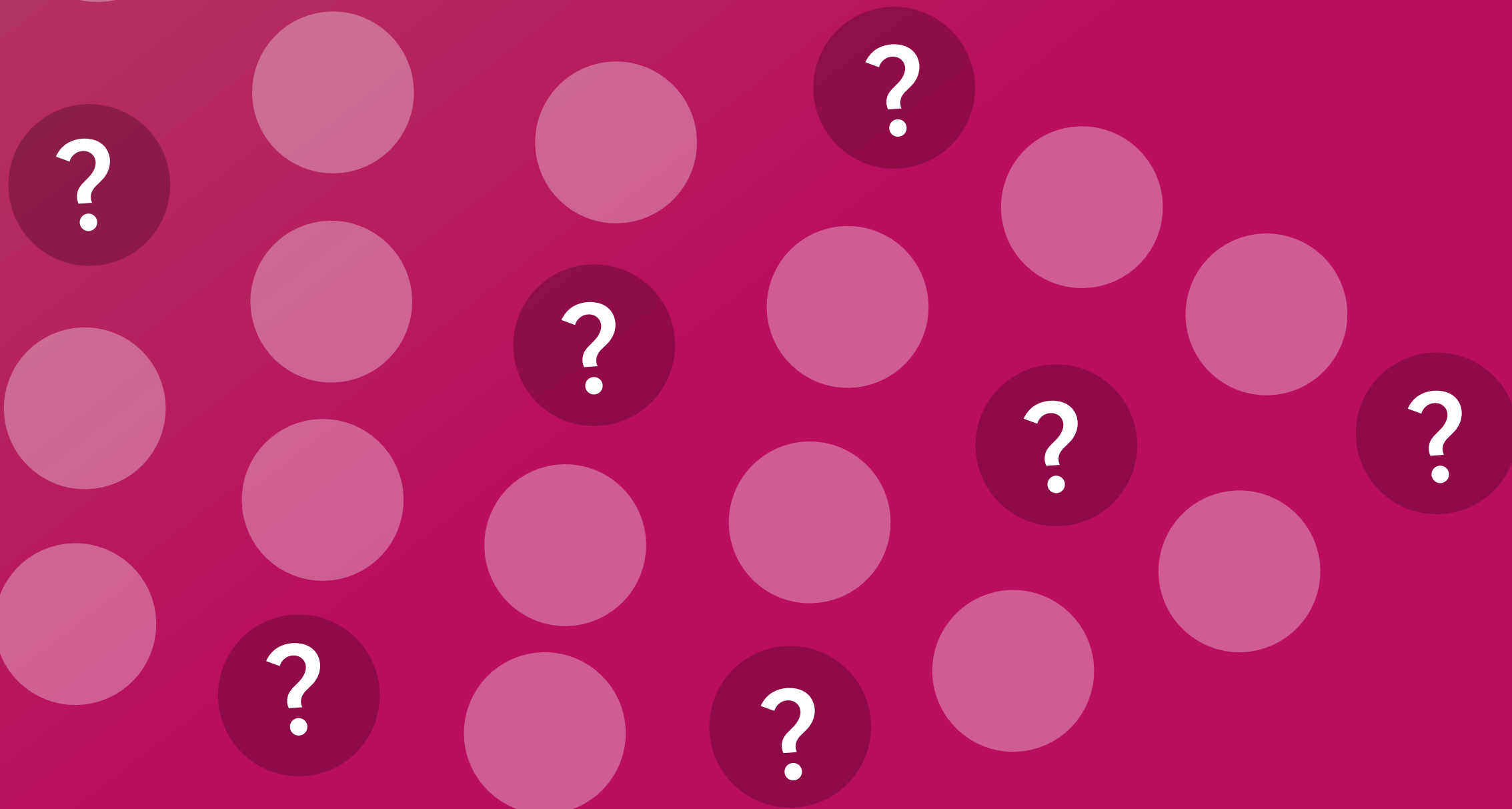
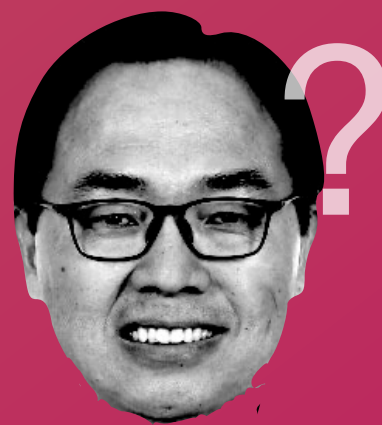
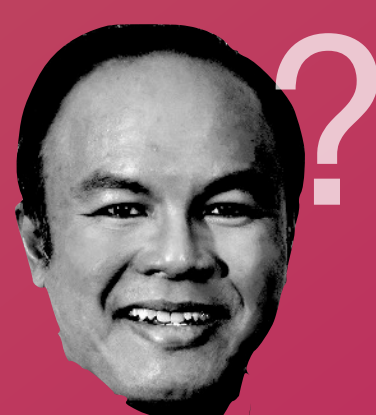


