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**PRESIDENTIAL ELECTIONS ACT
(CHAPTER 240A)**

**PRESIDENTIAL ELECTIONS
(POSTERS AND BANNERS)
(AMENDMENT) REGULATIONS 2017**

In exercise of the powers conferred by sections 60, 60AA and 81 of the Presidential Elections Act, the Prime Minister makes the following Regulations:

Citation and commencement

1. These Regulations are the Presidential Elections (Posters and Banners) (Amendment) Regulations 2017 and come into operation on 1 June 2017.

Amendment of regulation 1

2. Regulation 1 of the Presidential Elections (Posters and Banners) Regulations (Rg 3) (called in these Regulations the principal Regulations) is amended by deleting the words “Posters and Banners” and substituting the words “Election Advertising”.

Amendment of regulation 1A

3. Regulation 1A of the principal Regulations is amended —

(a) by deleting the definition of “banner relating to a candidate” and substituting the following definition:

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

(b) by inserting, immediately after the definition of “campaign period”, the following definition:

“ “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;”;

(c) by deleting the definition of “poster relating to a candidate” and substituting the following definitions:

“ “election period”, in relation to an election, means the period beginning on the day the writ is issued for the election under section 6 of the Act and ending with the start of polling day at that election;

“election rally” means an assembly in a public place organised by or on behalf of a candidate in an election to promote or procure the electoral success of the candidate at the election, or to otherwise enhance the standing of the candidate with the electorate in connection with the election;

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

“electronic media application” includes —

(a) any banner, logo or small icon that is capable of being posted on any social networking service, micro-blog, website or other form of electronic media; or

(b) any other software or programme used in connection with a computer or other electronic device and which may be used for communicating or transmitting election advertising among users in any format,

such as but not limited to digital banners, RSS feed readers, widgets, mobile applications and other instant messaging software or programmes;

“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 owner of an online account, facility, network, service or system;

“message”, in relation to a chat room, a discussion forum, a micro-blog, a social networking service or an electronic media application, 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;

“micro-blog” means a web service that allows a user to post or send a micro-blog post that can be viewed by a selected group of persons or by anyone who uses the web service;

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

“MMS message” means a message (whether or not accompanied by any sound) that is sent using an MMS service;

“MMS service” means a system that enables the transmission of visual communication, voice communication or electronic mail from a digital mobile telephone —

(a) to another digital mobile telephone; or

(b) to an electronic mail address,

but does not include a micro-blog post;

“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 allotted to a candidate under section 16(1)(b) or (1A) of the Act; or

(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, are deemed to be a poster;”;

(d) by deleting the full-stop at the end of the definition of “public place” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

“ “recipient”, in relation to any electronic mail or electronic message, means the person to whom such mail or message is addressed, and if the person has more than one digital mobile telephone number, electronic mail address or electronic user name, the person is to be regarded as a separate recipient with respect to each such digital mobile telephone number,

electronic mail address or electronic user name;

“SMS message” means a text message that is sent using an SMS service;

“SMS service” means a system that enables the transmission of text messages from a digital mobile telephone to another digital mobile telephone;

“social networking service” means any online website or web service —

(a) that allows a user to create webpages or profiles providing information that can be viewed in whole or in part by other users; and

(b) that enables or supports multiple-user digital communication, connection, social interaction or related activities;

“social networking service message” means a message that is posted on or sent through a social networking service;

“web log” means a website or part of a website maintained by one or more persons that —

(a) allows the person or persons to upload entries that include (but are not limited to) texts, still or moving pictures, signs, symbols or other visual images, or speeches, music, sounds or other audible messages (collectively called in this definition the uploaded content); and

(b) may allow visitors to the website (or any part of it) to post their comments on the uploaded content.”.