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PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS
(ELECTION ADVERTISING)
REGULATIONS 2001

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In exercise of the powers conferred by sections 78, 78A and 102 of the Parliamentary Elections Act, the Prime Minister hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Parliamentary Elections (Election Advertising) Regulations 2001 and shall come into operation on 17th October 2001.

Definitions

2. In these Regulations, unless the context otherwise requires —

“banner” means any election advertising that is a flag, bunting, ensign or standard;

“campaign period”, in relation to an election, means the period beginning on nomination day and ending on polling day of that election;

“election period”, in relation to an election, means the period beginning on the day the writ is issued for the election under section 24 of the Act and ending with the close of all polling stations on polling day at that election;

“electronic mail address” means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered, and includes such an address consisting of a user name or mailbox or an Internet domain;

“nomination day”, in relation to an election, means the date specified as the day of nomination in the writ issued under section 24 of the Act for that election;

“permit” means a permit issued under Part IV for the display of any poster or banner;

“polling day”, in relation to an election, means the date specified in a notice under section 34 (6) or 34A (6) of the Act as the date on which the poll for that election will be taken;

“poster” means any election advertising that —

(a) is a label, set of colours, drawing, painting, handbill or placard;

(b) is a replica of a voting paper or of the symbol of any political party; and

(c) is written, printed, drawn or depicted on any material, and where any election advertising is written, printed, drawn or depicted in sections, such sections, both severally and collectively, shall be deemed to be a poster;

“recipient”, in relation to any electronic mail message, advertisement or material, means the person to whom such

message, advertisement or material is addressed, and if the person has more than one electronic mail address, the person shall be regarded as a separate recipient with respect to each such address;

“relevant person” has the same meaning as in section 78A (3) of the Act.

PART II

ELECTION ADVERTISING PARTICULARS

Non-print election advertising particulars

3.—(1) For the purposes of section 61 (1) (c) (ii) of the Act, the relevant particulars of any election advertising in any web site shall be shown conspicuously —

- (a) on the first opening page of the web site containing any election advertising; and
- (b) on the page first displayed for every sub-directory of the web site if the relevant particulars of the election advertising in the sub-directory are not the same as those in sub-paragraph (a).

(2) For the purposes of section 61 (1) (c) (ii) of the Act, the relevant particulars shall be shown on every election advertising sent by electronic mail or a short message system as follows:

- (a) in the case of electronic mail, the relevant particulars shall appear at the beginning of the message in a font that is not smaller than the font of the message text; and
- (b) in the case of advertising using the short message system, the relevant particulars shall appear at the bottom of the screen displaying the message text.

(3) In this regulation, “relevant particulars”, in relation to any election advertising, means —

- (a) the name and address (not being a post-office box) of the publisher of the election advertising; and
- (b) the name and address (not being a post-office box) of every person for whom or at whose direction the election advertising is published.

(4) Where the publisher of any election advertising or the person for whom or at whose direction any election advertising is published is an unincorporated association or society, it shall be sufficient for the purposes of this regulation to state the name and address of the association or society, as the case may be.

PART III

INTERNET ELECTION ADVERTISING

Division 1 — Candidates and political parties

Positive list of election advertising

4.—(1) For the purposes of section 78A (1) (b) of the Act, during the election period, only any of the following election advertising and no other may be published by any political party or any candidate or his election agent on what is commonly known as the Internet:

- (a) any photograph of any candidate or group of candidates or any drawing or illustration which purports to depict any such candidate or group of candidates or to be a likeness or representation of any candidate;
- (b) any historical or biographical information about, and any manifesto or declaration of policies or ideology of, the political party or the candidate or group of candidates;
- (c) any message by electronic mail that promotes or opposes any political party or the election of any candidate or group of candidates, including one that takes a position on an issue with which a political party or candidate or group of candidates, as the case may be, is associated, and that complies with paragraph (2);
- (d) any newsletter, journal or other periodical publication of the political party;
- (e) any advertisement or material for the recruitment of members or subscribers of a political party or for acquiring the services of volunteers or canvassers for a candidate or group of candidates, and that complies with paragraph (2);
- (f) any announcement of any meeting or constituency visit held or to be held by or on behalf of a candidate or group of candidates or the political party;

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- (g) any facility where persons can communicate with each other in real time through text messages (commonly known as a chat room) or post articles or letters for discussion or comment (commonly known as a discussion forum) and the provision and maintenance of which complies with the requirements in regulation 5;
 - (h) any electronic cross-reference on a web page (commonly known as a hypertext link) that links the web page directly to any other web page that either does not contain any election advertising or that contains election advertising the publication of which complies with these Regulations and is not proscribed by the Returning Officer.

