

Defending the Legitimacy of Singapore Elections: MARUAH Position Paper
on Improving Citizen Confidence in the Secrecy of the Ballot
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Executive Summary

Singapore's pledge includes a call to build "a democratic society". This paper outlines empirical evidence for why a significant proportion of GE voters cast their vote in the context of an unfounded fear that the authorities can trace their votes back to them and might "punish" them accordingly – a fact that erodes Singapore's claim to be a democracy as well as the legitimacy of its government and Parliament. Such concerns were widely noted to exist in the 1970s and 1980s but this paper demonstrates why such concerns persist amongst a minority of Singapore voters today, who might be disproportionately older and tend to hold jobs in the public sector (construed to include the civil service, uniformed services, NTUC and PCF).

The evidence presented in this paper from the IPS survey of political attitudes as well as MARUAH's own exit poll during GE2011 suggest that the share of the electorate who are casting their votes under the influence of this fear is approximately 10 per cent – greater than the margin of victory in many constituencies in GE2011.

This paper argues that this situation is sustained by a number of electoral procedures which are at best obsolete and badly out of step with the mainstream of *Asian* democracies: the presence of serial numbers on the ballot, the absence of privacy in the area where citizens mark their ballots, the loud "calling out" of names of voters when they register and the public references to precinct voting patterns (and the availability of that information to contesting political parties).

It concludes by arguing for a number of urgent reforms to defend the legitimacy of Singapore elections by improving citizen confidence in the secrecy of the ballot – (a) abolishing serial numbers on the actual ballot in favor of retaining them on the counterfoil and instituting undistinguished water marks on the ballot papers, (b) abolishing precinct segregation of votes and the dissemination of such information, (c) abolishing the public "calling out" of voters' names in favor of a normal conversation to confirm identity, with election officials reminding each voter about the utter secrecy of their vote, (d) changing the physical lay-out of the voting area so that voters can enter a curtained space to mark their ballots and (e) the Election Department and/or concerned NGOs embarking on a program of voter education years in advance of the next GE targeted towards at-risk groups, namely (i) public sector workers and their family members; and (ii) older voters aged >50 years.

1: Basis for concerns about voter confidence in ballot secrecy during Singapore elections

1) Background to the issue

- 1.1.1 The issue of ballot secrecy has a long history as a subject of political discussion in Singapore. All political parties and mainstream expert opinion acknowledge that ballots cast in Singapore's General and Presidential elections are secret and untraceable to individuals, due firstly to the systemic and legally guaranteed safeguards in place (such as seals placed on ballot boxes and the witnessing of the destruction of ballots by political parties 6 months after elections) and secondly due to the logistical impediments that would be attendant on any effort to trace individual ballots.
- 1.1.2 However anecdotal evidence indicates that the fear of the government tracing ballots to individuals and taking action to "punish" or disadvantage those individuals based on their voting behaviour persists. Observers who have commented on this issue usually opine that this fear disproportionately affects older voters and those who are working in (or who have relatives working in) the civil service or PAP-linked organizations such as the NTUC and PCF.

2) Empirical evidence on the effect of fear of ballot tracking on electoral outcomes

- 1.2. Setting aside the issue of whether such fears are justified (where MARUAH agrees with mainstream opinion and all major contesting political parties in Singapore that they are not), what evidence is there that such fears exist and have a significant impact on elections? The below-mentioned evidence suggests that approximately 10 per cent of the electorate fear that their vote is not secret and have cast their vote on the basis of this fear.
- **1.2.1 IPS survey evidence:** In a large telephone survey (n=2,080) of Singaporean voters conducted by the Institute of Policy Studies (IPS) in the Lee Kuan Yew School of Public Policy after the May 2011 GE utilizing stratified random sampling, 9% of respondents indicated that "they did not feel free" to cast their vote as they chose¹. Given the large sample size (and hence small margin of error) for the survey and the fact that it was independently administered by an Australian survey firm, this data point is consistent with the view that

¹ 9% represents the percentage of respondents who did not agree with the statement "I felt free to vote the way I wanted to."

See Institute of Policy Studies, *POPS (4): Institute of Policy Studies Post-Election Survey 2011*, May-June 2011, p 40. available at < http://www.lkyspp.nus.edu.sg/ips/docs/events/post-election/PEF_report_080711.pdf>, accessed 10 January 2013.

roughly 9% of voters have fears about ballot secrecy. However it does not prove this case conclusively. The data is consistent with alternative interpretations – for example, perhaps these respondents felt that they could not cast their votes freely due to HDB estate upgrading being used as a tool to disincentivise them from voting for the Opposition. Nevertheless, in the context of the long-standing urban legend of the non-secret vote in Singapore, it is reasonable to construe this data as constituting a *prima facie* case that concerns about ballot secrecy do have a significant effect on elections.

- **1.2.2 MARUAH exit poll evidence:** In a MARUAH exit poll of voters conducted after the 2011 GE (n=1,157) using an internet survey methodology, 14.8% of respondents who cast their vote did not feel that their vote was secret.² This aligns to some extent with the IPS figure of 9% for a similar question. Unlike the IPS question, the MARUAH survey question was more clearly focused on concerns about ballot secrecy inherent in the electoral system as a whole. However unlike the IPS survey question, the wording of the MARUAH survey question may also have captured many respondents who do not believe that their vote is absolutely secret but who may not have allowed that belief to influence their voting.

On the basis of both the IPS and MARUAH survey evidence it is reasonable to conclude that a significant minority of voters fear that their votes can be traced by the authorities and cast their votes under the influence of this fear. The implications of this finding for the integrity of Singapore elections is obvious and grave.

