

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PRESIDENTIAL ELECTIONS ACT

(CHAPTER 240A)

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Presidential Elections Act

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An Act to make provision for the election of the President.

[2nd November 1992]

PART I

PRELIMINARY

Short title

- 1. This Act may be cited as the Presidential 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 the office of President;

“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 the President;

“election agent” means a person named under section 43 by or on behalf of a candidate as his agent for an election and includes any candidate acting in his capacity of election agent;

“Election Judge” has the same meaning as in the Constitution;

“elector” means a person whose name is entered in the register as an elector;

“electoral division” means an electoral division specified in a notification for the time being in force under section 8 of the Parliamentary Elections Act (Cap. 218);

“polling district” means a part of an electoral division subdivided under section 9 of the Parliamentary Elections Act;

“Presidential Elections Committee” means the Presidential Elections Committee established under Article 18 of the Constitution;

“principal election agent” means an election agent of a candidate who has been appointed under section 43 (2A) as the principal election agent;

“register” or “register of electors” means the register of electors for any particular electoral division maintained under the Parliamentary Elections Act;

“Registration Officer” means the Registration Officer appointed under section 3 of the Parliamentary Elections Act and includes any Assistant Registration Officer so appointed;

“Returning Officer” means the Returning Officer appointed under section 3;

“tendered votes list” means the list referred to in section 29;

“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.

[12/93; 18/99]

Appointment of Returning Officer and Assistant Returning Officers

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

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

(3) 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.

(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 Returning Officer may, from time to time, appoint such number 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.

Appointment of acting Returning Officer

5. 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 no time for any other person to be appointed by the Minister, the Returning Officer may appoint one of the Assistant Returning Officers to act for him.

PART II**ELECTIONS****Timing of poll and writ of election**

6.—(1) Any poll for the election of the President shall be conducted as follows:

- (a) where the office of the President becomes vacant prior to the expiration of the term of office of the incumbent, within 6 months after the date the office of President becomes vacant; or
- (b) in any other case, not more than 3 months before the date of expiration of the term of office of the incumbent.

(2) For the purposes of every election to the office of President, the Prime Minister shall issue a writ under the public seal, addressed to the Returning Officer.

(3) Every such writ shall be in the prescribed form and shall specify the date or dates (referred to in this Act as nomination day) 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).

(4) Upon receipt of the writ, the Returning Officer shall proceed to hold the election in the manner provided in this Act.

Notice of time and place of election

7. On the Prime Minister 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 prescribed form to be published in the *Gazette* at least 4 clear days before nomination day.

Certificate of eligibility

8.—(1) At any time after the date referred to in section 6 (1) (a) or such date which is 3 months before the date referred to in section 6 (1) (b), whichever is the earlier, but in any case not later than 3 days after the date of the writ for an election, every person who desires to be elected to the office of President shall apply in the prescribed manner to the Presidential Elections Committee for a certificate in the prescribed form.

(1A) The certificate referred to in subsection (1) shall certify, for the purposes of an election —

- (a) that the Committee is satisfied that the person applying is a person of integrity, good character and reputation; and
- (b) where the person applying states that he desires to contest in an election by virtue of being qualified under Article 19 (2) (g) (iv) of the Constitution, that the Committee is of the opinion that the person, having held office for a period of not less than 3 years in such position of seniority and responsibility in such organisation or department in the public or private sector as described in Article 19 (2) (g) (iv) of the Constitution, has such experience and ability in administering and managing financial affairs as to enable him to carry out effectively the functions and duties of the office of President.

[12/93]

(2) If the Presidential Elections Committee, upon receipt of an application under subsection (1) —

- (a) is satisfied that the applicant is a person of integrity, good character and reputation; or
- (b) is of the opinion that the applicant has such experience and ability in administering and managing financial affairs as to enable him to carry out effectively the functions and duties of the office of President,

the Committee shall not later than the day before nomination day issue to the applicant the certificate referred to in subsection (1) containing the relevant certification.

(3) Any such certificate shall be final and shall not be subject to appeal or review in any court.

Immunity of Presidential Elections Committee

8A.—(1) The Presidential Elections Committee shall not, in the absence of malice on its part, be liable to any action at the suit of any person in respect of —

- (a) any statement which the Committee makes in the discharge of any of its functions under this Act, whether the statement is made orally or in writing; or
- (b) the publication of any document prepared by the Committee in the course of performing its functions under this Act.

