

## **Presidential Elections Committee ‘a pre-qualification mechanism’**

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Describing the Presidential Elections Committee (PEC) as a “pre-qualification mechanism” to sieve out unsuitable candidates, Law Minister K Shanmugam reiterated yesterday that qualified candidates are not “all equally capable”.

Speaking at a forum organised by the Institute of Policy Studies, Mr Shanmugam, who is also the Foreign Minister, said: “Once the PEC certifies them, they are all equally capable? No. The PEC is some sort of a mechanism to say that these are not obviously incapable people and that they meet some minimum requirement.”

Professor Thio Li-ann, a constitutional law expert who was on the panel with Mr Shanmugam, questioned if there was a need to have a PEC in the first place.

Mr Shanmugam replied: “One possibility could have been for the Parliament to elect a President, but the idea was that we wanted a President to be a check on the Parliament in specific areas — so it doesn’t work.”

He added: “The other possibility was to let the people choose the President but (former Minister Mentor) Lee Kuan Yew explained why he didn’t think that was suitable because then you will have all manner of people competing and it is a popularity contest. He wanted to limit the consequences of such a popularity contest at least to people who are not inherently unqualified.”

The PEC comprises the chairmen of the Public Service Commission and the Accounting and Corporate Regulatory Authority, and a member of the Presidential Council for Minority Rights. Once satisfied that the criteria are met, the PEC issues the candidate with a Certificate of Eligibility. Its decision is final and it is not constitutionally required to provide any justification for its decision.

Prof Thio said that the electoral process vis-a-vis the function of the PEC should be more transparent and accountable.

She said: “Anyone who exercises public power in Singapore should be subject to some mechanism of accountability.”

Prof Thio noted that the criteria for “integrity, good character and reputation” is subjective. She also pointed out that when the PEC decides that a candidate is of poor character, the judgment may be defamatory. However, the PEC is immune from a defamation suit in the absence of malice under the Presidential Elections Act, said Prof Thio. She suggested that the PEC allow the candidates a right of reply — as a matter of protecting the candidate’s reputation — should their eligibility be questioned.