7 VACANCIES IN PARLIAMENT (AND COUNTING)

CAPE explains what happens when
an MP or too many MPs resign



When Parliament next sits on 2 August 2023, there will be at least 7 empty seats that once belonged to **Raesah Khan, Tharman Shanmugaratnam, Tan Chuan-Jin, Cheng Li Hui, Leon Perera, Faisal Manap** and **Liang Eng Hwa** have also fallen ill and cannot perform their parliamentary duties in the short term. **S Iswaran** is still on a leave of absence. It also remains to be seen whether MP **Christopher de Souza** may subsequently vacate his seat after his upcoming appeal against a disciplinary tribunal ruling which found cause of sufficient gravity for disciplinary action against him for professional misconduct.



EMPTY SEATS AT EMPTY TABLES

In response to media queries earlier this month, Prime Minister Lee Hsien Loong has confirmed that he would not call for a general election and other parliamentarians in the Group Representation Constituencies ("GRCs") with one fewer MP permanently - Sengkang, Jurong, Marine Parade, Tampines, Aljunied and West Coast - can step up and ensure constituents are well-looked after.

This is perhaps the most empty Singapore's Parliament has ever been since the resignation of all 9 Barisan Socialis MPs in 1966 in protest of the PAP government's decision to separate from Malaysia.

**BY-ELECTIONS WERE SWIFTLY
CALLED TO FILL THOSE SEATS THEN**

A HISTORY OF BY-ELECTIONS

With more than 30 by-elections held since Singapore's independence, here are the most recent by-elections that were held:



19 December 1992 - Marine Parade GRC: A by-election was called by then Prime Minister Goh Chok Tong, who wanted to get people of “ministerial calibre” to join the government after both Deputy Prime Ministers, Ong Teng Cheong and Lee Hsien Loong, were diagnosed with cancer.

27 May 2012 - Hougang SMC: A by-election was called after MP Yaw Shin Leong was expelled from the WP for his involvement in an extramarital affair.



26 January 2013 - Punggol East SMC: A by-election was held following the resignation of PAP MP and Speaker Michael Palmer in light of his involvement in an extramarital affair.

7 May 2016 - Bukit Batok SMC: A by-election was held following the resignation of PAP MP David Ong who was allegedly involved in an extramarital affair with a grassroots activist from his ward.



BY-ELECTIONS MUST BE CALLED FOR SMCs


**Single Member Constituency*



“[The Prime Minister cannot] defer the calling of an election to fill a vacancy indefinitely, or to simply declare that he would not be advising the President to issue a writ of election (unless he intends to advise the President to dissolve Parliament in the near future)”.

Court of Appeal ruling in Vellama d/o Marie Muthu v Attorney-General [2013] 4 SLR 1

If a vacancy is left unfilled for an unnecessarily prolonged period, that would **“raise a serious risk of disenfranchising the residents of that constituency”**. The rights of voters in a Parliamentary system of government must thus be balanced against the Prime Minister’s discretion to call a By-Election.

 In 2012, after Workers’ Party (“WP”) MP Yaw Shin Leong was expelled from the WP and his seat as Member for Hougang Single Member Constituency (“SMC”) was deemed vacant, a controversy arose as to whether a by-election would be called. This led a Hougang resident, Vellama d/o Marie Muthu, to apply for judicial review to ask the High Court to order the Prime Minister to call a by-election. The High Court dismissed her application, ruling that the Prime Minister had the unfettered discretion to decide whether or not to call a by-election to fill a vacant elected MP seat in Parliament. However, this ruling was overturned by the Court of Appeal, which held that the Prime Minister must call a by-election in an SMC though he has some flexibility in deciding **when** to call it.

BUT WHAT ABOUT GRCs?