(2) Any message by electronic mail referred to in paragraph (1) (c) and every advertisement or material referred to in paragraph (1) (e) that is sent by electronic mail —

- (a) shall contain a clearly and conspicuously displayed functioning electronic mail address to which the recipient of the electronic mail message, advertisement or material may send a reply to the sender of the message, advertisement or material to indicate a desire not to receive further such messages, advertisements or materials from that sender at the electronic mail address at which the message, advertisement or material, as the case may be, was received; and
- (b) shall not contain any statement or matter requesting, appealing to or encouraging (expressly or otherwise) the recipient of the electronic mail message, advertisement or material to forward, re-transmit or further publish on what is commonly known as the Internet the electronic mail message, advertisement or message to any other person.

(3) If a recipient of any electronic mail message, advertisement or material containing election advertising referred to in paragraph (1) (c) or (e) makes a request to the sender of such message, advertisement or material, through an electronic mail message sent to a functioning electronic mail address provided under paragraph (2), not to receive further electronic mail messages, advertisements or materials, as the case may be, containing election advertising from the sender, the sender shall not send or further send or cause to be sent or further sent any such electronic mail message, advertisement or material during the

election period to the recipient's electronic mail address without the prior express consent of the recipient.

(4) For the avoidance of doubt, nothing in this regulation shall permit any of the following to be published by any political party, or any candidate or group of candidates or their election agents, on what is commonly known as the Internet during the election period:

- (a) any election survey within the meaning of section 78C of the Act;
- (b) any appeal to members of the public or any class thereof to give money or other property (whether for consideration or otherwise) which is made in association with a representation that the whole or any part of its proceeds is to be applied for the objects or activities of any political party or for the promotion of any candidate or (as the case may be) group of candidates at an election; and
- (c) any facility enabling any member of the public or any class thereof to search for election advertising the publication of which contravenes these Regulations or is proscribed by the Returning Officer.

(5) Every political party, and every candidate or group of candidates and his or their election agents shall use its or their best efforts to ensure that any election advertising they publish or cause to be published is published in conformity with this Part and any other written law.

(6) In this regulation, "functioning electronic mail address", in relation to any electronic mail message, advertisement or material, means an electronic mail address that —

- (a) remains capable of receiving messages for not less than 14 days after the transmission of such electronic mail message; and
- (b) has capacity, reasonably calculated in the light of the number of recipients of the electronic mail message, advertisement or material, to enable it to receive the full expected quantity of reply messages from such recipients,

and an electronic mail address shall not cease to be a functioning electronic mail address by reason only of a temporary inability to receive electronic mail messages due to technical problems, provided

steps are taken to correct such technical problems within a reasonable time and without delay.

Chat rooms and discussion forum

5.—(1) Where a facility referred to in regulation 4 (1) (g) (referred to in this regulation as a chat room or discussion forum) is to be published by a political party or a candidate or group of candidates during the election period, the political party or (as the case may be) the candidate or group of candidates or his or their election agents shall, before the start of the election period, appoint one or more officers of the political party or, in the case of a chat room or discussion forum published by a candidate or group or election agent, any one or more persons to directly manage the chat room or discussion forum during that period (referred to in this regulation as a moderator) and notify the Returning Officer accordingly.

(2) The moderator of any chat room or discussion forum shall have the following duties:

- (a) he must without delay remove any material contained in the chat room or discussion forum as and when directed by and in accordance with the written directions of the Returning Officer or any person acting under the Returning Officer's authority; and
- (b) he must maintain a record of all text messages, articles and letters sent to any such chat room, in particular the contents thereof, during the election period.

(3) The political party or candidate or group of candidates who or which or on whose behalf a chat room or discussion forum is published shall —

- (a) use its or his best efforts to ensure that the chat room or discussion forum is published in conformity with this regulation and any other written law;
- (b) keep and furnish to the Returning Officer all information, records, documents, data or other materials concerning or relating to the provision of the chat room or discussion forum as the Returning Officer may, from time to time, require during the election period; and
- (c) remove, or prohibit the inclusion of, the whole or any part of a text message, article or letter in any such chat room or

discussion forum if the Returning Officer informs the moderator that the text message, article or letter is against public interest, public order or national harmony or offends good taste or decency and directs its removal or prohibition.

Division 2 — Relevant persons

No election advertising by relevant persons

6. For the purposes of section 78A (1) (b) of the Act, no election advertising may be published or caused to be published on what is commonly known as the Internet during the election period by or on behalf of any relevant person.

Division 3 — Enforcement

Returning Officer's directions

7.—(1) The Returning Officer or any person so authorised by him may issue written directions to any political party, candidate or group of candidates or his or their election agents or to any relevant person to remove or prohibit any election advertising that has been published by or on behalf of the political party, candidate or group of candidates or relevant person, as the case may be, which is published in contravention of any of the provisions of this Part.