- **1.2.3 Consistent messaging by Opposition politicians reflecting strands in public opinion:** Singapore Opposition politicians have consistently and publicly stressed that votes are secret in Singapore elections. A diagram depicting the process by which votes are kept secret and then destroyed was printed on many Worker’s Party leaflets in both the 2006 and 2011 GEs,

² MARUAH Survey on Voting Experience in GE2011 (unpublished). 14.8% is the proportion of respondents who answered “No” to the question “On the whole, do you believe that your vote is secret?” The questionnaire for this survey was based on samples of election monitoring survey instruments used by the UN and the EU. These surveys were adapted to the local situation. The survey questions were then sent to some former polling agents as well to an academic who was working on election monitoring processes, for further consultation. After piloting, the survey forms were uploaded to the web on April 27th, 2011. Special efforts were made to reach out to the Secretary-generals of all political parties to alert them to the election monitoring exercise and to ask for their participation. A press conference was held to raise awareness as it was the first time that such an exercise had been undertaken. The survey was uploaded for direct submission on May 5th for further pilots and released on the web for voters on May 6th. Submissions began on May 7th and closed on May 8th at 12 noon.

as well as being carried on the Worker's Party website. In the 2011 GE campaign, SDP candidate Mr Tan Jee Say commented that civil servants had nothing to fear from voting against the PAP. Many examples of similar statements can be found not only from the 2011 GE campaign, but from previous GE campaigns. Given the intensity of grassroots and door-to-door campaigning in Singapore GEs, this persistent, emphatic message from Opposition politicians undoubtedly reflects concerns about ballot secrecy that have been articulated to Opposition campaign workers by ordinary voters.

- **1.2.4 Comments by informed political observers:** Many political analysts or opinion leaders have commented on the persistence of ballot secrecy fears among some sections of the electorate – usually singling out civil servants and older voters as being most at risk. These include

- Political analyst Derek da Cunha (an independent scholar and former Senior Fellow at ISEAS) who, in his analysis of the 2011 GE, devotes two pages to this issue. He writes that

“...it can be argued that an element of fear was still much in evidence among a segment of voters”

before going on to discuss the possible role of ballot serial numbers. He writes of

“...the perennial concern of some voters about the recording on the back of their ballot paper by an election official of a serial number...This fear, which is completely unfounded, appears to be particularly prevalent among civil servants.”

While da Cunha's book does not provide empirical evidence to quantify this phenomenon, his reference to the problem should be given some credence as he is an experienced and widely quoted political analyst in good standing.

- 1.3 The above data suggests that these fears, while probably reduced in comparison with the 1970s, are still prevalent. Anecdotal evidence abounds of the persistence of these concerns today. For example, among readers of popular socio-political websites such as The Online Citizen (>50,000 unique “likes” on Facebook), Yahoo News Singapore and TR Emeritus (>3,000 unique “likes” on Facebook), anonymous postings refer to such fears.

A fairly typical example of an online comment on this subject is found below – posted under the internet moniker Lorinser on www.mycarforum.com (a site devoted to discussions on cars).

“Hello brothers and sisters, Do you think the voting in Singapore is really secret and unanimous? Think again. I remember back in 2006? We register at the desk with our NRIC and they compare with their serial numbered list of name/voter. They tear a piece of voting paper with serial number to you, similar to the older cheque book. They will then write your serial number from the name/voter list on the remained stub of this voting paper. This is how they know who vote who. So, is voting in Singapore really secret and unanimous? Pretty easy to know who is behind all this. So where is the fairness? Never has been and never was.”³

Another anonymous posting on The Online Citizen dated 2 May 2011 referred to the same phenomenon:

“I am 35 this year and I had the opportunity to already vote twice before as I am living in Katong, which is always contested as an SMC. Many will talk about voting the opposition, but when they are at the stations in person, they often back out because of, what I feel, is the amount of security and police presence there. We all know about the allegiance of them, so there is a psychological pressure being slowly applied from the time you are at the centre to the time you get to the voting booth. And to add to it, we often have hearsays about the secrecy of the votes. There are a lot of psychological pressures at play during this time and many people may change their mind.”⁴ (our underscore)

- 1.4 In conclusion, the evidence suggests the high likelihood that a significant minority of voters may cast their votes under the influence of fear that the authorities can trace their ballots. This is derived by taking a 2 percentage point margin of error from the IPS survey figure of 9% and a 3 percentage point margin of error for the MARUAH survey figure of 14.8%. Using these assumptions, and on the basis of a confidence level for both surveys in line with general opinion research statistical norms, we can conclude that the percentage of voters who fear that their votes

³ Lorinser (member on MyCarforum), *Is Voting Really Secret????*, 29 April 2011, available at <<http://www.mycarforum.com/index.php?showtopic=2662776>>, accessed 10 January 2013.

⁴ See ‘Response’ section in “Your Vote is Secret, Don’t Be Afraid”, *The Online Citizen*, 1 May 2011, available at <<http://theonlinecitizen.com/2011/05/your-vote-is-secret-dont-be-afraid/>>, accessed 10 January 2013.

could be traced back to them by the authorities and who vote under the influence of that fear is as low as 7% and as high as 17.8% of all voters. It is the view of the authors of this paper that the actual figure is likely to fall in the range of 10% to 15%, though we do agree that this subject requires further quantitative research. Throughout this report, we have adopted the more conservative figure of approximately 10% of the voting electorate to provide an indication of the size of the problem.

This proportion is massive. Unless there is no reasonable doubt that current procedures do not sustain such an irrational fear, this constitutes a compelling argument for changing electoral procedures so as to defend the legitimacy of Singapore elections and hence the legitimacy of the Parliament and government that eventuates from each GE. As this paper will demonstrate, a number of current ED procedures can reasonably be said to sustain this irrational fear. The basis for this claim is a close analysis of the nature of these procedures as well as their misalignment with the procedural mainstream among East Asian democracies.

