.m. daily except on Saturday when the office will be closed at p.m. (Sunday excepted).

Every nomination paper of any candidate or group of candidates must be signed by any 6 or more electors qualified to vote in the Electoral Division in which the candidate or group of candidates seek election, and must be handed to the Returning Officer between 11 a.m. and 12 noon at the place of nomination specified in the Schedule to the Writ for that Electoral Division.

No nomination paper shall be valid or acted upon by the Returning Officer unless it is accompanied by —

- (a) the consent in writing of the person or persons therein nominated;
- (b) for each candidate, a deposit of the sum of \$ in cash, or a bank draft or a certified cheque for the amount;
- (c) a statutory declaration under section 27 (3) or 27B (3) (a), as the case may be, of the Parliamentary Elections Act; and
- (d) if the Electoral Division is a group representation constituency, the certificate required to be delivered by any candidate in a group under section 27B (3) (b) of the Parliamentary Elections Act.

The office of the Returning Officer is situate at

.....
Date

.....
Returning Officer.

*Delete whichever is inapplicable.

FIRST SCHEDULE — continued**FORM 9**

Section 27 (2)

**PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)****NOMINATION PAPER**

PARTICULARS OF NOMINEE					
1 NAME (in block letters)					
2 NRIC NUMBER					3 OCCUPATION
4 DISTINGUISHING LETTERS AND SERIAL NUMBER OF ELECTOR SHOWN IN THE REGISTER OF ELECTORS	LETTERS				
	SERIAL NUMBER				
PARTICULARS OF PROPOSER AND SECONDER					
We, the undersigned electors at the Electoral Division of..... do hereby nominate the abovenamed person as a fit and proper person to serve as a Member of Parliament for the said Electoral Division and we certify to the best of our belief he is qualified to be elected as a Member of Parliament.					
	NAME		SIGNATURE		Distinguishing Letters and Serial Numbers of Electors shown in the Register of Electors
					LETTERS SERIAL NUMBER
PROPOSER					
SECONDER					
PARTICULARS OF ASSENTORS					
We, the undersigned electors of the said Electoral Division, hereby assent to the foregoing nomination.					
ASSENTORS	NAME		SIGNATURE		Distinguishing Letters and Serial Numbers of Electors shown in the Register of Electors
					LETTERS SERIAL NUMBER
	1				
	2				
	3				
	4				
	5				
	6				

I, the abovenamed nominee, nominated in the foregoing nomination paper hereby consent to such nomination as
candidate for election as a Member of Parliament for the Electoral Division of and
name the address below as my address for serving of process and papers under the Parliamentary Elections Act:

ADDRESS:

..... Singapore

Dated this day of

.....
Signature of Nominee.

Signed by the said Nominee in the presence of:

.....
Signature of Witness.

.....
Name (in block letters).

.....
NRIC No.

FIRST SCHEDULE — continued

FORM 9A

Section 27B (2)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

NOMINATION PAPER**(Where the Electoral Division is a group representation constituency)**

PARTICULARS OF NOMINEES				
*1	1 NAME (in block letters)		Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
	2 NRIC NUMBER <div style="border: 1px solid black; width: 100px; height: 1.2em; margin: 2px 0;"></div>	3 OCCUPATION	LETTERS	SERIAL NUMBER
*2	1 NAME (in block letters)		Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
	2 NRIC NUMBER <div style="border: 1px solid black; width: 100px; height: 1.2em; margin: 2px 0;"></div>	3 OCCUPATION	LETTERS	SERIAL NUMBER
*3	1 NAME (in block letters)		Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
	2 NRIC NUMBER <div style="border: 1px solid black; width: 100px; height: 1.2em; margin: 2px 0;"></div>	3 OCCUPATION	LETTERS	SERIAL NUMBER
*4	1 NAME (in block letters)		Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
	2 NRIC NUMBER <div style="border: 1px solid black; width: 100px; height: 1.2em; margin: 2px 0;"></div>	3 OCCUPATION	LETTERS	SERIAL NUMBER
*5	1 NAME (in block letters)		Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
	2 NRIC NUMBER <div style="border: 1px solid black; width: 100px; height: 1.2em; margin: 2px 0;"></div>	3 OCCUPATION	LETTERS	SERIAL NUMBER
*6	1 NAME (in block letters)		Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
	2 NRIC NUMBER <div style="border: 1px solid black; width: 100px; height: 1.2em; margin: 2px 0;"></div>	3 OCCUPATION	LETTERS	SERIAL NUMBER
PARTICULARS OF PROPOSER AND SECONDER				
We, the undersigned electors at the Electoral Division of do hereby nominate the abovenamed persons as fit and proper persons to serve as Members of Parliament for the said Electoral Division and we certify to the best of our belief they are qualified to be elected as Members of Parliament.				
<div style="background-color: #cccccc; width: 100px; height: 40px;"></div>	NAME	SIGNATURE	Distinguishing Letters and Serial Numbers of Electors shown in the Register of Electors	
			LETTERS	SERIAL NUMBER
PROPOSER				
SECONDER				

FIRST SCHEDULE — continued**FORM 9A — continued**

PARTICULARS OF ASSENTORS					
We, the undersigned electors of the said Electoral Division, hereby assent to the foregoing nomination.					
ASSENTORS		NAME	SIGNATURE	Distinguishing Letters and Serial Numbers of Electors shown in the Register of Electors	
				LETTERS	SERIAL NUMBER
	1				
	2				
	3				
	4				
	5				
	6				

We, the abovenamed nominees, nominated in the foregoing nomination paper hereby consent to such nomination as candidates for election as Members of Parliament for the Electoral Division of and name the address below as our address for serving of process and papers under the Parliamentary Elections Act:

ADDRESS:

..... Singapore

Dated this day of

.....
Signature of Nominee.

.....
Signature of Nominee.

.....
Signature of Nominee.

.....
Signature of Nominee.

.....
Signature of Nominee.

.....
Signature of Nominee.

Signed by the said Nominees in the presence of:

.....
Signature of Witness.

.....
Name (in block letters).

.....
NRIC No.

Note: *To complete according to the number required for the particular Group Representation Constituency

FIRST SCHEDULE — *continued*

FORM 10

Section 27 (3) or 27B (3) (a)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

**STATUTORY DECLARATION OF A PERSON NOMINATED
AS A CANDIDATE FOR ELECTION AS A MEMBER OF PARLIAMENT**

PARTICULARS OF PERSON NOMINATED AS A CANDIDATE

Name (in block letters)

NRIC No.

