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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 6 February 2017 and assented to by the President on 13 March 2017:—

REPUBLIC OF SINGAPORE

No. 6 of 2017.

I assent.

TONY TAN KENG YAM,
President.
13 March 2017.



An Act to amend the Presidential Elections Act (Chapter 240A of the 2011 Revised Edition) and to make consequential amendments to the Parliamentary Elections Act (Chapter 218 of the 2011 Revised Edition).

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

Short title and commencement

1. This Act is the Presidential Elections (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the Presidential Elections Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “candidate”, the following definition:

“ “certificate of eligibility” means a certificate of eligibility issued under Division 2 of Part II;”;

(b) by inserting, immediately after the definition of “Commissioner of National Registration”, the following definitions:

“ “community” means —

(a) the Chinese community;

(b) the Malay community; or

(c) the Indian or other minority communities;

“community certificate” means a community certificate issued by the Community Committee under Division 3 of Part II;

“Community Committee” means the Community Committee established under section 8E;”;

(c) by deleting the words “or group of candidates” in paragraph (a) of the definition of “direct recording electronic voting machine” or “DRE voting machine”;

(d) by inserting, immediately after the definition of “election”, the following definition:

“ “election advertising” means any poster, banner, notice, circular, handbill, illustration, article, advertisement or other material that can reasonably be regarded as intended —

(a) to promote or procure the electoral success of a candidate at an election; or

(b) to otherwise enhance the standing of the candidate with the electorate in connection with that election,

and such material is election advertising even though it can reasonably be regarded as intended to achieve any other purpose as well and even though it does not expressly mention the name of the candidate, but excludes any button, badge, pen, pencil, balloon and any other thing prescribed by the Minister by notification in the *Gazette*”;

(e) by inserting, immediately after the definition of “Registration Officer”, the following definition:

“ “reserved election” means an election reserved under Article 19B(1) of the Constitution read with section 5A, but excludes an election which is an open election under section 5B;”;

(f) by inserting, immediately after the definition of “Returning Officer”, the following definition:

“ “Sub-Committee” means any of the following Sub-Committees established under section 8E:

(a) the Chinese Community Sub-Committee;

(b) the Malay Community Sub-Committee;

(c) the Indian and Other Minority Communities Sub-Committee;” and

- (g) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) For the purposes of this Act —

- (a) the reference to the electoral success of a candidate at an election is a reference to the return of the candidate at that election;
- (b) the reference to the doing of anything mentioned in paragraph (a) or (b) of the definition of “election advertising” in relation to a candidate includes a reference to the doing so by prejudicing the electoral prospects of any other candidate or by prejudicing the other candidate’s standing with the electorate; and
- (c) the reference to a candidate at an election includes a reference to a person who, on or after the date of the issue of a writ for that election, is declared (by himself or others) as seeking nomination as a candidate at that election.”.

New Part IA

3. The principal Act is amended by inserting, immediately after section 5, the following Part:

“PART IA

COUNTING OF RESERVED ELECTIONS AND QUALIFICATIONS OF PRESIDENT

Reserved elections: how counted

5A.—(1) The Schedule has effect for the purposes of determining whether an election is reserved under Article 19B(1) of the Constitution.

(2) After the Returning Officer declares a person to be elected as President, the Returning Officer must add the person, and the community (if any) the person belongs to, to the Schedule.

(3) For the purposes of subsection (2) —

(a) if a community certificate was issued to the person, the person is considered to belong to the community stated on the community certificate; and

(b) if no community certificate was issued to the person, the person is considered not to belong to the Chinese community, the Malay community or the Indian or other minority communities.

(4) If a person has been added to the Schedule and the Election Judge subsequently declares that the person's election is void or that the return of the person is undue, the Returning Officer must remove the entry in the Schedule relating to the election affected by the declaration.

(5) An amendment to the Schedule under subsection (2) or (4) must be made by notification in the *Gazette*.

Further provisions on community requirement

5B.—(1) If an election under a writ is reserved for one community under Article 19B(1) of the Constitution and the election wholly fails, elections under all subsequent writs are to be open elections until a person is elected as President.

(2) The following provisions apply if an election under a writ is reserved for 2 communities under Article 19B(1) of the Constitution:

(a) Article 19B(2)(b)(i) of the Constitution applies to that election;

(b) if that election wholly fails, Article 19B(2)(b)(ii) of the Constitution applies to the election under the next writ;