2: Areas of concern regarding voting procedures on polling day

1) Regarding serial numbers on ballot papers

- 2.1.1 Currently in Singapore general and presidential elections, each ballot paper is identified by a unique serial number which links each individual ballot paper to the electoral register through the counterfoil, thus making votes theoretically traceable. How would such tracing work in theory? If the authorities were so minded, so the fear goes, they might be able to identify the serial number associated with a particular individual voter (which would in theory be accessible via the register of voters available to ED-appointed staff) and then “search” for the ballot bearing that serial number amidst the ballots stored after an election, since the ballots are preserved for a window period of 6 months after elections before being destroyed.
- 2.1.2 In practice, such tracing, if done, would require tampering with the seals of ballot boxes where the ballots are stored after counting (both the counting of votes and the destruction of ballots is conducted in full view of representatives of all contesting parties). Such action would be illegal and is in point of fact logistically and practically close to impossible without leaving evidence of tampering that could potentially be viewed by Opposition party representatives. Moreover the bureaucratic resources required to undertake such an effort and to take subsequent follow-up action against the individuals concerned would be such as to make it difficult to conceal. This is

particularly so given the high degree of usage of social media by Singaporeans posting anonymously on socio-political issues. It is the position of MARUAH that such tampering and vote tracing does not indeed take place. This is also the stated position of Opposition parties contesting the last GE.

- 2.1.3 However what is at issue here is the possibility of a fear or concern felt by some voters that their ballot *could* be traced by the authorities, who would then know how they voted and so in theory could take some action against the individual voter on that basis.
- 2.1.4 In the eyes of the law, ballots that have been cast in an election can only be retrieved by court order if the court is satisfied that a fraudulent vote has been cast. It is claimed by the authorities that serial numbers on ballots are only in place to “counter the threats” of electoral fraud and to “protect the integrity of the democratic process”.⁵ However it cannot be over-emphasized that no court order to legalize the tracing of ballots has been issued in Singapore to date. What this means, in other words, is that the serial number mechanism is a protection against fraud that has never actually been used since elections began in Singapore.
- 2.1.5 No doubt it can be argued that a protection can be justified as a safeguard against a grave threat even if that threat has never before materialized. This is, after all, why sensible protections are in place in many countries to mitigate the risk of terrorist attacks using biological weapons although such an attack has, in the case of almost all countries, never happened.
- 2.1.6 However such a justification would necessarily rest on (a) the gravity of the threat were it to materialize; and (b) the likelihood of its occurrence.

In respect of (a) the need for ballot tracing would only arise in the event of *a serious dispute where the number of ballots disputed was larger than the winner's plurality of votes*. Such a dispute leading to a legal challenge requiring ballot tracing - which implies that one of the contesting parties would be alleged to have engineered voter fraud or ballot stuffing on a large scale - has never happened in Singapore. Where disputes and in some cases legal challenges have

⁵ “Ballot Secrecy”, *Elections Department Singapore*, available at <http://www.eld.gov.sg/voters_ballotsecrecy.html>, accessed 10 January 2013.

sometimes arisen has been over the issue of alleged voter intimidation (eg the presence of PAP candidates inside polling stations) rather than ballot fraud.

In relation to (b), given (i) the fact that no legal challenge against alleged ballot fraud has ever been mounted, (ii) the structure of the electoral process (where counting agents from both parties are allowed to be continually present to view the ballot boxes and ballots before, during and after voting and counting) and (iii) the reputation of Singapore's civil service, it is impossible to conclude that ballot fraud is a significant risk warranting measures like ballot serial numbers.

2.1.7 Indeed, this practice is not widespread among other electoral democracies. *In all of the countries studied in Chapter 3 (which produces cross-country comparisons, largely focusing on Asia-Pacific countries), only the United Kingdom, Malaysia, New Zealand and the Federal Republic of Nigeria still maintain the traceability of the vote. Serial numbers are not present on ballots in most high-income countries in the Asia-Pacific to which Singapore can usefully be compared – Hong Kong, South Korea, Taiwan and Australia* (see below for an in-depth analysis of the reasons behind the requirement for traceable votes in the UK and Nigeria, which do not appear to be applicable to Singapore due to different socio-political conditions.)

2.1.8 In conclusion, in light of all the above considerations, the argument by the Elections Department of Singapore that “having numbered ballot papers is still the best effective method to counter these threats [of electoral fraud]” cannot be sustained.⁶ Maintaining theoretical ballot traceability is unnecessary for detecting cases of *prima facie* ballot fraud given the way the electoral process is structured.⁷ In point of fact, allegations of such fraud leading to legal challenges have never

⁶ See “Ballot Secrecy”, *Elections Department Singapore*.

⁷ British academic Robert Blackburn also argues that investigations of such electoral fraud, involving voters finding out when they arrive at the polling station that their name has already been ticked off the electoral register by the clerk, can rely upon the evidence of the polling clerk that a ballot paper has indeed already been handed to some impersonator— tracing the ballot paper itself is not necessary. The point here is that such cases of fraud are knowable without recourse to investigation of individual ballots and in the case of Singapore such findings of *prima facie* fraud on the part of election officials or any contesting party have never happened.

See Robert Blackburn, “Memorandum by Professor Robert Blackburn, BA, MSc, PhD, FRHistS, Solicitor, Professor of Constitutional Law, University of London (King's College)”, Select Committee on Home Affairs Appendices to Minutes of Evidence (Volume II), Appendix 2, available at <<http://www.publications.parliament.uk/pa/cm199798/cmselect/cmhaff/768/768ap24.htm>>, accessed 10 January 2013.

arisen. Moreover, given Singapore's socio-political conditions, it is impossible to argue that such ballot fraud is even remotely likely, and instances of fraud would need to be substantial (with fraudulent ballots outnumbering the winner's plurality of votes) for such an anti-fraud measures to be justified.

- 2.1.9 MARUAH holds that there is a pressing need to address the significant fear among some sections of the voting public regarding the secrecy of their vote. It also believes that addressing voter concerns regarding this issue through the concrete measure of abolishing the use of serial numbers on ballot papers, while maintaining and possibly adding in other concrete safeguards for the prevention of electoral fraud, would greatly improve the credibility and legitimacy of the electoral system in Singapore. It would also serve the more important purpose of removing the climate of fear surrounding the traceability of the vote, and improve the real and perceived freedom of choice in elections in Singapore to a great extent.