I, the abovenamed person, nominated as a candidate for election as a Member of Parliament for the Electoral Division of do solemnly and sincerely declare that —

(a) I am duly qualified to be elected a Member of Parliament for the said Electoral Division; and

*(b) I stand for (state the name of the political party, if any),

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

.....
*Signature of Person Nominated
as a Candidate.*

Made and subscribed, this day of
before me at

.....
*Signature of Justice of the Peace/
Commissioner for Oaths.*

.....
Name (in block letters).

*Applicable only if the electoral division is a group representation constituency.

FIRST SCHEDULE — *continued*

FORM 11

Sections 34 (6) and 34A (6)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

NOTICE OF CONTESTED ELECTION

The Electoral Division of

NOTICE is hereby given to the electors of the Electoral Division aforesaid that a Poll has been granted for the election now pending for the said Electoral Division and that such Poll will be opened on the _____ day of _____ at 8 a.m. and kept open till 8 p.m. in the following Polling Stations established in the said Electoral Division:

POLLING STATIONS

POLLING DISTRICTS

And that the candidates in the above Electoral Division are as follows:

Candidate	Symbol	Proposer	Seconder

of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at Singapore this day of

.....
Returning Officer.

FIRST SCHEDULE — *continued*

FORM 12

Section 40 (3A)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

FORM OF FRONT OF BALLOT PAPER

Counterfoil
No.

Note: The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

Printed by the Government Printer,
Singapore.

AHMAT BIN IBRAHIM	●	
JANSZ HECTOR	●	
LIM AH LAM	●	
MURUGESU M.	●	
TAN SONG HOCK	●	

•Here print symbol allotted to the candidates.

FORM OF FRONT OF BALLOT PAPER

(Where the Electoral Division is a Group Representation Constituency in which elections are held on the basis of a group of 3 candidates)

Counterfoil
No.

Note: The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

Printed by the Government Printer,
Singapore.

AHMAD BIN IBRAHIM JANSZ HECTOR LIM AH LAM	●	
D'SILVA ANDREW MURUGESU M. ZAINI BIN AHMAD	●	
NG AH LIM NOR BIN SALLEH TAN SONG HOCK	●	

•Here print symbol allotted to the candidates.

FIRST SCHEDULE — *continued*

FORM 12 — *continued*

FORM OF FRONT OF BALLOT PAPER

(Where the Electoral Division is a Group Representation Constituency in which elections are held on the basis of a group of 4 candidates)

Counterfoil
No.

Note: The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

Printed by the Government Printer,
Singapore.

AHMAD BIN IBRAHIM JANSZ HECTOR LIM AH LAM ZAINI BIN RAHIM	•	
D'SILVA ANDREW MURUGESU M. SALLEH BIN AHMAD WE HOCK LIM	•	
NG AH LIM NOR BIN SALLEH SONG LIM HOCK ZAINI BIN AHMAD	•	

•Here print symbol allotted to the candidates.

FORM OF FRONT OF BALLOT PAPER

(Where the Electoral Division is a Group Representation Constituency in which elections are held on the basis of a group of 5 candidates)

Counterfoil
No.

Note: The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

Printed by the Government Printer,
Singapore.

AHMAD BIN IBRAHIM CHAI HOU NAM JANSZ HECTOR LIM AH LAM ZAINI BIN RAHIM	•	
D'SILVA ANDREW MURUGESU M. NEO AH LECK SALLEH BIN AHMAD WE HOCK LIM	•	
DANIEL JOSEPH NG AH LIM NOR BIN SALLEH SONG LIM HOCK ZAINI BIN AHMAD	•	

•Here print symbol allotted to the candidates.

FIRST SCHEDULE — continued

FORM 12 — continued

FORM OF FRONT OF BALLOT PAPER

(Where the Electoral Division is a Group Representation Constituency in which elections are held on the basis of a group of 6 candidates)

Counterfoil
No.

*Note: The Counterfoil
is to have a number to
correspond with that on
the back of the ballot
paper.*



Printed by the Government Printer,
Singapore.

AHMAD BIN IBRAHIM CHAI HOU NAM JANSZ HECTOR LIM AH LAM POH SEE LIM ZAINI BIN RAHIM	•	
D'SILVA ANDREW ER SEE KIAT MURUGESU M. NEO AH LECK SALLEH BIN AHMAD WE HOCK LIM	•	
DANIEL JOSEPH NG AH LIM NOR BIN SALLEH QUEK AH SIN SONG LIM HOCK ZAINI BIN AHMAD	•	

•Here print symbol allotted to the candidates.

FIRST SCHEDULE — continued

FORM 13Section 44 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

DECLARATION

PARTICULARS OF DECLARANT									
Name (in block letters)	NRIC No.								
	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>								
Address (as shown in NRIC)	Distinguishing Letters and Serial Number of Elector shown in the Register of Electors								
	<table><tr><td>Letters</td><td>Serial No.</td></tr><tr><td></td><td></td></tr></table>	Letters	Serial No.						
	Letters	Serial No.							

I, the abovenamed person, hereby declare that I am the same person whose name appears as
in the Register of Electors now in force for the Electoral Division of
.....

.....
Signature or thumb mark of Voter.

Declared before me, this day of

.....
Signature of Presiding Officer.

.....
Name and No. of Polling Place.

FIRST SCHEDULE — *continued*

FORM 14

Section 44 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

DECLARATION BY VOTER**PARTICULARS OF DECLARANT**

Name (in block letters)	NRIC No.	
	□	□
Address (as shown in NRIC)	Distinguishing Letters and Serial Number of Elector shown in the Register of Electors	
	Letters	Serial No.

I, the abovenamed person, hereby declare that I have not already voted either here or elsewhere at this election.

.....
Signature or thumb mark of Voter.

Declared before me, this day of

.....
Signature of Presiding Officer.

.....
Name and No. of Polling Place.

FIRST SCHEDULE — continued

FORM 15Section 44 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

DECLARATION BY VOTER
(When the election is a General Election)

PARTICULARS OF DECLARANT									
Name (in block letters)	NRIC No.								
	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>								
Address (as shown in NRIC)	Distinguishing Letters and Serial Number of Elector shown in the Register of Electors								
	<table><tr><td>Letters</td><td>Serial No.</td></tr><tr><td></td><td></td></tr></table>	Letters	Serial No.						
	Letters	Serial No.							