[11/99]

(2) Subsection (1) does not limit or affect any other right, privilege or immunity that the Presidential Elections Committee has, apart from this section, as a defendant in any action.

[11/99]

Nomination papers

9.—(1) Any person eligible for election to the office of President in accordance with the provisions of the Constitution may be nominated as a candidate for election to the office of President.

(2) Each candidate shall be nominated by means of a nomination paper signed by 2 persons as proposer and seconder, respectively, and by not less than 4 other persons all of whose names must appear in any register of electors.

(3) The written consent of the candidate must be endorsed on the nomination paper relating to the candidate.

(4) Each candidate shall at the time of his nomination deliver to the Returning Officer —

- (a) a statutory declaration of his qualifications made and subscribed by the candidate in the prescribed form;

(b) a statutory declaration made and subscribed by the candidate in the prescribed form stating that on nomination day he is not a member of any political party; and

(c) the certificate issued under section 8.

(5) If any statutory declaration or certificate which is required to be delivered under subsection (4) is not so delivered, the nomination of the candidate shall be deemed to be void.

(6) The Returning Officer may, at any time between the date of the notice referred to in section 7 and 12 noon of nomination day, supply a form of nomination paper to any registered elector requiring the form.

Deposits by candidates

10.—(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 under section 6 and 12 noon of nomination day, a sum equal to 3 times the amount of deposit referred to in section 28 (1) of the Parliamentary Elections Act (Cap. 218).

(1A) In default of a deposit under this section being so made, the candidate shall be deemed to have withdrawn his candidature under section 13.

(2) The Returning Officer shall forthwith give a receipt for any sum deposited under this section and shall pay that sum into the Treasury and that sum shall be dealt with in accordance with the provisions of this Act.

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

(4) If a candidate is not nominated as a candidate for election or if, after the deposit under this section is made, the candidate withdraws his candidature under section 13, the deposit shall be returned to the person by whom the deposit is made.

(4A) 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.

(5) If a candidate who has made the required deposit is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the amount deposited shall be forfeited and paid into the Consolidated Fund.

(5A) In any other case, the amount so deposited shall be returned to the candidate —

- (a) where the candidate is elected, as soon as he has taken the oath or made affirmation as President; and
 - (b) where the candidate is not elected, as soon as practicable after the result of the election is declared.
- (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 7 of the issue of a writ, specify in the notice the amount to be deposited under subsection (1).

Proceedings on nomination day

11.—(1) The Returning Officer shall, on nomination day, attend at the place of nomination from 11 a.m. until 12 noon to receive nominations papers, statutory declarations and certificates issued under section 8 (referred to in this Act as nomination papers).

(2) Every nomination paper, statutory declaration and certificate must be delivered by the candidate to the Returning Officer together with a true copy of each on the day and at the place and between the hours specified in subsection (1), and if not so delivered, shall be rejected.

(3) The Returning Officer shall forthwith cause a copy of the nomination papers 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 nomination 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 by the Returning Officer.

(5) Before 12.30 p.m. on nomination day at an election, 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.

(6) 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.

Objections to nomination papers

12.—(1) Objection may be made to a nomination paper only on all or any of the following grounds:

- (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 qualified to be elected to the office of President; or
- (d) that the provisions of section 10 have not been observed.

(2) No objection to a nomination paper shall be allowed unless it is made to the Returning Officer between 11 a.m. and 12.30 p.m. on nomination day.

(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.

Withdrawal of candidature

13.—(1) A candidate may before 12 noon on nomination day, 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.

Persons entitled to be present

14. 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 11 and 13.

Uncontested elections

15. If, on nomination day after the decision by the Returning Officer of any objection which may have been lodged, only one candidate stands nominated, the Returning Officer shall forthwith —

- (a) declare the nominated candidate to be elected to the office of President; and
- (b) cause the name of the person so elected to be published in the *Gazette*.

Contested elections

16.—(1) If, on nomination day after the decision by the Returning Officer of any objections which may have been lodged, more than one candidate stands nominated for election to the office of President, 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 the name of that candidate.

(1A) Subject to subsection (3A), the Returning Officer may, in his discretion, allot to any candidate some other symbol selected by the candidate.