2) Regarding precinct analysis of votes

- 2.2.1 Since the mid-1990s, the government has been analyzing precinct voting trends so as to tie HDB upgrading priority to the extent of precinct voting for the ruling party. Precincts in this context refer to sub-groupings of 5,000 voters each.

The subdivision of constituencies into precincts can be traced back to the Presidential election of 1993, but its key role began in the 1997 GE, when precinct voting trends were analyzed and used as the basis for HDB upgrading priority. To cite a passage from the extensively researched work of Yap, Lim and Leong (2009) at some length:

“PAP also maintained that it needed to carve up the constituencies into smaller precincts of about 5,000 voters each so that it would know exactly which precincts showed it the strongest support. The votes of the different precincts were counted at different centres. The Cheng San GRC, for example, had 25 counting centres... Voters were assured that their votes would still be secret... In the din of protests that followed at the opposition rallies, Low Thia Khiang of the Worker's Party raised a shrewd political point: “The real purpose of this is not to decide which precinct will get upgraded first. PAP wants to use this method to redraw the electoral boundaries

accurately next time so that they can ensure that opposition votes will always remain in the minority.”⁸

- 2.2.2 The practice of segregating voters from different precincts into casting their votes into different ballot boxes at the polling centres continues. This is done by demarcating voters into different groups which are then ushered to vote in different lanes at the polling centres, with the lanes leading to votes being dropped into different ballot boxes. Votes are then counted at different counting centres such that precinct voting trends can clearly be seen by the PAP and Opposition counting agents.
- 2.2.3 The availability of precinct-level voting data to the ruling party has created effects that probably act to undermine the confidence of some Singaporeans in the secrecy of the vote. The government’s decisions on HDB upgrading priority by precinct would indicate to residents the government’s knowledge of precinct-level voting trends. PAP politicians (and occasionally Opposition politicians) also refer to the availability of precinct-level voting data in public speeches. This is likely to cause confusion among Singaporeans who are not familiar with the manner in which the parties know this data, and how this knowledge is nevertheless consistent with individual ballot secrecy. One of the authors of this paper spoke to a young Singaporean voter who questioned how the ballot could be secret if the government knew precinct level voting information and acted upon it to “penalize” precincts voting for the Opposition. There is also evidence from online discussions that public discussion of precinct level voting trends causes disquiet and erodes confidence in vote secrecy among some Singaporeans. This perception is so significant that it was referred to in the Worker’s Party online FAQ about vote secrecy with the following question:

Q: After the election, politicians started saying that certain communities / blocks supported the ruling party or the opposition party. This shows that the votes are not secret⁹

⁸ Sony Yap, Richard Lim, Leong Weng Kam, *Men in White: The Untold Story of Singapore’s Ruling Political Party* (Singapore: Singapore Press Holdings, 2010), p 496.

⁹ “Your Vote Is Secret (FAQ Page)”, *The Worker’s Party*, available at <<http://wp.sg/your-vote-is-secret/>>, accessed 10 January 2013.

Moreover the suspicion may arise that precinct-level voting data is used to redraw constituency boundaries in favour of the ruling party, as described in the citation above (Yap, Lim and Leong, 2009). This serves to further undermine confidence in the electoral system.

2.2.4 MARUAH therefore argues that the segregation of votes and vote counting into precincts should be abolished on the basis of raising the confidence of Singaporeans in the secrecy of their vote.

On a pragmatic note, the fact that the various HDB upgrading programmes are into their final stages island-wide means that opportunities for the ruling party to discriminate amongst precincts in upgrading priority would have evaporated in the very near future, rendering it redundant in terms of the original objective of the measure as articulated by the ruling party in the 1997 GE.

There would not seem to be any remaining rationale for preserving precinct-level data – assuming that the real objective of this data collection is not to support the gerrymandering of electoral boundaries.

3) Regarding design of voting booth

2.3.1 The perceived lack of secrecy while the voter is physically marking his or her ballot is a significant concern among Singaporean voters that needs to be addressed. In MARUAH's exit poll survey for GR2011, 93 respondents (eight per cent of the entire sample) opined that the voting booth was "too open", "too filmy" and "had no curtains", and that this compromised their confidence in the secrecy of their vote. Comments from voters on online forums include concerns over the lack of sufficient partitions on both sides of the voting booth compounded by the fact that certain booths are within sight of the registration staff.¹⁰ This leads to voters having to angle their bodies away from registration staff in order to ensure that their vote is not visible while marking their ballots at the voting booth.

¹⁰ "Although I can only speak for myself, I have never felt that the partitions on both sides of the writing booth to be sufficient in ensuring the privacy of my vote as they do not extend far enough from the table. In addition, there are certain booths that are also completely within the line-of-sight of the registration staff"
J Tan, "Do Not Be Intimidated on Election Day!", *TR Emeritus*, available at <<http://www.tremeritus.com/2010/10/14/do-not-be-intimidated-on-election-day/comment-page-2/>>, accessed 10 January 2013.

2.3.2 Indeed, Singapore is out of step with the mainstream of Asian high-to-middle income democracies in not providing privacy screens at polling booths. In all the Asian electoral democracies studied here, partitions or curtains are deployed at elections (see Chapter 3: Cross-country comparison) that provide more privacy to the voter than is the case in Singapore elections. These privacy screens are made with materials ranging from cardboard to canvas, ensuring that voters are not visible to outsiders when marking their ballots at the voting booth. Observers of elections overseas frequently comment on whether the privacy screens are opaque enough as to ensure complete privacy for the voter to vote freely.¹¹

2.3.3 The absence of privacy screens place Singapore out of line with international best practices and risks fuelling a perception that “the actual levels of secrecy of the vote are not there, thus affecting the overall integrity of the process and the credibility, legitimacy and trust in the elections and in the election results.”¹² Measures such as these are considered a best practice in the conduct of elections by established international observers and NGOs such as ANFREL.¹³

¹¹ For example, “ANFREL observers in Nantou also reported on the same issue: “Polling booths were set up improperly. Most booths were set up with curtains which are too short and thin and voters can be seen from outside.”