(2) On receipt of any written directions under paragraph (1) concerning any election advertising, the political party, candidate or group of candidates, or his or their election agents, or the relevant person concerned, as the case may be, shall forthwith remove, or prohibit the inclusion of, the whole or any part of the election advertising it or they published or caused to be published.

Use of best efforts

8. If any doubt arises as to whether a political party, candidate, group of candidates or election agent has used its or his best efforts to comply with the provisions of this Part, the party, candidate or agent, as the case may be, shall be treated as having used its or his best efforts if the political party, candidates or group of candidates or election agent, as the case may be, satisfies the Returning Officer that it or he took all reasonable steps in the circumstances.

PART IV
POSTERS AND BANNERS

Display of posters and banners without permit prohibited

9. Subject to these Regulations, no person shall during the campaign period of an election display or cause to be displayed any poster or banner relating to any candidate or group of candidates in that election unless the person is authorised to do so under a permit issued under this Part.

Permits for display of posters and banners

10.—(1) As soon as possible after nomination proceedings have closed on nomination day, the Returning Officer shall issue to every candidate or group of candidates, or to each candidate's election agent, a permit substantially in the form set out in the Schedule authorising the display of posters and banners in the electoral division in which the candidate or (as the case may be) group of candidates seeks election.

(2) The Returning Officer may, in issuing a permit, impose such terms and conditions as he may think fit, including conditions as to —

- (a) the place where, or the objects, structures or things on which, posters and banners must not be displayed;
- (b) the manner in which posters and banners may or must not be displayed; and
- (c) the maximum number of posters and banners authorised to be displayed in the electoral division.

Number of posters and banners to be displayed

11.—(1) The Returning Officer shall, for any election, determine the number of posters and banners which may be displayed during the campaign period of an election in respect of each candidate or group of candidates in the electoral division in which the candidate or (as the case may be) group of candidates seeks election.

(2) In carrying out his duty under paragraph (1), the Returning Officer shall allot equally among the candidates or (as the case may be) groups of candidates seeking election in an electoral division the number of posters and banners which may be displayed in that electoral division.

(3) In determining the number of posters and banners which may be displayed in any electoral division, the Returning Officer may have regard to the area of the electoral division and the number of electors therein.

Official stamp for posters and banners

12.—(1) Subject to paragraph (2), no person shall display or cause to be displayed in any public place during the campaign period of an election any poster or banner unless there is affixed to the poster or banner a stamp issued by the Returning Officer bearing his official mark.

(2) Paragraph (1) shall not apply to the display of —

- (a) any poster or banner on the day and at the site of any election rally held by or on behalf of a candidate or group of candidates; and
- (b) any poster or banner or its contents by any means of —
 - (i) television broadcasting;
 - (ii) electronic transmission on what is commonly known as the Internet;
 - (iii) a film or photograph of the poster or banner or its contents; or
 - (iv) publication in any newspaper, magazine or periodical.

Copy of poster or banner to be lodged with Returning Officer

13. No person shall display or cause to be displayed by any means during the campaign period of an election any poster or banner unless —

- (a) a copy of the poster or a detailed diagram or drawing of the banner has previously been lodged with the Returning Officer by a candidate or group of candidates or the candidate's election agents; and
- (b) the person is in possession of a written authority to conduct election activity issued in accordance with section 83 (2) of the Act.

Size of posters and banners

14.—(1) The size of a poster shall not exceed —

- (a) 1,750 millimetres by 1,200 millimetres for display within a group representation constituency; or
- (b) 850 millimetres by 600 millimetres for display in any constituency other than a group representation constituency.

(2) Subject to paragraph (3), no banner shall exceed 9 metres in length and 1.2 metres in breadth.

(3) Paragraph (2) shall not apply to the display of any banner on the day and at the site of any election rally held by a candidate or group of candidates.

Posters and banners not to exceed authorised number

15.—(1) Subject to paragraph (2), no person shall display or cause to be displayed in any electoral division during the campaign period of an election any poster or banner in excess of the maximum number authorised by the Returning Officer for display in that electoral division.

(2) Nothing in paragraph (1) shall prohibit the display of —

- (a) any poster or banner on the day and at the site of any election rally held by a candidate or group of candidates; or
- (b) any poster or banner at the office or committee room of a candidate or group of candidates or his or their political party, only that the office or room must be the office or committee room of the candidate, group of candidates or political party, as the case may be, and specifies the name of the candidate or candidates in the group or the name of the political party concerned.