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

(3A) No candidate shall be allotted any symbol which is of any racial or religious significance or which denotes or implies an affiliation with any political party.

(4) 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.

(5) Subject to section 6 (1), the Returning Officer shall cause to be published in the *Gazette* a notice in the prescribed form specifying —

- (a) the date on which the poll will be taken, being a date not less than 9 days or more than 8 weeks after the date of publication of the notice in the *Gazette* (referred to in this Act as polling day);
- (b) 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
- (c) the locations of the polling stations.

(6) In computing time for the purpose of subsection (5) (a), 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 any other written law.

(7) 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.

(8) In the case referred to in subsection (7), all proceedings with reference to the election shall be commenced afresh, except that no

fresh nomination shall be necessary in the case of the candidates who stood nominated at the time of the countermand of the poll.

Polling day to be public holiday

17. Polling day at any 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.

Polling districts and polling stations

18.—(1) 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.

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

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

Presiding officers

19.—(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.

(2) 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.

(3) 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.

(4) If any presiding officer is, by sickness or other cause, prevented from acting at any election and there is no time for another person to be appointed by the Returning Officer, the presiding officer may appoint a deputy to act for him.

(5) A presiding officer shall as soon as possible report to the Returning Officer every appointment made under subsection (4) and every such appointment may be revoked by the Returning Officer, but without prejudice to the validity of anything already done by the deputy.

(6) 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

20.—(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 names of the candidates in English, Malay, Chinese and Tamil, and the symbol allotted to each candidate.

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

(3) 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.

(4) The Returning Officer shall determine, or may authorise the presiding officer or senior presiding officer to determine, in what manner the facilities mentioned in subsection (3) shall be distributed among the electors entitled to vote at that station.

(5) An election shall not be questioned by reason of non-compliance with subsection (3) or (4) or any informality relative to polling stations.

Register of electors to be conclusive evidence of right to vote

21.—(1) A person who, by reason of circumstances existing on the day of an election, is by virtue of the provisions of this Act or the Parliamentary Elections Act (Cap. 218), not entitled to have his name entered or retained in any register of electors shall not be entitled to vote at the election.

(2) If the person mentioned in subsection (1) 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.

(3) The register of electors in operation in accordance with the Parliamentary Elections Act at the time of any election shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at the election.

(4) The right 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.

(5) Any vote given by the person mentioned in subsection (4) 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.

(6) For the purposes of this section, "Revising Officer" means a Revising Officer appointed under section 12 of the Parliamentary Elections Act (Cap. 218).

Admittance to polling station

22.—(1) Subject to subsection (2), no person shall be admitted to vote at any polling station except the one allotted to him.

(2) 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, and it is inconvenient for him to vote at the polling station which has been allotted to him, the Returning Officer may, by a certificate authorise the elector to vote at any other polling station and that polling station shall, for the purposes of this section, be deemed to be the polling station allotted to that elector.

(3) The certificate referred to in subsection (2) shall be given under the hand of the Returning Officer and shall state the name of the elector, his number, and description in the register of electors, and the fact that he is so employed as a presiding officer, police officer or in any other official capacity at a polling station.

(4) Unless the Returning Officer, by notification in the *Gazette*, appoints any other hour, the poll shall open at 8 a.m. on the day appointed under section 16 (5) and shall close at 8 p.m. on that day.

(5) The presiding officer shall —

- (a) keep order in his polling 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.

(6) Not more than one polling agent of each candidate shall be admitted to any polling station, except that where, at any polling station, more polling places than one have been established, not more than one polling agent of each candidate shall be admitted to each such polling place.

(7) A polling agent whose name has not been notified to the presiding officer as required by section 45 (1B) shall not be admitted to a polling station.

(8) 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.

(9) The person removed under subsection (8) shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(10) Any person removed under subsection (8) may, if charged with the commission in a polling station of any offence, be kept in custody until he can be brought before a magistrate.

(11) 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

23.—(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 —

- (a) contain a list of the candidates in English, described, subject to section 84, as in their respective nomination papers, and arranged alphabetically in English in the order of their surnames, and, if there are 2 or more such candidates with the same surname, of their other names, and the symbol allotted to each candidate;
- (b) be in the prescribed form;
- (c) be capable of being folded;
- (d) have a number printed on the back; and
- (e) have attached a counterfoil with the same number printed on the face.

