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PARLIAMENTARY ELECTIONS ACT
(CHAPTER 218)

PARLIAMENTARY ELECTIONS
(ELECTION ADVERTISING) (AMENDMENT)
REGULATIONS 2020

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

Citation and commencement

1. These Regulations are the Parliamentary Elections (Election Advertising) (Amendment) Regulations 2020 and come into operation on 8 June 2020.

Amendment of regulation 2

2. Regulation 2 of the Parliamentary Elections (Election Advertising) Regulations (Rg 3) (called in these Regulations the principal Regulations) is amended —

(a) by inserting, immediately before the definition of “banner”, the following definition:

““authorised third-party campaigner”, in relation to a candidate or group of candidates, means a person who is acting within the authorisation issued to the person under section 83(2) of the Act by the candidate (or the candidate’s election agent) or the group of candidates (or those candidates’ election agents) to conduct election activity;”;

(b) by deleting the definitions of “chat room”, “discussion forum” and “display” and substituting the following definitions:

““chat room” or “discussion forum” means a website or similar online facility (including a facility made available by or through a social networking service or web log) through which users can communicate with other users or a designated segment of users by means of messages;

“display”, in relation to a public place, includes display on the exterior or otherwise of a vehicle (whether or not mechanically propelled) in a public place so as to be visible to the public or any section of the public;”;

(c) by deleting the definition of “electronic mail address” and substituting the following definition:

““electronic mail address” means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered;”;

(d) by deleting the word “small” in paragraph (a) of the definition of “electronic media application”;

(e) by inserting, immediately after the definition of “electronic media application”, the following definitions:

““electronic media application message” means a message that is sent using an electronic media application;

“electronic message” means a micro-blog post, a social networking service message, an electronic media application message, an SMS message or an MMS message;

“electronic user name” means a unique sequence of characters that identifies a person as a user or the proprietor of an online account, facility, network, service or system;

“functioning electronic mail address”, “functioning digital mobile telephone number” or “functioning electronic user name”, in relation to any electronic mail or electronic message, means an electronic mail address, a digital mobile telephone number or an electronic user name, respectively, that —

(a) remains capable of receiving electronic mail or electronic messages for not less than 14 days after the transmission of the firstmentioned electronic mail or electronic message; and

(b) has capacity, reasonably calculated in the light of the number of recipients of the firstmentioned electronic mail or electronic message, to enable it to receive the full expected quantity of reply electronic mail or electronic messages from such recipients,

and an electronic mail address, a digital mobile telephone number or an electronic user name does not stop being a functioning electronic mail address, functioning digital mobile telephone number or functioning electronic user name, respectively, just because of a temporary inability to receive electronic mail or electronic messages due to technical problems, provided steps are taken to correct these technical problems within a reasonable time and without delay;

“initiating”, in relation to publishing or sending paid Internet election advertising, includes instigating the publishing or sending of the election advertising to recipients not voluntarily accessing the election

advertising, without the need for anyone to operate or permit the operation of systems that cause the election advertising to be so published or sent;

“Internet platform” means —

- (a) a website or similar online facility;
- (b) an electronic media application;
- (c) a social networking service; or
- (d) a network or like service available on the Internet that —
 - (i) supports the integration of different electronic media applications or different software or programmes for the provision of goods or services (including accessing information); and
 - (ii) facilitates communication and exchanges of information between multiple subscribers to the service;

“message”, in relation to a chat room, a discussion forum, a micro-blog post, a social networking service message or an electronic media application message, means a message that is in the form of (but not limited to) any text, still or moving picture, sign, symbol or other visual image, or any speech, music, sound or other audible message;”;

(f) by deleting the definition of “micro-blog post” and substituting the following definition:

““micro-blog post” means a short message that is posted on or sent through a micro-blog;”;

(g) by inserting, immediately after the definition of “MMS service”, the following definition:

““mobile device” includes a digital mobile telephone or other device that is designed to run a mobile operating system;”;

(h) by inserting, immediately after the definition of “nomination day”, the following definitions:

““online account” includes any of the following:

(a) a free account;

(b) a prepaid account;

(c) anything that may reasonably be regarded as the equivalent of an account;

“paid Internet election advertising”, in relation to an election, means an election advertising —

(a) that contains material relating to the election;

(b) that is published on or using any Internet platform; and

(c) in respect of which the proprietor or operator of the Internet platform (including a person initiating the publishing or sending of the advertising) has received or is to receive, directly or indirectly, any money or other consideration for the placement of the election advertising on or using the Internet platform;”;

(i) by deleting paragraph (b) of the definition of “poster” and substituting the following paragraph:

“(b) is a replica of a voting paper, a political party’s symbol or the symbol allotted to a