BY-ELECTIONS NOT NEEDED FOR GRCs

**Group Representation Constituency*

If an elected MP in a GRC resigns, there is no legal requirement to call for a by-election. This is because section 24(2A) of the Parliamentary Elections Act 1954 provides that no writ of election may be issued to fill the vacancy unless **all the Members** for that constituency have vacated their seats.

In 2017, after then Speaker and Marsiling-Yew Tee GRC MP Halimah Yacob - who was the minority MP in that GRC - resigned as Speaker and MP so that she could contest in the 2017 Presidential Election, a Marsiling-Yew Tee constituent, **Wong Souk Yee, commenced judicial review for the three remaining MPs in the GRC to vacate their seats so a by-election can be held accordingly.**

Wong's case was dismissed by the courts and no by-election was called to fill Halimah's seat until Parliament was dissolved in 2020 ahead of the 2020 General Elections.

Wong Souk Yee v Attorney-General [2019] 1 SLR 1223

Two of Wong's key arguments were on:

1

Minority Representation

2

Constituency Representation

WONG SOUK YEE V ATTORNEY-GENERAL

1 Minority Representation

Wong's lawyers argued that since the GRC scheme is to ensure the representation of minority MPs in Parliament, minority representation in Parliament would be diminished if a minority MP's vacancy is not filled after they have resigned.

In response, the Court of Appeal noted that Parliament had specifically considered the risk of minority representation being diminished in this situation, and had decided that this risk was an acceptable trade-off for preventing a Member of a GRC from otherwise being able to hold the rest of the Members of that GRC to ransom.

2 Constituency Representation

Wong's lawyers also argued that voters have an implied constitutional right to be represented by the full slate of elected Members returned at each general election. A single vacant seat in a GRC would therefore result in a state of affairs which violates the Constitution and all the seats in MYT GRC should be filled until the dissolution of Parliament.

This argument was also dismissed by the Court of Appeal, which held that there was nothing in principle to prohibit Parliament from devising the GRC scheme in such a way that a GRC could be left to be represented by less than its full complement of Members where one or more of them has vacated his or her seat.

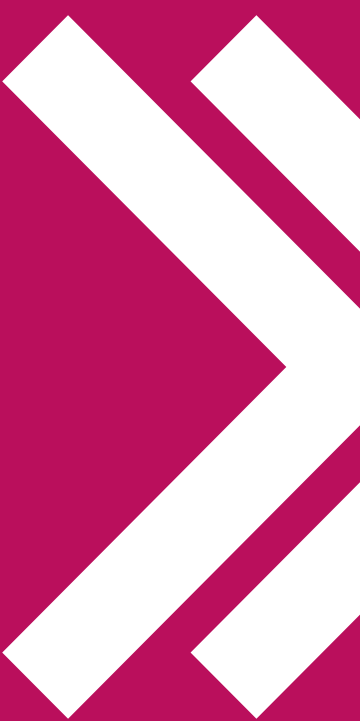
THE LAW ASIDE, SHOULD A SNAP GENERAL ELECTION BE CALLED?



PM Lee has said that he does not intend to do so because the Government has “a full agenda for this term, we're working at it and that's what we will focus on”. He added that “in the GRCs where there is a member missing, the **other members of the GRC will step up** and will make sure that the constituents are well looked after, that's one of the advantages of having a GRC.”

HOW MUCH MORE TO STEP UP?

Can the remaining MPs in these GRCs where MPs have resigned make sure that the constituents are well looked after when they must now serve a significantly larger number of constituents? We crunched the numbers to find out.



26%

MORE VOTING CONSTITUENTS PER MP IN EACH AFFECTED GRC

At the 2020 GE, the average number of electors per MP was 25,973 in an SMC and 28,641 in a GRC. Following the vacancies in the 6 affected GRCs, the average number of electors per MP in the affected GRCs has now risen to 36,638*:

GRC	Average number of electors per MP as at GE 2020	Average number of electors per MP after vacation of 1 elected MP seat
Sengkang	30,025	40,033
Jurong	26,212	32,765
Marine Parade	27,924	34,906
Tampines	30,318	37,897
Aljunied	30,164	37,705
West Coast	29,218	36,522

**Assuming that the number of electors remain unchanged from GE2020*

The only other constituencies with more than 30,000 electors per MP are Ang Mo Kio GRC (37,052), Pasir Ris-Punggol GRC (33,311) and Bukit Panjang SMC (35,437).