(3) 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

24.—(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

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

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

(3) Immediately before any ballot paper is delivered to a voter —

- (a) the ballot 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]

(4) The voter shall, on receiving the ballot paper, 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.

(4A) 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.

(5) Every voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

(6) 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 candidate.

(7) 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.

(8) 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.

(9) 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 prescribed form, giving directions for the guidance of voters in voting.

Compulsory voting

26.—(1) Every elector shall record his vote at each election in the electoral 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 who have failed to vote at the election and certify the list under his hand.

(3) Notwithstanding section 32 (10) and (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) 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 of electors.

(6) The Registration Officer shall give notice in the *Gazette* that such list has been received by him from the Returning Officer and that the 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, but where the applicant does not so satisfy the Registration Officer, his name shall be restored to the register on payment to the Registration Officer of a sum of \$5.

(9) Any name to be restored to the register under subsection (8) 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) 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 6 for an election, no name shall be restored to the register until after nomination day or, if a poll is to be taken, until after polling day.

Declarations by voters

27.—(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 prescribed declarations.

(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 prescribed declaration, the presiding officer may refuse to give him a ballot paper.

(4) If any person wilfully makes a false statement in any prescribed 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

28.—(1) A voter who has inadvertently dealt with his ballot paper in such 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

29.—(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, on taking an oath of identity which may be administered by the presiding officer and which shall be in the prescribed form, shall 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 tendered votes list.

Closing of poll

30. No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll, except that if at that hour 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

31.—(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 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 31A (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 thereat.

[12/93]

Counting at counting places

31A.—(1) The Returning Officer may direct —

- (a) that the votes cast at any polling station or stations be counted at such time and counting place (which may or may not be a polling station) as he may specify; and

- (b) where more than one counting place is specified under paragraph (a), that the total number of votes given to each candidate at the poll be ascertained at such other time and place (referred to in this Act as the principal counting place) as he may specify.

[12/93]

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

[12/93; 18/99]

Counting votes

32.—(1) Each candidate or any of his election agents may appoint an agent (referred to in this Act as the counting agent) to attend the counting of the votes and shall give written notice of the name and address of the counting agent so appointed to the Returning Officer.

[18/99]

(2) Each candidate or any of his election agents may appoint not more than one counting agent to attend the counting of votes at each counting place specified in the direction made under section 31A (1).

[12/93; 18/99]

(2A) The Returning Officer shall make arrangements for counting the 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 in a direction made under section 31A (1) — after he has received all the ballot boxes used during the poll; or
- (b) where more than one counting place is specified in a direction made under section 31A (1) —
 - (i) after the procedure in section 31 has been complied with at the close of the poll if the polling station is a counting place; or
 - (ii) after he has received at that 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.

[12/93]

(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.

(5) 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 backs of the papers.

(6) 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.

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

(8) Where only one counting place is specified in a direction made under section 31A (1), the Returning Officer shall, when the counting of votes has been completed, forthwith declare the candidate to whom the greatest number of votes is given to be elected unless any candidate or his counting agent applies to the Returning Officer for a recount, in which case a recount shall be made before the Returning Officer makes the declaration.

[12/93]

(8A) Where more than one counting place is specified in a direction made under section 31A (1), the Returning Officer shall, immediately after the completion of the counting of the votes or, where any candidate or his counting agent applies to the Returning Officer for a recount, the recounting of the votes, at each counting place —

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

counting of votes at his counting place, and certify that record;

- (c) transmit to the principal counting place, 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 election, and, except for the sealed packet containing the record of counting, place them in a 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 (10);
- (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.

[12/93; 42/96]

(8B) Except with the sanction of the Returning Officer, no person other than —

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

may be present at the principal counting place during the addition of the votes.

[12/93; 18/99]

(8C) At the principal counting place, the Returning Officer shall, upon receipt of the results of the counting of votes at all counting places, ascertain the total number of votes given to each candidate at the poll by adding up the number of votes recorded for each candidate in the said results.

[12/93; 18/99]

(8D) When the Returning Officer has ascertained the total number of votes given to each candidate under subsection (8C), he shall forthwith declare as having been elected the candidate to whom the greatest total number of votes is given.

[12/93; 18/99]

(9) When an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of the candidates to be declared elected, the determination of the candidate 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 the Returning Officer shall determine.