Asian Network for Free Elections (ANFREL), *Taiwan Legislative Election 2004: Report of International Observation Mission*, December 2004, p 100, available at <http://newmediaauthority.com/anfrel/wp-content/uploads/2012/02/2004_taiwan.pdf>, accessed 10 January 2013.

¹² “Suitable privacy screens are used at polling stations in most countries to help protect the secrecy of the vote. The screen should be large enough and positioned so that others within the polling station cannot see how the voter marks the ballot. During the 2004 legislative elections in South Africa, privacy screens at some polling stations were poorly positioned, and this may have compromised the secrecy of the vote.”

See “Quote from the ACE Project on Secrecy of the Vote”, in ACE Electoral Knowledge Network, *Polling Booth Privacy in Thailand*, 15 November 2006, available at <<http://aceproject.org/electoral-advice/archive/questions/replies/686389936>>, accessed 10 January 2013.

¹³ “While the current system is acceptable, international standards regarding translucent boxes, opaque voting booth curtains, and the like should be heeded in the future when purchasing new materials.”

See Asian Network for Free Elections (ANFREL), *ANFREL Election Observers’ Statement on Taiwan’s 2012 Elections: Credible Elections but a Tilted Playing Field*, 16 January 2012, available at <<http://aceproject.org/ero-en/regions/asia/TW/taiwan-credible-elections-but-a-tilted-playing/view>>, accessed 10 January 2013.

“In addition, Congress observers noted some confusion in respect of the CEC recommendation just before election day, no longer to use curtains for polling booths (without such curtains the secrecy of the vote was not always ensured).”

See Council of Europe (The Congress of Local and Regional Authority, Chamber of Local Authorities), *Local Elections in Moldova (5 June 2011)*, 21st Session, CPL(21)4, 27 September 2011, available at <<http://wcd.coe.int/ViewDoc.jsp?id=1844523&Site=COE>>, accessed 10 January 2013.

2.3.4 MARUAH suggests that privacy screens – preferably opaque curtains – be used in Singapore. The purchase of such curtains would be inexpensive and easy to implement. The benefit of installing such curtains would be (a) to provide additional assurance to voters as to the secrecy of their vote; and (b) to better align Singapore with international norms and best practices, thus enhancing Singapore’s standing as a modern electoral democracy. MARUAH further suggests that a provision be included in the *Parliamentary Elections Act* similar to S41(1) [Ballot boxes], to standardize the design of polling booths on polling day to ensure the consistent deployment and quality of privacy screens in all polling centers.

4) Regarding roll-call procedure

2.4.1 Currently, the procedure observed before a voter is issued with a ballot paper on polling day includes the calling out of the voter’s full name, IC number, and the “description of the voter” as directed by S42(2A)(b) of the *Parliamentary Elections Act* (Chapter 218).¹⁴

2.4.2 The possible intimidation caused by this process amongst some voters is a significant concern that needs to be addressed. Qualitative evidence exists to show that certain voters feel intimidated by this process,¹⁵ leading to the possibility of them not being able to vote freely. This intimidation flows from the fact that this procedure may serve to reinforce the traceability of ballots in the minds of at-risk voter groups who might be concerned about the “vote tracing” urban legend.

“While every country has its own arrangements, there are some general, essential measures and safeguards to preserve the secrecy of the vote in polling stations, such as: polling booths have to be designed so to guarantee that the secrecy of the vote is preserved, they have to be steady, possibly with curtains or shelters, with a board that voters can use to place the ballot paper in order to mark it properly, so that voters can feel absolutely confident that indeed no one is able to see how they are voting.”

See “ACE Network Facilitator’s Response” in ACE Electoral Knowledge Network, *Polling Booth Privacy in Thailand*.

¹⁴ *Parliamentary Elections Act*, Ch 218, S42(2A)(b).

¹⁵ “The first level of intimidation comes as you approach the tables for your attendance to be taken. Registration is necessary since voting is mandatory by law in Singapore. The strange thing that happened here was that although I had gone to the table on the right, the staff there had to shout out my name and identity card number to the people on the left. In this way, for some unknown reason your presence is announced to everyone present.”

See Tan, “Do Not Be Intimidated on Election Day!”

- 2.4.3 In all the countries studied in Chapter 3 except for Hong Kong and Thailand, the details of the voter are not audibly called out by elections officials.
- 2.4.4 While it is noted that this process is a formality that has been observed for an extended period of time in the voting history of Singapore, it seems that there is insufficient justification for its continued use. The provision does not appear to serve any real purpose in the prevention of fraud. The credibility, legitimacy, trust, and perception of freedom of choice in the General Elections could be improved by the abolition of this section of the *Parliamentary Elections Act*.
- 2.4.5 MARUAH recommends that S42(2A)(b) of the *Parliamentary Elections Act* be replaced with a provision directing that voters simply provide their names and IC numbers to the registration staff to facilitate cross-checking against the register of electors before they are issued with a ballot paper, without the voter's personal details being audibly called out by registration staff.
- 2.4.6 The purpose of this loud naming procedure could be to alert all ED-appointed staff at the polling station to cross out the name of each individual voter on their respective lists whenever an individual voter presents himself, thus minimizing the risk of impersonation by voters lining up at different queues and voting twice. However this is a matter of minor logistical co-ordination among ED staff and another solution can be found to address this issue. The benefit to be gained from loudly calling out the names of voters is outweighed by the risk of voter intimidation – particularly given the absence of incidents of voter impersonation or ballot stuffing, or even allegations of voter impersonation or ballot stuffing, in the history of Singapore elections.

3: Cross-country comparison of voting procedures, focusing on Asian electoral democracies

The table below summarizes the salient features of the electoral system in other Asia-Pacific countries to which Singapore can be usefully compared. The UK and Nigeria have also been included, as they provide examples of countries that deploy serial numbers on ballot papers, but for reasons that would be far from applicable to the Singapore context, as this paper goes on to show (see Section 4 below).