I, the abovenamed person, hereby declare that I am the same person whose name appears as
in the Register of Electors now in force for the Electoral Division of
and that I have not already voted either here or elsewhere at this election.

.....
Signature or thumb mark of Voter.

Declared before me, this day of

.....
Signature of Presiding Officer.

.....
Name and No. of Polling Place.

FIRST SCHEDULE — *continued*

FORM 16

Section 46

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

OATH OF IDENTITY

PARTICULARS OF DECLARANT

Name (in block letters)	NRIC No.								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> <td style="width: 25px; height: 20px;"></td> </tr> </table>								
Address (as shown in NRIC)	Distinguishing Letters and Serial Number of Elector shown in the Register of Electors								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Letters</td> <td style="width: 50%; padding: 5px;">Serial No.</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>	Letters	Serial No.						
Letters	Serial No.								

I, the abovenamed person, swear that I am the same person whose name appears as
in the Register of Electors now in force for the Electoral Division of
.....

.....
Signature or thumb mark of Voter.

Sworn before me, this day of

.....
Signature of Presiding Officer.

.....
Name and No. of Polling Place.

FIRST SCHEDULE — *continued*

FORM 17

Section 51

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

ELECTORAL DIVISION OF			
Number of Ballot Papers Issued			
Number of Ballot Papers cast for			
Name of Candidate	Party	Number of Ballot Papers	
Total Number of Ballot Papers Cast for the above Candidates			
Number of *Rejected Ballot Papers			
Total Number of Ballot Papers found in the box			
Number of Unused Ballot Papers undetached from the books			
Number of †Spoilt Ballot Papers			
TOTAL			

*A Rejected Ballot Paper means a ballot paper which has been handed by the presiding officer to an elector to cast his vote but which, at the close of the poll, has been found in the ballot box unmarked or so improperly marked it cannot be counted.

†A Spoilt Ballot Paper means a ballot paper which, on polling day, has not been deposited in the ballot box, but has been found by the presiding officer to be spoilt or improperly printed or which has been handed by the presiding officer to an elector to cast his vote, and (a) has been spoilt in marking by the elector, and (b) has been handed back to the presiding officer and exchanged for another.

Total Number of Electors in the Register of Electors used at the Poll	
---	--

I hereby certify that the above statement is correct.

Dated this day of

.....
Signature of Returning Officer.

FIRST SCHEDULE — *continued*

FORM 18

Section 56 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)**FORM OF OATH OF SECRECY**RETURNING OFFICER
Elections Department

Electoral Division of

.....

.....

PARTICULARS OF PERSON TAKING THE OATH

Name (*in block letters*)

NRIC No.

Address (*as shown in NRIC*)

I, the abovenamed person, swear that I will not at this election in the abovementioned Electoral Division do anything forbidden by section 56 of the Parliamentary Elections Act which has been read to me.

.....
Signature of Person taking the Oath.

Sworn before me, this day of

.....
*Signature of Justice of the Peace/
Commissioner for Oaths.*

.....
Name (in block letters).

Note: Section 56 of the Parliamentary Elections Act (printed overleaf) must be read to the person taking the Oath. No stamp fee is required.

FIRST SCHEDULE — *continued*

56.—(1) Every officer, clerk, interpreter, candidate and agent authorised to attend at a polling station, or at the counting of the votes, shall, before so attending, make an oath of secrecy, substantially in the Form 18 in the First Schedule.

(2) The Returning Officer shall have power to administer any oaths required to be taken under subsection (1).

(3) Subject to subsection (3A), every officer, clerk, interpreter, candidate and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in the station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark.

(3A) The total number of voters who have voted at any station at any time before the poll is closed may, in the discretion of the presiding officer, be divulged to the candidate or his agent authorised to attend at the polling station.

(4) No such officer, clerk, interpreter, candidate or agent, and no person shall —

- (a) attempt to obtain in the polling station information as to the candidate or group of candidates, for whom any voter in the station is about to vote or has voted; or
- (b) communicate at any time to any person any information obtained in a polling station as to the candidate or group of candidates, for whom any voter in the station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at the station.

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not —

- (a) attempt to ascertain at the counting the number on the back of any ballot paper; or
- (b) communicate any information obtained at the counting as to the candidate or group of candidates, for whom any vote is given by any particular ballot paper.

(6) No person, except a presiding officer acting for a purpose authorised by this Act or a person authorised by the presiding officer and acting for that purpose, shall communicate or attempt to communicate with any voter after the voter has received a ballot paper and before he has placed it in a ballot box.

(7) Every person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months.

FIRST SCHEDULE — *continued*

FORM 19

Section 74 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

RETURN OF ELECTION EXPENSES

1. RECEIPTS

On this page set out the name and description of every person (including the candidate), club, society or association from whom any money, security or valuable consideration was received in respect of expenses incurred on account of or in connection with or incidental to the election, and the amount received from each such person, club, society or association separately, and show each such amount in the appropriate column headed "Contribution" or "Loan"

No.	Name of person, political party, club, society or association from whom a contribution or loan was received (State <u>NRIC No.</u> wherever applicable)	Contribution		Loan		Total	
		\$	c.	\$	c.	\$	c.
Total:							

2. EXPENDITURE

Here set out the name (and NRIC number where applicable) of every person, firm and/or company to whom payment was made and the amount paid separately to each person, firm and/or company in respect of the items of expenditure shown below. Every payment should be vouched for by a bill stating the particulars and by a receipt or payment voucher except as provided by section 66 of the Parliamentary Elections Act. In the case of any item where no expenditure was incurred, the word 'Nil' should be inserted against it. All payment vouchers must be duly dated/ approved and signed by the recipients. Where payment is made by cheque, the cheque number and the amount paid by cheque should be indicated under the appropriate item of expenditure.

[illegible]

FIRST SCHEDULE — *continued*

FORM 19 — *continued*

EXPENDITURE					
2.2 PAYMENT OF EXPENSES THROUGH ELECTION AGENT IN RESPECT OF THE CONDUCT OR MANAGEMENT OF ELECTIONS		\$	c.	\$	c.
	Receipt/Payment Voucher/ Cheque No.				
(i) Remuneration of Election Agent, Clerks,					
Polling Agents or Messengers					
(ii) Printing					
(iii) Transport					
EXPENDITURE					

FIRST SCHEDULE — *continued*

FORM 19 — *continued*[illegible]

FIRST SCHEDULE — *continued*

FORM 20

Section 74 (2)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

Affix or impress revenue stamp here

STATEMENT ON OATH BY CANDIDATE**PARTICULARS OF CANDIDATE**

Name (<i>in block letters</i>)	NRIC No.							
Address (<i>as shown in NRIC</i>)	Contact Telephone/Pager/Fax No:							

I, the abovenamed person, a candidate for election in the Electoral Division of,
, hereby solemnly affirm (or swear) that the
 accompanying return of election expenses in respect of my candidature is true to the best of my
 knowledge and belief, and that, except the expenses therein set forth, no expenses of any nature
 whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

.....
Signature of Candidate.

