

CHAPTER 15

PROHIBITION AGAINST CANVASSING ACTIVITIES OUTSIDE POLLING STATIONS

PART I : GENERAL

15.1 This chapter provides guidelines on canvassing activities **outside polling stations** on the polling day. To ensure electors can access polling stations without interference, an NCZ will be designated outside each polling station. No canvassing activities or conduct that may constitute disguised canvassing are allowed within the NCZ. In addition, to avoid any obstruction at the entrance/exit of a polling station, an NSZ will be designated immediately adjacent to the entrance/exit, where no person is allowed to stay or loiter without the express permission of the PRO.

PART II : AREA AS NO CANVASSING ZONE AND NO STAYING ZONE

15.2 The RO will consider the characteristics and specific conditions of each polling station for a constituency to designate an area outside the polling station as an NCZ and an area within the NCZ immediately adjacent to the entrance/exit (sometimes the exit is the same as the entrance) as an **NSZ**.

[Ss 40(1) and (16) and 41(1)(d) of the EAC (EP) (LC) Reg]

15.3 After determining the NCZ and NSZ, the RO must, at least **seven days** before the polling day, give a written notice to:

- (a) the candidates, their election agents, or polling agents of the constituencies for which the RO is responsible; and
- (b) the relevant ROs of other constituencies using the same polling station, if applicable.

Thereafter, each RO for the relevant constituencies must, as soon as practicable, give the notice by hand, post, email, or fax transmission to the candidates, their election agents, or polling agents of his constituency. [Ss 40(4), (6), (7), (8) and (14) and 98(2) of the EAC (EP) (LC) Reg]

15.4 The RO may vary the NCZ or NSZ if circumstances warrant. However, a written notice of variation must be issued as soon as practicable in the manner referred to in para. 15.3 of this chapter. If issuance of the notice as referred to in para. 15.3 of this chapter on the polling day is not practicable or suitable, the notice of variation may be issued orally. If it is not reasonably practicable to notify candidates before the close of polls, the RO is not required to give notice of variation to candidates. [Ss 40(9) and (13) and 98(3) of the EAC (EP) (LC) Reg]

15.5 On the polling day, the RO must display the notice of determination or variation, including the boundaries of the NCZ or NSZ, at or near the polling station to inform candidates of the decision or variation. In addition, the RO

authorised to determine these zones may delegate to their ARO or the PRO the authority to vary the determination and perform related duties on the polling day so as to inform candidates of the decision or variation. [Ss 40(10), (11), (11A) and (12) and 92 of the EAC (EP) (LC) Reg]

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

15.6 Except for static EAs authorised by the RO (e.g. EAs mounted at designated spots) and the permitted activities described in para. 15.7 of this chapter, no person may engage in canvassing activities within the NCZ, including displaying or wearing promotional materials or suggesting voting or not voting for any candidate. [S 40(16) of the EAC (EP) (LC) Reg]

15.7 Within the NCZ, provided that permission has been obtained to enter a building other than the one housing the polling station for canvassing votes, candidates may conduct door-to-door canvassing on storeys above or below street level without obstructing others or using sound amplifying systems or devices. During such canvassing, candidates may display or wear promotional materials (e.g., badges, emblems, clothing, or head-dress that may promote or prejudice a candidate's or candidates' election) or materials directly referencing a body with a member standing as a candidate in the election or the registered name or emblem of a prescribed body printed on a ballot paper for the election. However, no canvassing activities may be conducted on the street level (i.e. ground floor) within the NCZ, and the above-mentioned materials must not be

displayed at street level within the NCZ under any circumstances. [Ss 40(16), (17), (18) and (19) of the EAC (EP) (LC) Reg]

15.8 On the polling day, the following canvassing activities are strictly prohibited within the NCZ, including but not limited to:

- (a) displaying EAs within the NCZ;
- (b) displaying EAs on the windows or bodywork of public service vehicles (e.g. public light buses or taxis) travelling through or parked within the NCZ; or
- (c) using sound amplifying systems or devices, or conducting activities (e.g. lion dance) within the NCZ or conducting the above-mentioned activities in the vicinity where the sound can be heard within the NCZ; or
- (d) staying, loitering, smiling, and showing goodwill to electors for the purpose of canvassing votes.

There are many forms of canvassing activities. The common canvassing activities that are strictly prohibited within the NCZ is in **Appendix 15**. [Ss 40(16) and 41(1) of the EAC (EP) (LC) Reg]

15.9 On the polling day, the PRO will make his best endeavours to ensure that no person engages in activities within the NCZ of his polling station (except

those permitted as described in para. 15.7 of this chapter) to persuade or induce electors to vote or not to vote. Any unauthorised display of EAs in the NCZ will be removed by the RO or persons authorised by the RO, and any person found conducting prohibited canvassing activities within the NCZ will be asked to leave. [Ss 41(2) and 107 of the EAC (EP) (LC) Reg]

15.10 Within the NSZ or NCZ, no person may:

- (a) obtain or attempt to obtain from electors in the polling station information about which candidate an elector intends to vote for or has voted for by any means, unless explicit permission of the EAC or PRO has been obtained; or
- (b) misconduct himself, engage in strictly prohibited activities, or fail to obey the lawful orders of the PRO or the RO who determined the NCZ or NSZ.

[Ss 41(2), 45(4) and 96(7) of the EAC (EP) (LC) Reg]

15.11 The RO or PRO shall not exercise their powers to order an elector to leave or remove an elector from the NCZ or NSZ in a manner that prevents him from voting at his allocated polling station. [Ss 41(5), 44(14) and 46(5) of the EAC (EP) (LC) Reg]

PART IV : PENALTY

15.12 Engaging in any canvassing activities within the NCZ (except permitted activities) or conduct prohibited under para. 15.10(b) of this chapter is an offence which is punishable by a fine at level 2 (\$5,000) and imprisonment for 3 months. Attempting to obtain information as described in para. 15.10(a) of this chapter without necessary permission is an offence under section 96(10) of the EAC (EP) (LC) Reg, which is punishable by a fine at level 2 (\$5,000) and imprisonment for 6 months. [S 45(7)(b) of the EAC (EP) (LC) Reg]

15.13 Besides, any person violating the guidelines in para. 15.10(b) of this chapter may be ordered by the RO or PRO to leave the NCZ or NSZ. If he fails to leave immediately, he may be removed by a police officer, an officer of the CSD or any other law enforcement agencies, or any other person authorised in writing by the RO or PRO. A person so removed may not re-enter the relevant zone on that day without the permission of the RO or PRO. [Ss 41(2), (3) and (4) of the EAC (EP) (LC) Reg]