Posters and banners not to be displayed on certain objects, structure or things

16. No person shall display or cause to be displayed any poster or banner by pasting, nailing or otherwise affixing it on —

- (a) any lamp post or traffic bollard;
- (b) any postal box, telephone box or any other property belonging to the Public Utilities Board, the Info-communications Development Authority of Singapore, any public electricity licensee, public gas licensee, any public telecommunication licensee or any public postal licensee;

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- (c) any area, space or building owned or occupied by the Land Transport Authority of Singapore for or in connection with any rapid transit system;
 - (d) any painted wall or painted part of a building adjoining a public road; or
 - (e) any tree or structure on or along any public road.

Posters and banners not to be obscured

17. No person shall display or cause to be displayed any poster or banner during the campaign period of an election so as to obscure the view of any poster or banner already displayed.

Ban on displays near polling stations

18.—(1) No person shall display or cause to be displayed during the campaign period of an election any poster or banner within 200 metres, or such shorter distance under paragraph (2), of any polling station.

(2) The Returning Officer may specify a shorter distance for the purposes of paragraph (1) having regard to the area of the electoral division in which any polling station is situated.

Consent of owner

19. Nothing in this Part shall be deemed to authorise the display of any poster or banner on or in any building, premises or property without the express consent of the owner or occupier thereof.

Removal, etc., of posters and banners by Returning Officer

20. The Returning Officer or any person so authorised by him or any police officer in uniform may obliterate, destroy or remove any poster or banner which is displayed in contravention of any of the provisions of this Part or of any term or condition contained in the permit issued under this Part.

No inscriptions on roads, buildings, etc.

21. No person shall write, draw, inscribe or depict any election advertising directly on any road, footpath, building, vehicle, vessel or hoarding.

Other forms of election advertising displays

22.—(1) Subject to paragraph (2), no person shall, during the campaign period of an election display or cause to be displayed any election advertising —

- (a) by means of any television broadcast for reception by the public or any class thereof (whether in payment or otherwise);
- (b) by exhibiting it in, or in a manner so as to be visible from, any place to which the public (or any class thereof) have or are permitted to have access (whether on payment or otherwise); or
- (c) by publishing it in any newspaper, magazine or periodical, unless the person is authorised to do so by and does so in accordance with the written directions of the Returning Officer.

(2) Nothing in paragraph (1) shall prohibit the broadcast or publication of any item of news or current affairs which contains any reference to any election advertising.

Offences

23. For the purposes of section 78 of the Act, any person who —

- (a) destroys, obliterates, defaces, alters or removes any poster or banner displayed in accordance with any of the provisions of this Part;
- (b) displays or causes to be displayed any poster or banner in respect otherwise than in accordance with any of the provisions of this Part or any term or condition contained in any permit or written direction issued under this Part;
- (c) obstructs the Returning Officer, or any member of his staff or any police officer in uniform, in carrying out his duties under any of the provisions of this Part; or
- (d) obstructs any candidate or his election agent or any person lawfully conducting any election activity from doing any act which he is authorised to do under any of the provisions of this Part,

shall be guilty of an offence.

Presumption

24. If any poster or banner is found to be displayed in contravention of any provision in this Part and the poster or banner —

- (a) relates to any candidate or group of candidates; or
- (b) relates to the political party which a candidate or group of candidates is standing for,

it shall be presumed, until the contrary is proved, that the poster or banner was displayed or caused to be displayed by the candidate or group of candidates, as the case may be.

PART V**MISCELLANEOUS****Other written laws not affected**

25. These Regulations are in addition to and are not in derogation of any other written law for the time being in force relating to the display of posters, banners and advertisements whether or not these contain election advertising.

Revocation

26. The Parliamentary Elections (Posters and Banners) Regulations (Rg 3) are revoked.

THE SCHEDULE

Regulation 10 (1)

FORM

PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)PARLIAMENTARY ELECTIONS
(ELECTION ADVERTISING)
REGULATIONS 2001

PERMIT TO DISPLAY POSTERS AND BANNERS

Electoral Division of

1. You are hereby authorised to display posters and banners within the above electoral division in accordance with the Parliamentary Elections (Election Advertising) Regulations 2001 and in accordance with the following conditions:

- (a) you are not to display in excess of (maximum number authorised);
- (b) you are not to display any poster or banner without affixing the stamp bearing the official mark of the Returning Officer conspicuously at the bottom right hand corner of the poster or banner; and
- (c) _____

Conditions (a) and (b) do not apply to the display of posters and banners during an election rally.

2. Your attention is drawn to the provisions of the Parliamentary Elections (Election Advertising) Regulations 2001, a copy of which is attached. If you commit an offence under those Regulations, you are liable under section 78 of the Parliamentary Elections Act on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

Dated this ____ day of _____ 20__.

.....
(Returning Officer)

Made this 16th day of October 2001.

LIM SIONG GUAN
*Permanent Secretary (Special Duties),
Prime Minister's Office,
Singapore.*