	Singapore	Malaysia	Hong Kong	Taiwan	Korea	Thailand	Australia	United Kingdom	Nigeria	Philippines
Ballot design	Serial number on ballot papers cast	Serial number on ballot papers cast (but staff can no longer write the voter reference number on the counterfoil, making ballots untraceable)	Serial number on counterfoil only	Serial number on counterfoil only	Serial number on counterfoil only	Serial number (assigned to the person's name on the register) on counterfoil only	No serial number on either ballot or counterfoil	Serial number on ballot paper	Serial number on ballot paper	Serial number on ballot paper torn off after voter marks ballot paper and before he drops the ballot into the box
Remarks		Removal of ballot serial numbers suggested by Public Select Committee reporting to Parliament in April 2012						Practice criticized by human rights NGO, Liberty.		
Alternative anti-fraud technique being used		Finger-inking with indelible ink to be used in next election					Watermark on ballot papers		Finger-inking	Finger-inking, watermarks
Voting booth lay-out	Open plan – partial partition in front, nothing at sides and back	Cardboard barriers enclose the voting booth	Canvas barriers enclose the voting booth	Cloth or canvas barriers enclose the voting booth		No barriers around polling booth (criticized by ANFREL)	Row of booths separated by privacy screens	Privacy screens made with assortment of materials	Card-board booth with privacy screen on both sides	“Ballot secrecy folder” used

4: Analysis of rationale from the Elections Department of Singapore on the use of serial numbers on ballot papers

1) Comparing Singapore and the United Kingdom

- 4.1.1 The Elections Department of Singapore emphasizes that the “ballot paper number is still a feature of UK parliamentary and local government elections”,¹⁶ on its webpage detailing information for voters (“Ballot Secrecy”), which explains and justifies the need for printing serial numbers on ballot papers to make the vote traceable. Indeed, the rationale given by both the Electoral Commission of the United Kingdom and the Elections Department of Singapore are almost identical – to prevent ballot-box stuffing, and to prevent voter impersonation.¹⁷
- 4.1.2 This does not appear to be a fair comparison as a deeper study of the laws and circumstances governing other aspects of polling in the UK show that the presence of ballot serial numbers in the UK is more justified than it is in Singapore.

This is due to two factors – the rarity of voter impersonation or ballot stuffing in Singapore as well as the presence of photographic identification owned by each citizen in the form of the NRIC, which is not the case in the UK. Such photographic identification enables the detection of voter impersonation before ballot boxes are sealed (it would be detectable by election officials when more than one person turns up claiming to be a certain individual).

- 4.1.3 Moreover MARUAH notes that of the Asia-Pacific countries examined in this paper, serial numbers on ballots cast are only deployed in Singapore, Malaysia and New Zealand. They are not

¹⁶ See “Ballot Secrecy”, *Elections Department Singapore*.

¹⁷ “Ballot papers have to be numbered to provide evidence if there is an allegation of impersonation. This is done if the court orders so, by matching the suspicious ballot paper with the counterfoil, on which the voter’s registration number is recorded. If proven, the vote can then be subtracted from the declared election results.”

Ibid.

The UK (Wiltshire Council): “It is possible in UK law for the result of an election to be challenged through what is known as an election petition. It is possible for the eligibility of an elector’s right to vote be challenged in the courts after an election. If the challenge is successful the court can order that the ballot paper of the elector be retrieved, the vote discounted and the result of the election changed to reflect the removal of these votes from the total. Even then, it is very rare for the documents to be examined except in cases where fraud or impersonation are being investigated.”

See “How to Vote”, *Wiltshire Council*, available at <<http://www.wiltshire.gov.uk/council/elections/voting.htm>>, accessed 10 January 2013.

deployed in high-income Asian countries to which Singapore should be compared in terms of institutional independence, transparency and rule of law – South Korea, Taiwan and Hong Kong.

4.1.4 The two above-mentioned factors relating to the comparison between Singapore and the UK are examined in more detail below.

4.1.4.1 **Significant instances of impersonation and fraudulent voting in the UK as opposed to Singapore:**¹⁸ According to the Electoral Commission of the UK, in their 2003 report “Ballot Paper Design: Report and Recommendations”,¹⁹ the use of serial numbers was justified, as ‘vote-tracing can prove, and has proved, a valuable instrument in tackling electoral fraud’ in the UK, where ‘there have been six cases where vote tracing has been ordered by the courts in the last 10 years’ – as opposed to none in Singapore since elections began in 1948.

4.1.4.2 **The likely root cause of these cases of fraudulent voting: lack of the requirement for the provision of (photographic) identity on the part of a voter before he is issued a ballot paper:** The high number of cases of fraud or impersonation in the UK can most probably be attributed to the differences in laws governing polling in Singapore and the UK. In the UK, before one votes, one is not required to provide photographic or any proof of identity at all before voting. A voter only needs to provide

¹⁸ While courts in Singapore have not issued any court orders to date due to there being no allegations of impersonation and fraudulent voting, these cases have been much more common in the UK. The Electoral Commission of the UK and the Association of Chief Police Officers published a report on cases of alleged electoral malpractice in the 2010 elections, where it was found that “the most frequently reported category of cases of alleged malpractice were those relating to voting offences (38%), including impersonation at a polling station and someone tampering with a ballot paper”.

See Isobel White, Charley Coleman, “Postal Voting & Electoral Fraud”, *House of Commons (United Kingdom)*, 22 June 2011, p 16, available at <<http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-03667.pdf>>, accessed 10 January 2013.

The same paper details the cases of Adeel Hanif and Iftkhar Hussein. In Hanif’s case, the police obtained a court order to seize all ballot papers and stubs, took the victim’s fingerprints and compared them to those found on the ballot paper in his name – which did not match. Hanif’s fingerprints were then found on the ballot paper, and he was later summonsed to court on suspicion of election impersonation.

See also the news report detailing Hanif’s case. “Man Jailed After Impersonating Voter”, Asian News, 10 October 2007, available at <http://menmedia.co.uk/asianews/news/s/1019288_man_jailed_after_impersonating_voter>, accessed 10 January 2013.