(10) After the result has been declared by the Returning Officer under subsection (8) or (8D), he shall seal all documents relating to the election as required by this Act and shall, subject to subsection (11), retain the same for a period of 6 months and thereafter shall cause them to be destroyed unless otherwise directed by order of the Minister.

[12/93]

(11) An Election Judge 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.

(11A) No Election Judge shall make such an order 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.

[12/93]

(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 (10).

Votes to be rejected

33.—(1) The Returning Officer shall reject as invalid the following ballot papers only:

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

- (d) any ballot paper which is unmarked; and
- (e) any ballot paper which is void for uncertainty.

[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 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.

(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 the *Gazette*

34.—(1) After declaring the result under section 32, the Returning Officer shall forthwith compile a statement of the poll in the prescribed form and shall cause the statement and the name of the person elected to the office of President to be published in the *Gazette*.

(2) Notwithstanding the provisions of this Act, if the candidate who has been declared elected to the office of President under section 15 or 32 dies before the commencement of his term of office, the Prime Minister shall forthwith issue a fresh writ under section 6 and the provisions of this Act shall, with the necessary modifications, apply to that writ.

Failure to comply with provisions of this Act

35.—(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.

Maintenance of secrecy at elections

36.—(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 prescribed form.

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

(3) 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 polling 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 officer, clerk, interpreter, candidate or agent in attendance at a polling station, and no person shall —

(a) attempt to obtain in the polling station information as to the candidate 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 for whom any voter in the polling 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 polling 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 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 the voter 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.

PART III

OFFENCES AND CORRUPT AND ILLEGAL PRACTICES

Chapter I — Offences

Offences

37.—(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 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.

[18/94]

(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.

*Chapter 2 — Corrupt Practices***Personation**

38.—(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

39.—(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 food, 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 food, 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 food, 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 food, drink, refreshment, cigarette, entertainment or other provision or thing.

Undue influence**40.** 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**41.** Every person who —

- (a) 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) 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) 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 President, or the vote of any elector or voter at any election under this Act;
- (d) 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) 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 President, or the vote of any elector or voter at an election under this Act;
- (f) 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 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) being an elector or voter, 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) 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) 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 at an election, or on account of and as payment for his having assisted or agreed to assist any candidate, at an election, applies to that candidate or to an agent or agents of the candidate, 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; or

- (j) directly or indirectly, by himself or by any 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,

shall be guilty of the offence of bribery.

Punishment for corrupt practice

42.—(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 56 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.

(1A) 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.

[18/94]

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

(3) 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 the continuance of any corrupt practice.

Chapter 3 — Election Agent, Election Expenses and Illegal Practices

Nomination of election agents

43.—(1) On or before nomination day at an election, not more than 20 persons shall be named in writing by or on behalf of each candidate as his election agents for that election.

[18/99]

(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.

(2A) On or before nomination day at an election, not more than one principal election agent for that election shall be appointed by the candidate from among his election agents for that election.

[18/99]

(3) On or before nomination day, the names and addresses of the principal election agent and every 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 forthwith, by affixing a notice in a conspicuous place outside his office, give public notice of the names and addresses of the principal election agent and every election agent so declared.

[18/99]

(4) The appointment of a principal election agent or election agent, whether the person so appointed be any of the candidates or not, may be revoked.

[18/99]

(5) In the event of such revocation or of the death of a principal election agent or election agent, as the case may be, whether the event is before, during or after the election, another principal election agent shall or another election agent may then forthwith be appointed.

[18/99]

(6) The name and address of the other principal election agent or election agent appointed under subsection (5) shall be declared in writing to the Returning Officer, who shall forthwith give public notice of the name and address in accordance with subsection (3A).

[18/99]

Person convicted of corrupt practice not to be appointed election agent

44. No person shall be appointed an election agent if he has, within 7 years prior to such appointment, been convicted of any corrupt practice under this Act or the Parliamentary Elections Act (Cap. 218).

Making of contracts through election agent

45.—(1) Every polling agent, clerk and messenger employed for payment on behalf of a candidate at an election shall be appointed by his principal election agent or any of his election agents.

[18/99]

(1A) Every committee-room hired on behalf of a candidate shall be hired by his principal election agent or any of his election agents.

