

CHAPTER 14

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATION

PART I : GENERAL

14.1 This chapter deals with the ban on canvassing activities **outside the polling station** on the polling day. An NCZ will be designated outside the polling station to ensure that electors can gain access to the polling station without interference. In addition, an NSZ in which no one is allowed to stay or loiter will also be designated in the immediate vicinity outside the entrance/exit of the polling station to avoid any obstruction of the entry/exit. *[Amended in January 2022]*

14.2 No canvassing activities are allowed within the NCZ. Any deliberate but disguised conduct for the canvassing of votes in the NCZ is prohibited, such as staying or loitering in the NCZ, smiling or showing goodwill to the electors, etc. for the purpose of canvassing votes. For details, please refer to **Appendix 6**. *[Added in January 2022]*

PART II : DETERMINATION OF NO CANVASSING ZONE AND NO STAYING ZONE

14.3 The RO must determine an area outside the polling station to be an NCZ. In so doing, he/she will take into account the characteristics and special conditions of the polling station. He/She must also determine an area within the NCZ outside the entrance/exit of the polling station as an NSZ. These two zones are to be determined with reference to a map or plan [s 23(1)]

of the EP (CEE) Reg]. *[Amended in January 2007 and November 2011]*

14.4 The RO must, at least **7 days** before the polling day, give a notice of the determination of the NCZ and NSZ to the candidates [s 23(2) of the EP (CEE) Reg].

14.5 The notice will be given in writing, and delivered by hand, by post, by electronic mail or by facsimile transmission, to the candidates or to the election agents [ss 12(5), 23(2) and 72(1)(f) of the EP (CEE) Reg]. *[Amended in November 2011 and October 2016]*

14.6 Where the circumstances so warrant, the RO or the PRO may vary the NCZ or NSZ. Notice of the variation must be given as soon as practicable after the variation in the same manner as a notice referred to in para. 14.5 above [S 23(4) of the EP (CEE) Reg]. The notice of variation may however be given orally if delivering it in the manner as referred to in para. 14.5 above is not practicable or is not suitable in the circumstances [ss 23(4)(a) and 72(2) of the EP (CEE) Reg]. *[Amended in January 2007, November 2011 and October 2016]*

14.7 A notice of the determination or the variation, together with indication of the boundaries of the NCZ or the NSZ, must be displayed on polling day at or near the polling station in order to make the determination or variation effective [s 23(4)(b) and (5) of the EP (CEE) Reg].

14.8 The RO may authorise his/her ARO or the PRO to exercise the power to vary the determination and to perform the associated duties on the polling day [s 41(4) of the CEEO and ss 23(5A) and 76 of the EP (CEE) Reg].

**PART III : CONDUCT INSIDE THE NO CANVASSING ZONE
AND NO STAYING ZONE**

14.9 The PRO will keep order at the NCZ and NSZ [s 24(1) of the EP (CEE) Reg].

14.10 On the polling day, no person shall:

- (a) engage in canvassing for votes (including suggesting not to vote for any candidate, or not to vote in support of the only validly nominated candidate, as appropriate) in an NCZ. A list of common canvassing activities which are forbidden in an NCZ is at **Appendix 6**;
- (b) use a sound amplifying system or device for any purpose in the NCZ without lawful authority, except for the performance of duties by officers of the CSD on the polling day at the dedicated polling stations situated in penal institutions; *[Amended in November 2011]*
- (c) use a sound amplifying system or device, or conduct any activity for canvassing for votes (including suggesting not to vote for any candidate, or not to vote in support of the only validly nominated candidate, as appropriate), so that the sound of the activity can be heard in the NCZ;
- (d) display in the NCZ any propaganda material relating to any candidate or the election of the CE, except for static display of EAs mounted at designated spots approved by the RO; or
- (e) stay or loiter in the NSZ without the express permission of the PRO.

[S 24(2), (3) and (3A) of the EP (CEE) Reg] *[Amended in January 2007 and October 2016]*

14.11 In an NCZ or an NSZ on the polling day, no person shall:

- (a) fail to comply with a lawful direction given by the RO or the PRO;
- (b) cause an obstruction to any person who is in the zone and on his/her way to vote; or
- (c) otherwise misconduct himself/herself.

[S 24(4) of the EP (CEE) Reg.]

14.12 No canvassing activities will be allowed within an NCZ, except for static displays of EAs that are authorised by the RO [s 24(2) of the EP (CEE) Reg]. Where there are premises situated within the NCZ, the RO should issue a notice in advance to all the candidates asking them to remove all of their EAs posted up at the premises within the NCZ before the polling day. The exhibition of portable displays on vehicles (whether in motion or parked within the area), or held or carried by persons is also regarded as a canvassing activity which is forbidden within an NCZ. Therefore, candidates should arrange the removal of EAs on the windows or bodywork of any public service vehicles (e.g. public light buses or taxis) if those vehicles will pass through or be parked within the NCZ on the polling day. If the candidates fail to remove the EAs as requested by the RO, the RO may issue a warning to them to remove the offending EAs immediately. If the candidates fail to do so, the EAC may issue a censure or reprimand. *[Amended in November 2011, October 2016 and January 2022]*

14.13 A person shall not obtain or attempt to obtain (in any manner) information as to which candidate an elector is about to vote for or has voted

for at a contested election, or whether an elector is about to vote or has voted in support of the candidate at an uncontested election in an NCZ or in an NSZ without the express permission of the EAC or the PRO. The PRO should recognise and give due regard to persons conducting exit polls who have in compliance with the requirements set out in Chapter 15. [S 70 of the EP (CEE) Reg] *[Amended in January 2007]*

14.14 If a person contravenes paras. 14.10 and 14.11 above, the RO or the PRO may:

- (a) require the person to produce his/her identity card for inspection;
and
- (b) order the person to leave the NCZ or NSZ immediately.

[S 24(5) of the EP (CEE) Reg]

If the person fails to leave when ordered to do so, he/she may be removed from the relevant zone by a police officer, an officer of the CSD or any law enforcement agency, or by any other person authorised in writing by the RO or the PRO. The person so removed may not re-enter the NCZ or NSZ again on the polling day without the express permission of the RO or the PRO [s 24(7) and (8) of the EP (CEE) Reg]. *[Amended in January 2010]*

14.15 Nevertheless, the RO or the PRO shall not exercise their powers to order an elector to leave or remove an elector from the NCZ or NSZ so as to prevent him/her from voting at the polling station [ss 24(9) and 27(12) of the EP (CEE) Reg]. *[Amended in November 2011]*

PART IV : PENALTY

14.16 A person who contravenes any conduct prohibited under paras. 14.10, 14.11 and 14.14 above commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [s 82(1) of the EP (CEE) Reg]. Any attempt to obtain information as described in para. 14.13 above without the necessary permission will be an offence under s 82(2) of the EP (CEE) Reg and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. *[Amended in November 2011]*