¹⁹ The Electoral Commission (United Kingdom), *Ballot Paper Design: Report and Recommendations*, June 2003, p 26, available at <http://www.electoralcommission.org.uk/_data/assets/electoral_commission_pdf_file/0018/16056/Ballot_paper_design_finalversion_13051-7979__E__N__S__W__.pdf>, accessed 10 January 2013.

his name and address, which will be marked off on the electoral register.²⁰ In Singapore, photographic proof of identity is needed, along with the production of the voter's poll card – reducing the risk of impersonation drastically (to zero).²¹ The lack of sufficient measures preventing electoral fraud (impersonation) in the UK – and thus higher instances of attempts at impersonation – can be said to justify the use of serial numbers on the ballot papers for the purposes of vote-tracing in the UK much more so than in Singapore, which provides sufficient laws governing proper proof of identity before polling.²²

- 4.1.5 With electoral procedures requiring the production of photographic identification in the form of NRICs, Singapore has already safeguarded elections against any significant danger from voter impersonation – as evidenced by the fact that there have been no allegations of fraud that have required a court order to bring up and trace ballots. The serial number on ballot papers is therefore unnecessary.
- 4.1.6 The Elections Department of Singapore also explains that it is less costly to subtract the (proven) fraudulent vote from the declared election result (which will be made possible by vote-tracing with the use of the serial numbers), rather than nullifying an entire election.²³ However, it should be emphasized that an election would *only* be nullified if the winning party's majority is smaller than the number of inauthentic votes – which would be an extremely unlikely occurrence, considering that **there has not been a single inauthentic vote cast in the voting history of Singapore – alleged, or proven.**

²⁰ “Tell the staff inside the polling station your name and address so they can check that you are on the electoral register. You can show them your poll card, but you do not need it to vote.” “Voting in Person”, About My Vote (United Kingdom), available at <http://www.aboutmyvote.co.uk/how_do_i_vote/voting_in_person.aspx>, accessed 10 January 2013.

²¹ See “How to Vote”, *Elections Department Singapore*, available at <http://www.eld.gov.sg/voters_how.html>, accessed 10 January 2013.

²² In fact, human rights NGO LIBERTY suggested to the UK's Electoral Commission that the serial numbers on ballot papers be removed, and that a “real safeguard against personation” be put in place instead – that is – to require voters to provide proof of identity before they vote. Refer to The Electoral Commission, *Ballot Paper Design: Report and Recommendations*, p 26.

²³ “Ballot Secrecy”, *Elections Department Singapore*

2) Comparing Singapore and the Federal Republic of Nigeria

- 4.2 Electoral fraud is a huge concern of voters in Nigerian elections, and the situation is very unlike the one in Singapore. In Nigeria, a nascent democracy and a low-income country, measures such as serial numbers on ballot papers – among others²⁴ – aid in allaying the fears of voters and convincing them that the elections remain fair and fraud-free. In Nigeria, anti-fraud measures such as these aid in increasing the credibility and legitimacy of the elections due to a history of electoral fraud. The opposite is true for Singapore.
- 4.3 Indeed in July 2012, the lack of serial numbers on a batch of ballot papers led to allegations of the Nigerian Peoples’ Democratic Party (PDP) planning to rig the elections.²⁵

5) Conclusions and Recommendations

- 5.1 A significant minority of voters in Singapore are still exercised by the (wholly unsubstantiated) fear that the authorities can potentially trace their votes and hold their voting behavior against them. This paper argues, on the basis of survey evidence buttressed by qualitative indications and scholarly references, that the proportion of voters who subscribe to this urban legend and vote on its basis can be quantified at approximately 10% of all voters.
- 5.2 This fact may run counter to the spirit (though not the letter) of the Parliamentary Elections Act of Singapore (Chapter 218), particularly *Part III – Elections; Maintenance of Secrecy at Elections – Article 56*. S65(5) of this Act which reads:

“Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not — (a) attempt to ascertain at the counting the number on the back of any ballot paper; or (b) communicate any information obtained at the

²⁴ See “What Made Nigeria’s 2011 Elections So Effective (Video)”, *International foundation for Electoral Systems (IFES)*, 6 June 2011, available at <<http://www.ifes.org/Content/Videos/2011/What-Made-Nigerias-2011-Elections-So-Effective.aspx>>, accessed 10 January 2013.

²⁵ See “Tension in Ibadan Over Ballot Papers in Govt House”, *Nigeriannewsservice*, 26 April 2012, available at <<http://www.nigeriannewsservice.com/nns-news-archive/lead-stories/tension-in-ibadan-over-ballot-papers-in-govt-house>>, accessed 10 January 2013.

counting as to the candidate or group of candidates, for whom any vote is given by any particular ballot paper.” (our emphasis)²⁶

Removing serial numbers from ballots removes the scope for any real, perceived or feared illegal act on the part of any government official whereby they attempt to match an individual vote to the individual voter.

- 5.3 The perception of non-secrecy around voting by a minority of Singaporean voters also offends the declaration of Commonwealth Principles (1971) signed by Singapore, which reads, inter alia:

“We believe in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live. We therefore strive to promote in each of our countries those representative institutions and guarantees for personal freedom under the law that are our common heritage.”²⁷

- 5.4 More importantly, this significant belief in the non-secrecy of the vote undermines the legitimacy of Singapore’s Parliament and elected government in the eyes of Singaporeans - thus undermining social cohesion, ownership and nation-building. It may also undermine Singapore’s standing in the eyes of international observers, who might utilize this information in future to reduce Singapore’s standing in international rankings of governmental transparency, stability and legitimacy – a fact which might impact Singapore’s economy and inflows of FDI at some point in the future.

The fact that a minority of Singapore citizens believe (even if baselessly) that government interference prevents them from voting as they choose effectively denies them their right to vote and infringes on the Singaporean project of building a “democratic society based on justice and equality”.²⁸

- 5.5 MARUAH recommends the following urgent measures to address this grave threat to political legitimacy in Singapore.

²⁶ See *Parliamentary Elections Act*, S65(5).