[18/99]

(1B) The principal election agent or election agent, as the case may be, shall inform the presiding officer at each polling station in writing of the name of the polling agent or agents he has appointed under subsection (1) to act at that polling station before the person is admitted to the polling station.

[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 or any of his election agents.

[18/99]

(3) Inability under this section to enforce a contract against a 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

46.—(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 any 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 any of his election agents and not otherwise.

[18/99]

(2) Subsections (1) and (1A) shall not 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

47.—(1) Every payment of \$10 or more 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, 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 any of his election agents 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.

[18/99]

(3) Except as otherwise provided by this Act, 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* under section 34.

(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 otherwise provided by this Act, the time limited by this Act for the payment of the expenses referred to in subsection (4) shall be 28 days after the date of publication of the result of the election in the *Gazette* under section 34.

(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 the candidate be subject to any incapacity under this

Act by reason only of the payment having been made in contravention of this section.

(7) If any 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.

[18/99]

(8) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by a candidate or any of his election agents 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 any election agent.

[18/99]

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

[12/93; 18/99]

(10) Any sum specified in any order of leave under subsection (9) may be paid by the candidate or any of his election agents; and when paid in pursuance of that leave shall be deemed to be paid within the time limited by this Act.

[18/99]

Remuneration of election agent

48.—(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

49.—(1) Any 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 principal election agent.

[18/99]

(2) The candidate shall send to his principal 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.

[18/99]

(3) The personal expenses of a candidate shall 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 any 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.

[18/99]

(5) A statement of the particulars of payments made by any person so authorised shall be sent to the principal 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.

[18/99]

Expenses in excess of maximum to be illegal practice

50.—(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 any candidate at any election or any of his election agents, whether before, during, or after an election, on account of or in respect of the conduct or management of the election, in excess of \$600,000 or an amount equal to 30 cents for each elector on the registers, whichever is the greater.

(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 any election agent not exceeding \$500.

[18/99]

(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 amount specified in subsection (1) and every such order shall be presented to Parliament as soon as possible after publication in the *Gazette*.

(4) Where a writ of election has been issued under section 6 for an election, no order under subsection (3) shall be made until after nomination day or, if a poll is to be taken, until after polling day of that election.

Certain expenditure to be illegal practice

51.—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of any 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, means may be provided for conveying those electors or voters by sea to 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.

Plural voting

52.—(1) 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.

(2) The court before which a person is convicted under this section may in its discretion in the circumstances of any particular case mitigate or remit any penalty which may be imposed in respect thereof under section 61.

Use of motor vehicles at elections

53.—(1) Subject to this section, a person shall not 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 the 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 any of his election agents.

[18/99]

(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) No person shall between 8 a.m. and 8 p.m. on polling day 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 his name and address, the date of issue and the authority by which the licence 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

54.—(1) No person shall, for the purpose of promoting or procuring the election of any 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 following purpose or in the following capacities:

- (a) not more than 20 election agents;
- (b) not more than one polling agent 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 electoral division.

[18/99]

(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

55. 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

56.—(1) Within 31 days after the date of publication of the result of an election in the *Gazette*, the principal 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 the prescribed form, containing detailed statements as respects the candidate of —

- (a) all payments made by every election agent of the candidate together with all the bills and receipts referred to in section 47 (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 any of the election agents of the candidate are aware;
- (d) all unpaid claims, if any, of which any of the election agents of the candidate are aware in respect of which application has been made or is about to be made to an Election Judge;
- (e) all moneys, securities and other valuable considerations received by or promised to every election agent of the candidate 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.

[12/93; 18/99]

(2) The return respecting election expenses shall be signed by the principal election agent and shall be accompanied by a statement made by the candidate and his principal election agent in the prescribed forms and shall be on oath before a Justice of the Peace or a commissioner for oaths.

[18/99]

(3) Any candidate or principal election agent who fails to comply with the requirements of subsection (1) or (2) shall be guilty of an illegal practice and the provisions of this section shall be in addition to and not in derogation of section 42.

[18/99]

Publication of receipt of return, etc.

57.—(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, permit any person to inspect them and to make extracts therefrom on payment of a prescribed fee; and
- (c) on payment of another prescribed fee, supply a copy or copies of any part thereof.

(3) After the expiration of that period of 6 months those documents may be destroyed or returned to the candidate if application for their return is made by the candidate before they are destroyed.