Solemnly affirmed (or sworn to) before me, this day of

.....
*Signature of Justice of the Peace/
 Commissioner for Oaths.*

.....
Name (in block letters).

FIRST SCHEDULE — *continued*

FORM 21

Section 74 (2)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

Affix or
impress
revenue
stamp
here

STATEMENT ON OATH BY AN ELECTION AGENT

PARTICULARS OF ELECTION AGENT

Name (*in block letters*)

NRIC No.

--	--	--	--	--	--	--	--

Address (*as shown in NRIC*)

Contact Telephone/Pager/Fax No:

I, the abovenamed person, duly appointed election agent of,
....., a candidate for election in the Electoral Division of
....., hereby solemnly affirm (or swear) that the
accompanying return of election expenses in respect of the said candidate is true to the best of my belief,
and that, except the expenses therein set forth, no expenses of any nature whatsoever have to my
knowledge or belief been incurred in, or for the purpose of, the said candidate.

.....
Signature of Election Agent.

Solemnly affirmed (or sworn to) before me, this day of

.....
*Signature of Justice of the Peace/
Commissioner for Oaths.*

.....
Name (in block letters).

FIRST SCHEDULE — *continued*

FORM 22

Section 83 (2)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

AUTHORITY TO CONDUCT ELECTION ACTIVITY

To:

RETURNING OFFICER
Elections Department

From:

.....
(Name of Candidate)

.....
(Contesting Electoral Division)

.....
(Address)

.....
(Political Party)

I, the abovenamed candidate for election in the Electoral Division of
....., do hereby authorise the undermentioned
person to conduct election activities on my behalf.

2. To the best of my knowledge and belief the undermentioned person is not
prohibited under section 83 of the Parliamentary Elections Act to conduct any
election activity.

Name (*in block letters*)

NRIC No.

--	--	--	--	--	--	--	--	--

Address (*as shown in NRIC*)

.....
Date.

.....
Signature of Candidate.

FIRST SCHEDULE — *continued*

FORM 23

Section 83 (2)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

AUTHORITY TO CONDUCT ELECTION ACTIVITY

To:	From:
RETURNING OFFICER
Elections Department	(Name of Election Agent)

	(Contesting Electoral Division)

	(Address)

	(Political Party)

I, being the election agent of
(Name of Candidate)
a candidate for election in the abovementioned Electoral Division, hereby
authorise the undermentioned person to conduct election activities on behalf of
the said candidate.

2. To the best of my knowledge and belief the undermentioned person is
not prohibited under section 83 of the Parliamentary Elections Act to conduct
any election activity.

Name (in block letters)	NRIC No.									
	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>									

Address (as shown in NRIC)

.....

.....
Date.

.....
Signature of Election Agent.

SECOND SCHEDULE

Section 42 (7)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

DIRECTIONS FOR GUIDANCE OF VOTERS IN VOTING

The voter may vote for one candidate or, if the electoral division is a group representation constituency, one group of candidates.

The voter has one vote.

The voter will go into the place reserved for the marking of ballot papers and mark a cross in the space provided for the purpose on the right hand side of the ballot paper opposite the name of the candidate or, if the electoral division is a group representation constituency, the names of the group of candidates, for which he votes, thus, X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and without showing the front of the paper to any person, show the official mark on the back to the presiding officer, put the paper into the ballot box and forthwith leave the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than one candidate or, if the electoral division is a group representation constituency, more than one group of candidates, on any ballot paper, his ballot paper will be void and will not be counted.

If the voter places any mark on the ballot paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.

[10/88]

THIRD SCHEDULE

Section 69 (1)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

ELECTION EXPENSES

The maximum amount which a candidate at an election or his election agent can pay or incur on account of or in respect of the conduct or management of the election shall be —

- (a) in relation to a candidate at an election in any group representation constituency — an amount equal to \$2.50 for each elector on the register for that constituency divided by the number of candidates in each group nominated for that election; or
- (b) in relation to any other candidate — an amount equal to \$2.50 for each elector on the register.

[21/91; 42/96]

FOURTH SCHEDULE

Section 100 (2)

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS PETITION RULES

Short title

1. These Rules may be cited as the Parliamentary Elections Petition Rules.

Interpretation

2. In these Rules, unless the context otherwise requires —
“Judge” means the Election Judge;
“Registrar” means the Registrar of the Supreme Court;
“Returning Officer” means the Returning Officer appointed under section 3 of the Act.

Application of Rules of Court

3. Subject to the provisions of these Rules and of the Act, the Rules of Court (Cap. 322, R 5) shall apply, with the necessary modifications, to the practice and procedure in any proceedings under the Act to which these Rules relate.

Manner of presentation of petition

- 4.—(1) The presentation of an election petition shall be made by delivering it at the office of the Registrar, and the Registrar or the officer of his department to whom the petition is delivered shall, if required, give a receipt in the following form:

Received on the day of at the Registry
of the Supreme Court, a petition touching the election of A.B., Member
for purporting to be signed by
..... (*insert the names of petitioners*).

C.D.,
Registrar
(or as the case may be).

- (2) With the petition two copies thereof shall also be left.

Contents and form of election petition

- 5.—(1) An election petition shall contain the following statements:
 - (a) it shall state the right of the petitioner to petition within section 93 of the Act; and
 - (b) it shall state the holding and result of the election, and shall briefly state the facts and grounds relied on to sustain the prayer.

FOURTH SCHEDULE — *continued*

(2) The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively, and no costs shall be allowed for drawing or copying any petition not substantially in compliance with this rule, unless otherwise ordered by the Court or a Judge.

(3) The petition shall conclude with a prayer as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, as the case may be, and shall be signed by all the petitioners.

(4) The following form, or one to the like effect, shall be sufficient:

IN THE HIGH COURT OF SINGAPORE

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

Election for (*state the electoral division*)
held on the day of

The petition of A., of (or of A., of,
and B., of, as the case may be) whose names are
subscribed.

