

Presidential Elections (Amendment) Bill

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Bill No: 5/2010

Read the first time: 11th March 2010

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Presidential Elections (Amendment) Bill

Bill No. 5/2010

Read the first time on 11th March 2010.

An Act to amend the Presidential Elections Act (Chapter 240A of the 2007 Revised Edition).

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

Short title and commencement

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

New section 7A

2. The Presidential Elections Act (referred to in this Act as the principal Act) is amended by inserting, immediately after section 7, the following section:

“Failure of election

7A.—(1) Whenever an election wholly fails, a fresh writ may be issued by the Prime Minister at any time for the holding of another election, except that where the election has failed because of the death of a candidate after the election has been reported as contested but before polling day, then section 16(7) and (8) shall apply.

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

(3) Where a fresh writ is issued under subsection (1), sections 6 and 7 shall apply to that writ.

(4) For the purposes of this Act, an election shall have wholly failed if no candidate is nominated or returned as elected at that election.”.

Amendment of section 10

3. Section 10(4) of the principal Act is amended by inserting, immediately after the words “a candidate for election”, the words “, an election has wholly failed”.

Amendment of section 16

4. Section 16 of the principal Act is amended —

(a) by deleting paragraph (a) of subsection (5) and substituting the following paragraph:

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

(b) by deleting the words “for the election” in subsection (7)(b) and substituting the words “, time and place for the nomination of candidates for election, at least 4 clear days before the fresh date fixed for such nomination”.

Amendment of section 21

5. Section 21(2) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both, and shall, on conviction, become incapable for a period of 3 years from the date of his conviction of being registered as an elector or of voting at any election under this Act or of being elected as the President or a Member of Parliament”.

Amendment of section 22

6. Section 22(4) of the principal Act is amended by deleting the words “or under section 33C(3)(b)” and substituting the words “under this section, section 33C(3)(b) or 36C”.

Amendment of section 26

7. Section 26 of the principal Act is amended by deleting “\$5” in subsections (8) and (9) and substituting in each case “\$50”.

Amendment of section 27

8. Section 27(4) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

Amendment of section 31A

9. Section 31A of the principal Act is amended by inserting, immediately after subsection (2), the following subsections:

“(3) Where polling at all polling stations established for the purposes of a poll is postponed under section 36C, the conduct of the counting of votes cast for the

election shall stand postponed until such other time as the Returning Officer, by notice in writing to each candidate or his principal election agent, shall specify.

(4) Where polling at any polling station established for the purposes of a poll is temporarily suspended, adjourned and postponed or abandoned and re-started under section 36C, the conduct of the count in respect of votes cast at the other polling stations which are specified in the direction under this section to be counted at the same counting place as votes cast at the first-mentioned polling station shall, even though the poll at the other polling stations has closed, stand postponed until such other time as the Returning Officer, by notice in writing to each candidate or his principal election agent, shall specify.”.

Amendment of section 36

10. Section 36(7) of the principal Act is amended by deleting the words “\$500 or to imprisonment for a term not exceeding 6 months” and substituting the words “\$1,500 or to imprisonment for a term not exceeding 9 months or to both”.

New sections 36A to 36F

11. The principal Act is amended by inserting, immediately after section 36, the following sub-heading and sections:

“Postponement and adjournment of elections

Postponement of nomination day, etc.

36A.—(1) Notwithstanding any other provision of this Act, at any time before the nomination day for any election, the Prime Minister may postpone nomination day to another day, or change the place of nomination, because of —

- (a) riot or open violence;
- (b) the threat of riot or open violence;
- (c) storm, tempest, flood or an occurrence of a similar kind;
- (d) a health hazard;
- (e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or
- (f) any other reason related to the safety of assistants, clerks, candidates and other persons authorised under section 11 to be present at the place of nomination, or to difficulties in the physical conduct of nomination proceedings.

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