²⁷ “Singapore Declaration of Commonwealth Principles 1971”, *The Commonwealth*, Issued to the Heads of Government Meeting in Singapore, 22 January 1971, available at <http://www.thecommonwealth.org/Internal/20723/32987/singapore_declaration_of_commonwealth_principles/>, accessed 10 January 2013.

²⁸ Refer to the Singaporean National Pledge. See “National Pledge”, *www.sg*, available at <<http://app.www.sg/who/45/National-Pledge.aspx>>, accessed 10 January 2013.

A. Serial numbers on ballots to be replaced with only serial numbers on counterfoils & undifferentiated watermarks on ballots

It is the argument of this paper that Singapore should align itself with the mainstream of Asian democracies and in fact the mainstream of electoral democracies world-wide, where serial numbers are not present on actual ballots cast, as opposed to counterfoils to ballots. Serial numbers infringe the perception of vote secrecy. This danger is real and substantiated by the empirical evidence presented in this paper, aside from being widely recognized by ordinary Singaporeans.

This danger wholly outweighs any gain in terms of the management of disputes about ballot authenticity; for two reasons. Firstly, there has never been a legal challenge over ballot authenticity in the history of Singapore elections since 1948. Secondly, the way the system is structured renders it extremely unlikely that voter fraud or ballot stuffing would happen – for example the surveillance of ballot boxes by agents of both parties continually, the use of seals on the boxes when polls close, the use of photographic identification when voters register to vote, the existence of good electoral rolls, the high voter turnout plus the ability to detect voter impersonation prior to polls closing (when multiple voters turn up claiming the same NRIC number, for instance).

MARUAH recommends that serial numbers be removed from ballot papers. Instead they should be retained on the counterfoils to ballot papers and these counterfoils should be retained by the returning officer and his team. In the event of any dispute, the total number of ballots can be tallied against the total number of counter-foils.

MARUAH recommends an additional safeguard – the institution of undifferentiated watermarks on ballot papers. In the event of a dispute, ballots could be inspected for these marks. The incremental cost of watermarking ballots is more than justified by the benefit in terms of defending the legitimacy of Singapore elections.

With this reform, votes in Singapore elections would no longer be traceable even in theory. This would undermine the urban legend about vote tracing and significantly improve the quality and legitimacy of Singapore elections.

B. Precinct separation of voting to be abolished

MARUAH recommends that the segregation of voters into precincts be abolished. This measure – introduced in the 1993 Presidential elections – has historically been associated with punitive measures (delayed HDB upgrading) against precincts that return Opposition candidates.

What this recommendation means in practical terms is that voters in each constituency would no longer be segregated into different lanes so as to cast their votes into different ballot boxes. This implies that vote tallies by precinct would no longer be visible to any contesting party or indeed anyone. The only information collected in the voting and counting process would be the constituency total.

An abolition of precinct-level data collection would prevent any Singapore government from targeting punitive measures at the precinct level, which is presumably easier to execute administratively than similar measures at the constituency level.

However, more importantly, the abolition of such data collection would help to erode the urban legend about vote tracing to which a significant minority of Singaporeans subscribe, since the public discussion of precinct-level data fuels this perception.

Such a reform would also pre-empt any general public sentiment that such data was being collected for the purpose of gerrymandering (the manipulation of electoral boundaries for partisan purposes) – thus defending the legitimacy of the Singapore electoral system in the eyes of Singaporeans.

C. Privacy screens at voting booths to be constructed

The current lay-out of polling centres in Singapore elections does not provide sufficient privacy for voters. This undoubtedly contributes to the minority perception of the non-secrecy of the

vote. It is time that Singapore aligns itself with the mainstream of electoral democracies in Asia in this regard.

MARUAH recommends introducing a physical booth with a curtain to prevent any external observer from having a direct line of sight to the place where the voter is marking his or her ballot without him or her having to angle their body to conceal the act of marking the ballot.

MARUAH also recommends that ballots are printed on paper that is fairly opaque so that where the cross is marked is not visible when the ballot is folded and dropped into the ballot box.

D. Audible “roll call” of voters to be abolished

There is qualitative evidence that the act of election officials calling out the name of each voter rather loudly while staring at their face at more or less the same time has an intimidatory effect on voters, fuelling the urban legend of the non-secret vote and contributing to the high proportion of Singaporeans who feel they cannot vote freely.

MARUAH recommends abolishing the practice of election officials calling out the names of voters audibly. Instead, their NRIC would be taken and their name on the roster crossed out in silence. There is no need for a loud roll-calling procedure. Any doubt about the name of the individual (which presumably would be extremely unlikely since the NRIC number would be indicated on the voter’s NRIC card, election card as well as the register of electors) could be dealt with via a normal conversation between election officials and the voter.

In addition, instead of fostering a climate of intimidation, MARUAH recommends that the Elections Department of Singapore stipulate that election officials verbally remind each voter when they register that their vote is completely secret and no one can know how they vote. A standard script should be provided for election officials to say this within ear-shot of party polling agents. MARUAH also recommends placement of posters in and around polling centers to promote the slogan “NO ONE can ever know how you voted”, in all four national languages.

E. Campaign to educate at-risk groups to be undertaken

MARUAH recommends a campaign of education to convince at-risk groups of voters that their vote is truly and completely secret, which in fact it is. This campaign can be undertaken by the ED, failing which it is to be undertaken by a coalition of NGOs with or without the support of the ED. It could include roadshows, events, direct mailers, paid advertising, a social media campaign and/or other tools.

Annex A: Case studies of countries

Annex B: Photographs of voting booths and ballot papers in various countries

Glossary of Terms

ANFREL	Asian Network for Free Elections
ED	Election Department
IFES	International Foundation for Electoral Systems
IPS	Institute of Policy Studies
ISEAS	Institute of Southeast Asian Studies
GE	General Election
NGO	Non-governmental Organization
NRIC	National Registration Identity Card
PAP	People's Action Party
PE	Presidential Election
WP	Worker's Party