Employers to allow employees reasonable period for voting

58.—(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 the elector any penalty by reason of the absence of the elector during that period.

(2) 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

59.—(1) Subject to subsection (4), 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 motor-car, truck or other vehicle as political propaganda on polling day.

(2) 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.

(3) 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.

(4) Nothing in this section shall preclude a candidate wearing on his person a replica of the symbol allotted to him under section 16.

Regulations for display of posters and banners

60.—(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 and for the determination of the places at which they may be so displayed.

(3) For the purposes of this section and 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.

(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

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

[18/94]

(2) A prosecution for an illegal practice shall not be instituted without the sanction of the Public Prosecutor.

(3) 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 illegal practice.

Prohibition of canvassing on polling day

62.—(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 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 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 or 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

63.—(1) No person shall between nomination day 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

64.—(1) Subject to subsection (2), 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.

(2) Every candidate or any of his election agents may open or maintain 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 principal election agent with the Returning Officer before polling day.

[18/99]

(3) 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.

(4) 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

65.—(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 in the prescribed form signed by a candidate or any election agent of the candidate and issued on or after nomination day.

[18/99]

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

(4) Any 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 of supervision 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 of supervision 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 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 any candidate at any election other than clerical work wholly performed within enclosed premises.

Unlawful assembly

66. 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

67.—(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 before a Magistrate's Court to be dealt with according to law.

*Chapter 4 — Excuse for Corrupt
and Illegal Practice*

Report exonerating candidate in certain cases of corrupt and illegal practice by agents

68. 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 any of his election agents and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or any of his election agents;
- (b) that the candidate and his election agents 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.

[18/99]

Power of Election Judge to except innocent act from being illegal practice, etc.

69.—(1) Where, on application made, it is shown to an Election Judge 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 agents 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 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.

[12/93; 18/99]

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

70.—(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 and shows that the failure to transmit the return and declarations, 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 principal election agent or of any election agent or 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 principal election agent of the candidate applies to an Election Judge 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 principal election agent of the candidate, or of the absence, death, illness or misconduct of any election agent or 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 Election 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 Election Judge seems fit, and after giving the other candidates, the Returning Officer and any elector 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 Election Judge seems just.

[12/93; 18/99]

(2) Where it appears to the Election 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 any candidate and his principal election agent, respectively, to comply with the provisions of this Act as to the return and statements respecting election expenses, the Election Judge shall —

- (a) before making an order allowing the excuse mentioned in this section, order the person to attend before the Election Judge; and
- (b) unless the person attends and shows cause to the contrary, order the person to make the return and statements, or to deliver a statement of the particulars required to be contained in the return, as to the Election Judge appears just, and to make or deliver them within such time and to such other person and in such manner as the Election Judge may direct, or may order the person 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.

[18/99]

(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 Election 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 Election Judge that any act or omission of the principal 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 Election Judge shall relieve the candidate from the consequences of the act or omission on the part of his principal election agent.

[18/99]

(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.

PART IV

GROUND FOR AVOIDING ELECTIONS

Avoidance of election on election petition

71. The election of a candidate as President 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 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 such engagement, been convicted or found guilty of a corrupt practice under this Act or the Parliamentary Elections Act (Cap. 218);

- (e) that the candidate was at the time of his election a person disqualified for election as President.

PART V

ELECTION PETITIONS

Powers of Election Judge

72.—(1) Every election petition shall be tried by an Election Judge.

(2) 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.

(3) On the trial of an election petition under this Act, the Election Judge may —

- (a) 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; and
- (b) 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; and 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.

(4) Any person refusing to obey the order of the Election Judge under subsection (3) (a) shall be guilty of a contempt of court.

(5) 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 Supreme Court sitting at assizes.

(6) All interlocutory matters in connection with an election petition may be dealt with and decided by an Election Judge.

[12/93]

Who may present petition

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

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

Relief which may be claimed

74. A petitioner shall be entitled to claim in an election petition all or any of the following relief:

- (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; and
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

Certificate of Election Judge as to validity of election

75.—(1) At the conclusion of the trial of an election petition, the Election Judge shall determine whether the President 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 Prime Minister.

(2) Upon a certificate being given under subsection (1), the determination of the Election Judge under that subsection shall be final; and the return shall be confirmed or altered, or the Prime Minister shall, by notice in the *Gazette*, order the holding of an election within 6 months of the determination.