(1) Your petitioner A. is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned at the above election, or was a candidate at the above election), and your petitioner B. (*here state in like manner the right of each petitioner*).

(2) And your petitioners state that the election was held on the day of, when A.B., C.D. and E.F. were candidates, and the Returning Officer has returned A.B. as being duly elected.

(3) And your petitioners say that (*here state the facts and grounds on which the petitioners rely*).

Wherefore your petitioners pray that it might be determined that the said A.B. was not duly elected or returned, and that the election was void (or that the said E.F. was duly elected and ought to have been returned, as the case may be).

(Signed) A
B

FOURTH SCHEDULE — *continued***Evidence not to be stated in petition**

6. Evidence need not be stated in the petition, but the Judge may, upon application in writing by a respondent, order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial upon such terms as to costs and otherwise as may be ordered.

Where more than one petition are presented in relation to same election

7. Where more petitions than one are presented relating to the same election or return, all the petitions shall be dealt with as one petition, so far as the inquiry into the same is concerned.

List of votes objected to where seat claimed by unsuccessful candidate

8.—(1) When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, 6 days before the day appointed for trial, deliver to the Registrar, and also at the address (if any) given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote, and the Registrar shall allow inspection of office copies of the lists to all parties concerned.

(2) No evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

List of objections in recriminatory case

9.—(1) The respondent in a petition complaining of an undue return and claiming the seat for some person may lead evidence to prove that the election of the person was undue, and in that case the respondent shall, 6 days before the day appointed for trial, deliver to the Registrar, and also at the address (if any) given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Registrar shall allow inspection of office copies of the lists to all parties concerned.

(2) No evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Judge, upon such terms as to amendments of the list, postponement of the inquiry, and payments of costs, as may be ordered.

Appointment of solicitor by petitioner

10.—(1) With the petition the petitioner or petitioners shall leave at the office of the Registrar a writing, signed by him or them, giving the name of an advocate and solicitor of the Supreme Court whom he or they authorise to act as his or their solicitor or stating that he or they act for himself or themselves, as the case may be, and in either case giving an address within Singapore at which notices may be left;

FOURTH SCHEDULE — *continued*

and if no such writing be left or address given, then all notices may be given by leaving them at the office of the Registrar.

(2) Every such writing shall be stamped with the duty payable thereon under the law for the time being in force.

Appointment of solicitor by respondent

11.—(1) Any person returned as a Member may, at any time, after he is returned, send to or leave at the office of the Registrar a writing, signed by him on his behalf, appointing an advocate and solicitor of the Supreme Court to act as his solicitor in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address within Singapore at which notices addressed to him may be left, and if no such writing be left or address given, all notices and proceedings may be given or served by leaving them at the office of the Registrar.

(2) Every such writing shall be stamped with the duty payable thereon under the law for the time being in force.

Registrar to keep book with addresses and names of solicitors

12. The Registrar shall cause a book to be kept at his office in which shall be entered all addresses and the names of solicitors given under rule 10 or 11, which book shall be open to inspection by any person during his office hours.

Security by petitioner for cost, etc., of election petition

13.—(1) At the time of the presentation of the petition, or within 3 days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner shall be given on behalf of the petitioner.

(2) The security shall be to an amount of not less than \$5,000. If the number of charges in any petition exceeds 3, additional security to an amount of \$2,500 shall be given in respect of each charge in excess of the first 3.

(3) The security required by this rule shall be given by a deposit of money.

(4) If security as in this rule provided is not given by the petitioner, no further proceedings shall be had on the petition, and the respondent may apply to the Judge for an order directing the dismissal of the petition and for the payment of the respondent's costs.

(5) The costs of hearing and deciding the application shall be paid as ordered by the Judge, and in default of such order shall form part of the general costs of the petition.

Security by deposit of money

14.—(1) The deposit of money by way of security for payment of costs, charges and expenses payable by the petitioner shall be made by payment to the Returning

FOURTH SCHEDULE — *continued*

Officer which shall be vested in and drawn upon from time to time by the Chief Justice for the purposes for which security is required by these Rules.

(2) A receipt shall be given by the Returning Officer for the deposit, which shall forthwith be left at the office of the Registrar by the petitioner.

(3) The Registrar shall file the receipt and keep a book open to the inspection of all parties concerned, in which shall be entered from time to time the amount and the petition to which it is applicable.

Return of money so deposited

15.—(1) Money so deposited shall, if and when the deposit is no longer needed for securing payment of such costs, charges and expenses, be returned or otherwise disposed of as justice may require by order of the Chief Justice.

(2) Such order may be made after a notice of intention to apply and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Chief Justice may require.

(3) Such order may direct payment either to the party in whose name the money is deposited or to any person entitled to receive the money.

Notice of petition, and copy of petition to be served on respondent

16.—(1) Notice of the presentation of a petition, accompanied by a copy thereof, shall, within 10 days of the presentation of the petition, be served by the petitioner on the respondent.

(2) Such service may be effected either by delivering the notice and copy thereof to the solicitor appointed by the respondent under rule 11 or by posting the notice and copy thereof in a registered letter to the address given under rule 11 at such time that, in the ordinary course of post, the letter would be delivered within the time mentioned in paragraph (1), or if no solicitor has been appointed, nor any address given, by a notice published in the *Gazette* stating that a petition has been presented, and that a copy of the petition may be obtained by the respondent on application at the office of the Registrar.

When petition to be deemed at issue

17. On the expiration of the time limited for presenting petitions, the petition shall be deemed to be at issue.

List of petitions

18.—(1) The Registrar shall make out the election petition list.

(2) The Registrar shall insert in the election petition list the names of the solicitors of the petitioners and respondents appointed under rules 10 and 11 respectively, and the addresses to which notices may be sent (if any).

FOURTH SCHEDULE — *continued*

(3) The election petition list may be inspected at the office of the Registrar at any time during office hours, and shall be affixed for that purpose upon a notice board appropriated to proceedings under the Act, and headed “Parliamentary Elections Act (Chapter 218)”.

Time and place of trial of election petition

19. The time and place of the trial of each election petition shall be fixed by the Judge, and not less than 14 days’ notice thereof shall be given to the petitioner and respondent by letter directed to the address left by the petitioner or respondent with the Registrar; or, if no address has been left, by notice in the *Gazette*.

