

SPEECH BY MR WONG KAN SENG, DEPUTY PRIME MINISTER & MINISTER FOR HOME AFFAIRS, AT THE SECOND READING OF THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL 2008 ON MONDAY, 25 AUGUST 2008

Mr Speaker, Sir, I beg to move, 'That the Bill be now read a second time'.

Introduction

2. Sir, over the years, the Government has reviewed the conduct of every General Election (GE) and made the process simpler to both candidates and voters without compromising the integrity of the electoral process. After the 2001 GE, Elections Department implemented a number of improvements for the 2006 GE. The Parliamentary Elections Act was amended in 2005 to simplify the nomination process, and streamlined the post-election reporting of political donations and election expenditure, among other issues.

3. During the Committee of Supply debate this year, I

informed the House that Elections Department has also reviewed the 2006 GE and will implement more improvements for the next GE. A key review area concerned overseas voting, which is the subject of the Bill before the House.

Overseas Voting

4. The 2006 GE was the first time when overseas Singaporeans could vote. 1,017 overseas Singaporeans registered to vote. 335 of the 553 overseas electors from the 16 contested constituencies eventually voted at 8 overseas polling stations. Now that we have experience in conducting overseas voting, we are prepared to take bolder steps to facilitate the participation of more overseas Singaporeans in our national elections.

5. The constituency of overseas Singaporeans is growing as more Singaporeans go abroad to work and study. It is estimated that more than 150,000 Singaporeans are working or studying overseas today. This number will grow. It is important that they

remain engaged in our domestic affairs and not lose the connection with their homeland.

6. The Bill before the House proposes a number of amendments to the Parliamentary Elections Act to that end. The amendments can be grouped into three broad areas. First, we will relax the qualifying criteria for overseas Singaporeans to vote. Second, we will simplify the registration procedures for overseas voters. The third area comprises a number of miscellaneous amendments to support the first two groups of amendments. I will now elaborate on each of these areas in turn.

Relaxing the qualifying criteria for overseas voting

Residency Requirement

7. Overseas Singaporeans have to meet a basic residency requirement before they are eligible to register to vote. We will continue to retain a residency requirement. Many countries have minimum residency requirements for their overseas voters.

8. Currently, all overseas Singaporeans who wish to vote must fulfil the requirement of having resided in Singapore for a cumulative period of 2 years within the 5 years before the cut-off date for the registers of electors. In addition, they must maintain a local contact address with the ICA, so that their names can be entered or retained in a constituency's register of electors.

9. Clause 3 of the Bill will shorten the residency requirement to a cumulative 30 days out of the last 3 years before the cut-off date for the registration of electors. This will allow more overseas Singaporeans to vote. All an overseas Singaporean needs to do is to come home for 10 days a year to visit his family and friends. This is a far more liberal residency requirement compared to the present one. The Bill also does away with the current special treatment for Government officials and scholars or employees of approved international organisations who are employed or studying aboard, and their family members.

Foreign Electoral Registers

10. Next, certain voter disqualifications were reviewed after the 2006 GE in view of feedback from overseas voters. The current Parliamentary Elections Act disqualifies overseas Singaporeans from voting if their names are entered in the electoral registers of other countries. The rationale was to exclude any citizen who could be a participant in the political process of a foreign State.

11. In 2006, we learnt that the UK authorities require all households to submit the particulars of household members annually. This is compulsory and applies to foreign residents from Commonwealth countries, which include Singapore. The information required is then entered into the UK electoral registers. Some Singaporeans who were living in UK had their names entered into the UK electoral registers and were thus unable to register for overseas voting in the 2006 GE.

12. We should distinguish between Singaporeans who choose to participate in the political process of a foreign State and those who are included in foreign electoral registers and do nothing more. The former will continue to be disqualified whereas the latter should be given an opportunity to vote.

13. Clause 4 of the Bill will amend Section 6(1) of the Parliamentary Elections Act to delete the current disqualification for overseas Singaporeans on account of their names being entered in the electoral registers of another country or territory. Instead, the disqualification criteria will be aligned to the circumstances under which a person may be deprived of Singapore citizenship, as spelt out in Article 135(2) of the Constitution. This covers the scenarios where Singapore citizens who acquire or apply to acquire foreign citizenship or where they exercise any rights which are accorded exclusively to the citizens or nationals of that country. For example, casting a vote in any foreign national election or the mayoral elections of metropolitan areas like London will be disqualifying acts.

