Presidential election eligibility decisions shed light on panel's considerations: Observers

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SINGAPORE – The decision of the Presidential Elections Committee (PEC) to issue certificates of eligibility to three presidential hopefuls sheds some light on its considerations. And the outcome of the polls is not a foregone conclusion, observers told The Straits Times on Friday.

Earlier on Friday, the Elections Department had announced that former GIC investment chief Ng Kok Song, former senior minister Tharman Shanmugaratnam and former NTUC Income chief Tan Kin Lian had received their certificates of eligibility. Should all go smoothly on Nomination Day on Aug 22, Singapore will see a three-way fight at the polls on Sept 1.

Mr Tharman had qualified under the public sector route, while Mr Ng qualified under the public sector deliberative route, and Mr Tan under the private sector deliberative route.

Entrepreneur George Goh did not succeed in his application under the private sector deliberative route.

Singapore Management University law don Eugene Tan said the case for eligibility was always stronger for Mr Ng and Mr Tan by virtue of the companies that they relied on – GIC and NTUC Income.

For Mr Goh, his biggest challenge right from the get-go was to persuade the PEC that he had "comparable experience and ability" as someone who runs a profitable company with $500 million in shareholder equity for at least three years, said Prof Tan.

Mr Goh had relied on adding the shareholder equities of five smaller companies for a combined $507 million.

Mr Ben Chester Cheong, a law lecturer at the Singapore University of Social Sciences, said it is now clear that one cannot aggregate the number of companies he manages in order to meet the $500 million requirement.

He added that in the 2017 presidential election, it was already clear that under the private sector discretionary track, one would not be able to qualify if he did not manage, as the most senior executive, a company with at least $500 million in shareholder equity.

Mr Salleh Marican and Mr Farid Khan, who had run companies well below the requirement, did not receive their certificates of eligibility then.

In the case of Mr Tan, while NTUC Income was not a private limited company but a co-operative when he was chief executive, NTUC Income had a "shareholders equity", or in its case, share capital, of about $1 billion, said Mr Cheong.

This is consistent with the PEC's approach to take a strict interpretation of the private sector deliberative track rules.

Otherwise, it would defeat the purpose of amending the legislation to the current requirements, from $100 million of paid-up capital previously, he added.

On Mr Ng's eligibility, Mr Cheong said it was interesting that the PEC took a "slightly flexible" approach for the public sector discretionary track.

"I think this would be one of the rare instances where it would be prepared to do that," he said.

With the role of GIC chief executive officer created only in 2017 – the company's chief executive was previously known as the group president – one would assume that the group chief investment officer (GCIO) would be a very senior executive during Mr Ng's time there, said Mr Cheong.

Mr Ng was GCIO from 2007 to 2013. A GCIO of a Fifth Schedule entity, in particular GIC, would be responsible for its entire portfolio of investments, and that appears to be the decisive factor here, he added.

This, together with the fact that GIC is one of three key pillars of the country's reserves, makes it clear that the PEC is taking a practical approach in interpreting the public sector deliberative track, while keeping in mind the function of the office of president, said Mr Cheong.

Dr Gillian Koh, senior research fellow at the Institute of Policy Studies, said the PEC had to establish that someone in the role of GCIO at a Fifth Schedule entity made executive decisions akin to the CEO of it.

"This is a unique entity, and it sets us thinking about whether there are any other roles like this in other Fifth Schedule entities from which candidates can arise in the future," she said.

Other Fifth Schedule entities are the Housing Board, JTC Corporation, Central Provident Fund, Monetary Authority of Singapore and Temasek Holdings.

That the PEC did not accept the aggregation of Mr Goh's companies to make the shareholder equity requirement signals that it is more difficult for the PEC to stretch the deliberative criteria in that direction, which is useful to note for the future, added Dr Koh.

Prof Tan noted that the PEC is bound by the Constitution where the eligibility of presidential hopefuls is concerned.

Where an applicant meets the criteria, the PEC is duty-bound to issue a certificate of eligibility. The committee has no discretion to issue a certificate to an applicant who does not meet requirements, even if it were to result in a walkover, he added.

Election results not a foregone conclusion

The candidates will have two weeks from Friday till Sept 1 to continue to make their case to voters.

The campaigning period will officially begin on Nomination Day on Aug 22. Cooling-Off Day will be on Aug 31, and Polling Day on Sept 1.

Prof Tan said the conclusion of the polls is not foregone, even if Mr Tharman is widely seen as the front runner.

“Voters have ample choice from the slate of three candidates who come from different backgrounds, have life and personal experiences, and competing – even conflicting – outlooks on the presidency,” he said.

Dr Koh concurred that voters will feel there is some diversity among their electoral choices.

All three have a clear track record of making strategic decisions about managing large sums of funds, she noted.

Dr Mustafa Izzuddin, a senior international affairs analyst at Solaris Strategies Singapore, said that should all three contest, Mr Tharman is the likely winner.

He thinks the middle-ground voters are likely to be split two ways between Mr Tharman and Mr Ng, with more voting for Mr Tharman, who will also receive the bulk of the pro-establishment vote. He noted that those who are protest-voting will be split between Mr Ng and Mr Tan, who will also get the vast majority of the anti-establishment vote.

Prof Tan added that voters must be clear that they have to vote for a candidate whose campaign reflects faithfully the presidency’s roles and powers.

“We cannot vote for an office that does not exist under the Constitution.”

Political observer Derek da Cunha, in a Facebook post on Friday, said this would be a “significantly different” presidential election compared to 2011, when the candidates were able to differentiate themselves “in political terms and in a fairly clear-cut way”.

“Dr Tony Tan was seen as the establishment candidate. Dr Tan Cheng Bock was viewed as the moderate alternative to Dr Tony Tan... Mr Tan Jee Say was widely deemed as the marked alternative to the establishment candidate,” he said.

“Thus, at PE2011, mostly by happenstance, what emerged were three classic political poles: right, centre, left. This political polarisation at PE2011 was largely fuelled by the general election held a few months earlier... As for Mr Tan Kin Lian, at PE2011, he was not politically defined, and he never even attempted to do so.”

For this year’s presidential election, he said, Mr Ng will have to draw out material differences with Mr Tharman, as both are perceived as “establishment” candidates.

“In spite of attempts by certain quarters to treat the PE as different from a GE... many voters might have a mind of their own... unlike PE 2011, it could be that a large segment of voters would be dissatisfied with the choices they are presented with on the ballot,” added Mr da Cunha.

“Consequently, one metric to look out for would be the percentage of rejected or voided votes out of total votes cast.”