Postponement of trial

20. The Judge may from time to time, by order made on the application of a party to the petition, postpone the beginning of the trial to such day as he may name; and the order, when made, shall forthwith be published by the Registrar in the *Gazette*.

Adjournment and continuation of trial

21.—(1) No formal adjournment of the Court for the trial of an election petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded.

(2) In the event of the Judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by another Judge.

Withdrawal of election petition

22.—(1) An election petition shall not be withdrawn without the leave of the Judge; and such leave may be given upon such terms as to the payment of costs and otherwise as the Judge may think fit.

(2) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits as required by this rule by all the parties to the petition and their solicitors, and by the election agents of all the parties who were candidates at the election.

(3) A Judge of the High Court may on cause shown dispense with the affidavit of any particular person if it appears to the Judge on special grounds to be just to do so.

[16/93]

(4) Each affidavit shall state that, to the best of the deponent’s knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

FOURTH SCHEDULE — *continued*

(5) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

[16/93]

Form of application to withdraw petition

23.—(1) An application for leave to withdraw a petition shall be in writing signed by the petitioner or petitioners or his or their solicitor or solicitors.

(2) It shall state the ground on which the application is supported.

(3) The following form shall be sufficient:

“The Parliamentary Elections Act (Chapter 218).

Electoral division petition of
(*state name of petitioner*) presented day of

The petitioner applies to withdraw his petition upon the following ground (here state the ground), and prays that a day may be appointed for hearing his application.

Dated this day of

(Signed)

(4) The application for leave to withdraw shall be left at the office of the Registrar.

Copy of application to be given to respondent

24. A copy of such application shall be given by the petitioner to the respondent, and a notice in the following terms signed by the petitioner shall be published forthwith in the *Gazette* by the petitioner at his own expense:

“The Parliamentary Elections Act (Chapter 218).

In the election petition for in which is petitioner and respondent.

Notice is hereby given that the above petitioner did on the day of lodge at the office of the Registrar of the Supreme Court an application for leave to withdraw the petition, of which application the following is a copy:

(*Set it out*).

And Take Notice that under the Parliamentary Elections Petition Rules, any person who might have been a petitioner in respect of the said election may, within 5 days after the date of publication of this notice, give notice in writing to the Registrar of the Supreme Court of his intention on the hearing of the application to be substituted as a petitioner.

(Signed)

FOURTH SCHEDULE — *continued***Application to be substituted as petitioner, on withdrawal**

25. Any person who might have been a petitioner in respect of the election to which the petition relates may, within 5 days after the notice is published by the petitioner, give notice in writing, signed by him or on his behalf, to the Registrar, of his intention to apply at the hearing to be substituted for the petitioner, but the want of that notice shall not defeat the application, if in fact made at the hearing.

Time and place of hearing of application

26.—(1) The time and place of hearing the application shall be fixed by the Judge but shall not be less than one week after the application for leave to withdraw has been left at the office of the Registrar as in these Rules provided.

(2) Notice of the time and place appointed for the hearing shall be given to such person or persons (if any) as shall have given notice to the Registrar of an intention to apply to be substituted as petitioners, and otherwise in such manner and at such time as the Judge directs.

Substitution of another petitioner

27.—(1) On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

(2) The Judge may, if he thinks fit, substitute as a petitioner any such applicant; and may further, if the proposed withdrawal is in the opinion of the Judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security the original petitioner shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within 3 days after the order of substitution.

(4) Subject to paragraphs (1) to (3), a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

(5) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(6) Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

FOURTH SCHEDULE — *continued***Abatement of petition by death**

28.—(1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

Application to be substituted as petitioner, on abatement

29.—(1) Notice of abatement of a petition, by death of the petitioner or surviving petitioner, shall be given by the party or person interested in the same manner as notice of an application to withdraw a petition, and the time within which application may be made to a Judge to be substituted as a petitioner shall be one calendar month, from the day of the publication of the notice of abatement or such further time as upon consideration of any special circumstances the Judge may allow.

(2) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be substituted as a petitioner.

(3) The Judge may, if he thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

On death, resignation, or notice not to oppose of respondent, petition to continue

30.—(1) If before the trial of an election petition a respondent dies or resigns, or gives notice in writing to the Court that he does not intend to oppose the petition, the petition shall not be abated but shall continue whether or not any person applies to be admitted as respondent as hereinafter provided.

(2) Notice of the fact that a respondent has died, or resigned, or that he has given notice in writing that he does not intend to oppose the petition, shall be published in the *Gazette* by the Registrar.

(3) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be admitted as a respondent to oppose the petition within 10 days after the notice has been published in the *Gazette* or such further time as the Judge may allow.

(4) The manner and time of the respondent's giving notice to the Court that he does not intend to oppose the petition shall be by leaving notice thereof in writing at the office of the Registrar, signed by the respondent not less than 6 days before the day appointed for trial, exclusive of the day of leaving the notice.

Respondent not opposing petition not to appear as party

31. A respondent who has given notice of his intention not to oppose a petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

FOURTH SCHEDULE — *continued***Countermanding notice of trial where petition abated, etc.**

32.—(1) Upon receiving the petitioner's application for leave to withdraw, or notice of the respondent's intention not to oppose, or of the abatement of the petition by death, or of the happening of any of the events mentioned in rule 30, if the application or notice is received after notice of trial has been given, and before the trial has commenced, the Registrar shall forthwith countermand the notice of trial.

(2) The countermand shall be given in the same manner, as near as may be, as the notice of trial.

Costs

33. All costs of and incidental to the presentation of a petition and to the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the Judge may determine, regard being had to —

- (a) the disallowance of any costs which may, in the opinion of the Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the petitioner or the respondent; and
- (b) the discouragement of any needless expense by throwing the burden of defraying the costs of and incidental to the petition on the parties by whom it has been caused, whether the parties are or are not on the whole successful.

Taxation and recovery of costs

34.—(1) Costs shall be taxed by the Registrar upon the order by which the costs are payable in the same manner as costs are taxed in the High Court, but subject to such express directions, either general or specific, as the Judge may give; and costs when taxed may be recovered in the same manner as the costs of an action at law.

(2) The Chief Justice may direct that the whole or any part of any moneys deposited by way of security under rules 13 and 14 may be applied in the payment of taxed costs.

(3) The office fees payable for inspection, office copies and other proceedings under these Rules shall be such as may be prescribed by the Chief Justice.