Report of Election Judge as to corrupt or illegal practice

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

- (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 office of President 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) The Prime Minister shall cause a copy of such report to be published in the *Gazette*.

Time for presentation

77.—(1) Subject to subsections (2) and (3), 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 President whose election is questioned or by an agent of the President or with privity of the President or any of his election agents 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.

[18/99]

(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 57 as to the election expenses of the President 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 President whose election is questioned or by an agent of the President or with the privity of the President or of any of his election agents 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.

[18/99]

(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 an Election Judge within the time within which an election petition questioning the return or the election upon that ground may be presented.

[12/93]

(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

78. 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

79.—(1) On a scrutiny at the trial of an election petition, only the following votes 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 22;
- (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; and
- (d) votes given for any disqualified candidate by a voter knowing that the candidate 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.

(2) The vote of a registered elector shall not 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.

Rejection of ballot paper by Returning Officer not to be questioned

80. On an election petition, the decision of a Returning Officer whether or not a ballot paper shall be rejected under section 33 shall not be questioned.

PART VI

GENERAL

Regulations

81. 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

82. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document whatsoever 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.

83.—(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 or 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.

LEGISLATIVE HISTORY
PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)

1. Act 27 of 1991 — Presidential Elections Act 1991

Date of First Reading	:	28.6.91 (Bill No. 21/91 published on 29.6.91)
Date of Second and Third Readings	:	29.7.91
Date of commencement	:	2.11.92

2. Act 12 of 1993 — Presidential Elections (Amendment) Act 1993

Date of First Reading	:	26.2.93 (Bill No. 11/93 published on 27.2.93)
Date of Second and Third Readings	:	19.3.93
Date of commencement	:	16.4.93

3. 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

4. Act 42 of 1996 — Parliamentary Elections (Amendment) Act 1996
(Related amendments made by)

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

5. 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

6. Act 11 of 1999 — Presidential Elections (Amendment) Act 1999

Date of First Reading	:	20.1.99 (Bill No. 1/99 published on 21.1.99)
Date of Second and Third Readings	:	11.2.99
Date of commencement	:	1.3.99

LEGISLATIVE HISTORY
PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)

7. Act 18 of 1999 — Parliamentary Elections (Amendment) Act 1999

(Consequential amendments made by)

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

PRESIDENTIAL ELECTIONS ACT (CHAPTER 240A)

The following provisions of the 1992 Revised Edition of the Presidential 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 Presidential Elections Act.

1999 Ed.	1992 Ed.
3—(2) and (3)	3—(2)
(4)	(3)
4—(1) and (2)	4
8—(2) and (3)	8—(2)
10—(1) and (1A)	10—(1)
(4) and (4A)	(4)
(5) and (5A)	(5)
11—(5) and (6)	84—(1) and (2)
12—(3) and (4)	12—(3)
(5)	(4)
(6)	(5)
16—(1) and (1A)	16—(1)
(7) and (8)	(7)
20—(3) and (4)	20—(3)
(5)	(4)
21—(1) and (2)	21—(1)
(3), (4) and (5)	(2)
(6)	(3)
22—(8) and (9)	22—(8)
(10)	(9)
(11)	(10)
25—(4) and (4A)	25—(4)
27—(1) and (2)	27—(1)
(3)	(2)

1999 Ed.	1992 Ed.
(4)	(3)
28 —(1) and (2)	28
29 —(1) and (2)	29
31 —(3) and (4)	31 —(3)
32 —(11) and (11A)	32 —(11)
36 —(3) and (3A)	36 —(3)
43 —(3) and (3A)	43 —(3)
46 —(1) and (1A)	46 —(1)
47 —(2) and (2A)	47 —(2)
(4) and (4A)	(4)
48 —(1) and (2)	48
50 —(1A)	Proviso to 50 —(1)
53 —(1) and (1A)	53 —(1)
(7) and (8)	(7)
57 —(2) and (3)	57 —(2)
58 —(1) and (1A)	58 —(1)
65 —(5)	65 —(6)
(6)	(7)
(7)	(8)
(8)	(5)
69 —(1) and (2)	69
70 —(3), (4) and (5)	70 —(3)
(6)	(4)
84 —(1) and (2)	84