Simplifying the registration process of overseas voters

14. Now, let me move on to the second group of amendments, which is in the area of registration procedures, especially for overseas voters. Today, all voters, including overseas voters, who wish to register must submit a completed and signed application form with supporting documents, either by hand or registered post, to any local or overseas registration centre or to the Elections Department. Overseas voters have just 21 days to register themselves for overseas voting after the registers of electors are revised and open for inspection.

15. The present registration period of 21 days is tight and may be too far removed in time from the actual issue of the Writ of election. The last GE saw Singaporeans who were newly-resident overseas travelling long distances to the nearest Singapore embassy only to be disappointed that they could not cast their vote, because they had not registered during the 21 day window.

16. We will now allow overseas voters to register themselves at any time before the Writ of election is issued. Once the Writ is issued, registration will cease. Once the election is over, an overseas Singaporean can apply to register as an overseas voter for the next election. Clause 8 of the Bill does away with the 21-day window period stipulated in Section 13A. Overseas voters will also be allowed to de-register or to change their assigned overseas polling station at any time before the Writ of election is issued. This will address the inconvenience arising whenever a registered overseas voter returns to Singapore or relocates to another city which is designated for overseas voting.

17. We will also simplify the registration procedures in a number of ways. We will create an on-line facility to allow all Singaporeans to register as electors. The Bill does not deal with this particularly or explicitly. Regulations will be made under the Parliamentary Elections Act later.

18. Clause 6 of the Bill amends Section 11 of the Parliamentary Elections Act to remove the current requirement for every objection to be submitted in duplicate. With online processes, overseas Singaporeans will find this useful, especially if they are non-voters and want to apply to restore their names to the registers of electors, or if they need to file claims to names omitted or objections to names found in the revised registers of electors during the 14 day period when the revised registers are open for inspection.

19. Clause 7 of the Bill also amends Section 13 of the Parliamentary Elections Act to allow the Registration Officer to update the list overseas voters in the registers of electors whenever necessary. The Registration Officer will be empowered to remove from the register the names of overseas voters whose contact addresses have ceased to exist or are outdated. The Officer can also enter the name onto the

appropriate register once the person whose name is removed has notified the Commissioner of National Registration of his new contact address.

Other Miscellaneous Amendments

Extra-Territorial Application of the Parliamentary Elections Act

20. Like most other laws, the Parliamentary Elections Act currently applies only to acts and omissions occurring within the territory of Singapore and there are no means to enforce its provisions against citizens outside Singapore. An overseas voter who commits an election offence while he is in an overseas polling station therefore cannot be charged in our courts here. Similarly, false claims or declarations made by overseas Singaporeans to gain registration also fall outside the Parliamentary Elections Act's application.

21. While making it easier for overseas Singaporeans to vote, we must have avenues to deal with those who undermine the integrity of the electoral process by committing an election offence or making false declarations. The Bill therefore provides

for extra-territorial application of the Parliamentary Elections Act to ensure that the integrity of the election process is not undermined. For example, the making of any false declaration when applying to register as an overseas voter or to change the allocated overseas polling station will be an offence, even if made outside Singapore. The person, if convicted, faces a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 years or both. Clause 9 of the Bill amends Section 21 of the Parliamentary Elections Act for this purpose. Clause 12 of the Bill similarly gives extra-territorial effect to the regulations governing overseas voting. The legal proceedings for these offences will take place only in Singapore.

Improving Access to Overseas Stations

22. We have designated 9 cities where overseas polling stations may be set up. Currently, only diplomatic Missions may serve as overseas polling stations. This is because they enjoy diplomatic immunity and any activity conducted in it remains under Singapore's control. To deal with situations where a

particular Mission is not available to cope with the number of voters, we will expand the class of premises that can be used as overseas polling stations, to include the official residences of our senior diplomats. These premises similarly have diplomatic immunity. Clause 10 of the Bill makes this change. This is connected with the amendment to the definition of “overseas polling stations” in Clause 2.

23. By Clause 12 of the Bill, we will also lift the existing cap on voting hours at overseas polling stations in Section 39A. This means that an overseas polling station may operate beyond the current limit of 12 hours when necessary. However, an overseas poll must close not later than the close of the polls on polling day in Singapore. This is unchanged.

Amendments to the Presidential Elections Act

24. Clause 13 of the Bill makes related amendments to sections 2 and 22A of the Presidential Elections Act in the same

manner as the amendments in clauses 2, 11 and 12 of the Bill.

Conclusion

25. Sir, as more Singaporeans venture abroad to work or study, we will strive to ensure that they remain connected to Singapore. This Bill seeks to make it easier for overseas Singaporeans to register and vote while at the same time preserving the integrity of the election process.

26. Sir, I beg to move.

* * * * *