Notice of appointment of solicitor

35. A solicitor shall, immediately upon his appointment as such, leave written notice thereof at the office of the Registrar.

Service of notices on solicitors

36. Service of notices and proceedings upon the solicitors shall be sufficient for all purposes.

LEGISLATIVE HISTORY
PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

1. Ordinance 26 of 1954 — Singapore Legislative Assembly Elections Ordinance 1954

Date of First, Second and Third Readings : 2.11.54 (Bill published on 28.10.54)
Date of commencement : 12.11.54

2. Ordinance 27 of 1956 — Singapore Legislative Assembly Elections (Amendment) Ordinance 1956

Date of First Reading : 5.9.56 (Bill No. 59/56 published on 15.9.56)
Date of Second and Third Readings : 3.10.56
Date of commencement : 21.10.55

3. Ordinance 20 of 1957 — Singapore Legislative Assembly Elections (Temporary Provisions) Ordinance 1957

Date of First Reading : 22.5.57 (Bill No. 107/57 published on 25.5.57)
Date of Second and Third Readings : 19.6.57
Date of commencement : 5.7.57

4. Ordinance 39 of 1957 — Singapore Legislative Assembly Elections (Amendment) Ordinance 1957

Date of First, Second and Third Readings : 18.11.57
Date of commencement : 10.10.58

5. Ordinance 26 of 1959 — Singapore Legislative Assembly Elections (Amendment) Ordinance 1959

Date of First Reading : 21.1.59 (Bill No. 199/59 published on 26.1.59)
Date of Second and Third Readings : 4.3.59
Date of commencement : 18.3.59

6. Ordinance 41 of 1959 — Singapore Legislative Assembly Elections (Amendment No. 2) Ordinance 1959

Date of First Reading : 15.7.59
Date of Second and Third Readings : 16.7.59
Date of commencement : 8.6.59

LEGISLATIVE HISTORY
PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

7. Ordinance 71 of 1959 — Transfer of Powers Ordinance 1959

Date of First Reading	:	22.9.59 (Bill No. 30/59 published on 30.9.59)
Date of Second and Third Readings	:	11.11.59
Date of commencement	:	20.11.59

8. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance 1959

Date of First Reading	:	22.9.59 (Bill No. 31/59 published on 30.9.59)
Date of Second and Third Readings	:	11.11.59
Date of commencement	:	20.11.59

**9. Ordinance 23 of 1960 — Singapore Legislative Assembly Elections
(Amendment) Ordinance 1960**

Date of First Reading	:	10.2.60 (Bill No. 65/60 published on 19.2.60)
Date of Second and Third Readings	:	6.4.60
Date of commencement	:	14.4.60

**10. Ordinance 31 of 1963 — Singapore Legislative Assembly Elections
(Amendment) Ordinance 1963**

Date of First Reading	:	9.12.63 (Bill No. 18/63 published on 9.12.63)
Date of Second and Third Readings	:	20.12.63
Date of commencement	:	28.12.63

11. Act 30 of 1967 — Singapore Parliament Elections (Amendment) Act 1967

Date of First Reading	:	31.10.67 (Bill No. 28/67 published on 4.11.67)
Date of Second and Third Readings	:	14.11.67
Date of commencement	:	15.11.67

12. Act 14 of 1969 — Statute Law Revision Act 1969

Date of First Reading	:	15.10.69 (Bill No. 22/69 published on 20.10.69)
Date of Second and Third Readings	:	22.12.69
Date of commencement	:	2.1.70

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13. Act 24 of 1971 — Parliamentary Elections (Amendment) Act 1971

Date of First Reading	:	19.10.71 (Bill No. 15/71 published on 22.10.71)
Date of Second and Third Readings	:	2.12.71
Date of commencement	:	20.12.71

14. Act 17 of 1972 — Parliamentary Elections (Amendment) Act 1972

Date of First Reading	:	7.3.72 (Bill No. 10/72 published on 10.3.72)
Date of Second and Third Readings	:	23.3.72
Date of commencement	:	20.12.71

15. Act 56 of 1973 — Parliamentary Elections (Amendment) Act 1973

Date of First Reading	:	28.8.73 (Bill No. 48/73 published on 4.9.73)
Date of Second and Third Readings	:	30.11.73
Date of commencement	:	15.2.74

16. Act 6 of 1975 — Parliamentary Elections (Amendment) Act 1975

Date of First Reading	:	25.2.75 (Bill No. 2/75 published on 28.2.75)
Date of Second and Third Readings	:	26.3.75
Date of commencement	:	2.5.75

17. Act 2 of 1978 — Parliamentary Elections (Amendment) Act 1978

Date of First Reading	:	9.11.77 (Bill No. 16/77 published on 15.11.77)
Date of Second and Third Readings	:	31.1.78
Date of commencement	:	1.4.78

18. Act 22 of 1984 — Parliamentary Elections (Amendment) Act 1984

Date of First Reading	:	29.6.84 (Bill No. 9/84 published on 9.7.84)
Date of Second and Third Readings	:	25.7.84
Date of commencement	:	22.8.84

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19. Act 10 of 1988 — Parliamentary Elections (Amendment) Act 1988

Date of First Reading	:	30.11.87 (Bill No. 23/87 published on 2.12.87)
Dates of Second Reading	:	11.2.88 and 12.2.88
Referred to Select Committee	:	Parl. 3 of 1998 presented to Parliament on 5.5.88
Date of Third Reading	:	18.5.88
Date of commencement	:	1.6.88

20. Act 11 of 1988 — Parliamentary Elections (Amendment No. 2) Act 1988

Date of First Reading	:	25.5.88 (Bill No. 8/88 published on 27.5.88)
Date of Second and Third Readings	:	28.6.88
Date of commencement	:	30.7.88

21. Act 9 of 1991 — Parliamentary Elections (Amendment) Act 1991

Date of First Reading	:	3.1.91 (Bill No. 1/91 published on 4.1.91)
Date of Second and Third Readings	:	14.1.91
Date of commencement	:	5.2.91

22. Act 21 of 1991 — Parliamentary Elections (Amendment No. 2) Act 1991

Date of First Reading	:	7.5.91 (Bill No. 18/91 published on 8.5.91)
Date of Second and Third Readings	:	28.6.91
Date of commencement	:	2.8.91 (sections 2, 3, 5, 6 and 7) 14.12.91 (sections 4 and 8)

23. Act 27 of 1991 — Presidential Elections Act 1991

(Consequential amendments made by)

Date of First Reading	:	28.6.91 (Bill No. 21/90 published on 29.6.91)
Date of Second and Third Readings	:	29.7.91
Date of commencement	:	2.11.91

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- 24. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993**
(Consequential amendments made by)
- | | | |
|-----------------------------------|---|--|
| Date of First Reading | : | 26.2.93 (Bill No. 12/93
published on 27.2.93) |
| Date of Second and Third Readings | : | 12.4.93 |
| Date of commencement | : | 1.7.93 |
- 25. Act 18 of 1994 — Statutes (Miscellaneous Amendments) Act 1994**
- | | | |
|-----------------------------------|---|--|
| Date of First Reading | : | 25.7.94 (Bill No. 25/94
published on 29.7.94) |
| Date of Second and Third Readings | : | 25.8.94 |
| Date of commencement | : | 1.10.94 |
- 26. Act 42 of 1996 — Parliamentary Elections (Amendment) Act 1996**
- | | | |
|-----------------------------------|---|--|
| Date of First Reading | : | 1.10.96 (Bill No. 29/96
published on 1.10.96) |
| Date of Second and Third Readings | : | 28.10.96 |
| Date of commencement | : | 12.11.96 |
- 27. Act 8 of 1998 — Holidays Act 1998**
(Consequential amendments made by)
- | | | |
|-----------------------------------|---|---|
| Date of First Reading | : | 14.1.98 (Bill No. 1/98
published on 15.1.98) |
| Date of Second and Third Readings | : | 19.2.98 |
| Date of commencement | : | 10.4.98 |
- 28. Act 18 of 1999 — Parliamentary Elections (Amendment) Act 1999**
- | | | |
|-----------------------------------|---|--|
| Date of First Reading | : | 18.3.99 (Bill No. 14/99
published on 19.3.99) |
| Date of Second and Third Readings | : | 15.4.99 |
| Date of commencement | : | 14.5.99 |

COMPARATIVE TABLE

PARLIAMENTARY ELECTIONS ACT (CHAPTER 218)

The following provisions in the 1995 Revised Edition of the Parliamentary Elections Act have been renumbered by the Law Revision Commissioners in this 1999 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Parliamentary Elections Act.

1999 Ed.	1995 Ed.
3—(2) and (3)	3—(2)
(4)	(3)
4—(1) and (2)	4
6—(2)	Proviso to 6—(1) (b)
—	(2) (<i>Omitted — spent</i>)
9—(2) and (2A)	9—(2)
10—(1A)	Proviso to 10—(1)
11—(2) and (2A)	11—(2)
(8) and (8A)	(8)
(9) and (9A)	(9)
(9B)	Proviso to (9)
(14) and (14A)	(14)
12—(4), (4A) and (4B)	12—(4)
13—(1A)	Proviso to 13—(1)
(2A)	Proviso to (2)
—	Paragraph (a) of (4) (<i>Deleted by Act 18/99</i>)
(4A)	Proviso to (4) (b)
(5) and (5A)	(5)
(7)	Proviso to (6) (b)
14—(2) and (2A)	14—(2)
20—(2A)	20—(2) (set out)
21—(2) and (3)	21—(2)

1999 Ed.	1995 Ed.
23 —(1), (1A) and (1B)	23 —(1)
(2) and (3)	(2)
27 —(2), (2A) and (2B)	27 —(2)
(3) and (3A)	(3)
27A —(6) and (7)	27A —(6)
(8)	(7)
27B —(2), (2A) and (2B)	27B —(2)
(3A)	Paragraph to (3)
27C —(4) and (4A)	27C —(4)
28 —(1), (1A) and (1B)	28 —(1)
(3) and (3A)	(3)
(4) and (4A)	(4)
(5) and (5A)	(5)
30 —(3) and (4)	30 —(3)
(5) and (6)	(4)
34 —(1A)	Proviso to 34 —(1)
(3) and (4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8) and (9)	(7)
34A —(1A)	Proviso to 34A —(1)
(3) and (4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8) and (8A)	(7)
(9)	(8)

1999 Ed.	1995 Ed.
36—(1), (1A) and (1B)	36—(1)
(2) and (2A)	(2)
37—(1) and (2)	37—(1)
(4), (5) and (6)	(1A)
(3)	(1B)
(7) and (8)	(2)
(9)	(3)
38—(1), (2) and (3)	38—(1)
(4) and (5)	(2)
(6)	(3)
39—(1A)	Proviso to 39—(1)
(7), (7A) and (7B)	(7)
40—(2A)	40—(2B)
(3) and (3A)	(2A)
(4)	(3)
(5)	(4)
42—(2) and (2A)	42—(2)
(3), (3A) and (3B)	(3)
43—(8) and (8A)	43—(8)
44—(1) and (2)	44—(1)
(3)	(2)
(4)	(3)
45—(1) and (2)	45
46—(1), (2) and (3)	46
47—(1) and (2)	47
48—(3) and (4)	48—(3)
49—(4) and (4A)	49—(4)
(10), (11) and (12)	(10)

1999 Ed.	1995 Ed.
52—(3A)	Proviso to 52—(3)
(3B)	(3A)
(3C)	(3B)
(3D)	(3C)
53—(1) and (2)	53—(1)
(3)	(2)
56—(3) and (3A)	56—(3)
57—(1) and (2)	57
62—(3) and (3A)	62—(3)
(4) and (4A)	(4)
65—(1) and (1A)	65—(1)
66—(2) and (2A)	66—(2)
(4) and (4A)	(4)
67—(1) and (2)	67
69—(1A)	Proviso to 69—(1)
71—(1), (1A) and (1B)	71—(1)
74—(3) and (3A)	74—(3)
(3B)	(3A)
75—(2) and (3)	75—(2)
76—(1) and (1A)	76—(1)
82—(1A)	Proviso to 82—(1)
83—(5)	83—(6)
(6)	(7)
(7)	(8)
(8)	(5)
87—(1) and (2)	87
88—(3), (4) and (5)	88—(3)
(6)	(4)

1999 Ed.	1995 Ed.
92—(4), (5), (6) and (7)	92—(4)
(8)	(5)
(9)	(6)
95—(1) and (2)	95—(1)
(3)	(2)
96—(3) and (4)	96—(3)
(5)	(4)
97—(2)	Proviso to 97—(1) (a)
(3)	Proviso to 97—(1) (b)
(4)	(2)
(5)	(3)
105—(1) and (2)	105