

**Eligibility Criteria and the Presidential Elections Committee (“PEC”)**

**Areas discussed:**

1. Length and currency of qualifying tenure (see **Table 1**)
2. Public Sector Service Requirement (see **Table 2**)
3. Private Sector Service Requirement (see **Table 3**)
4. Augmenting the PEC’s size (see **Table 4**)

**Table 1: Length and currency of qualifying tenure**

Factor	Current	Under the Bill
<b>Length</b>	<b>Existing Art 19(2)(g)</b> • 3 years	<b>New Art 19(3) and (4)</b> • No change
<b>Currency</b>	• No requirement	• Each period of service relied on must fall partly or wholly within 20 years immediately preceding date of writ of election ( <b>New Art 19(2)(g)(ii)</b> )

**Table 2: Public Sector Service Requirement**

Route	Current	Under the Bill
<b>1. Key Public Offices</b>	<b>Existing Art 19(2)(g)(i)</b> • Minister, Chief Justice, Speaker, Attorney-General, PSC Chairman, Auditor-General, Accountant-General, Permanent Secretary	<b>New Art 19(3)(a)</b> • No change
<b>2. Fifth Schedule Entities</b>	<b>Existing Art 19(2)(g)(ii)</b> • Position: Chairman or CEO • Entity: Fifth Schedule Statutory Board	<b>New Art 19(3)(b)</b> • Position: chief executive ( <i>ie</i> most senior executive, however named) • Entity: Fifth Schedule Statutory Board or Government Company
<b>3. Public Sector Deliberative Track</b>	<b>Existing Art 19(2)(g)(iv)</b> PEC must be satisfied that: • applicant has held similar or comparable position of seniority and responsibility, in any organisation or department of equivalent size or complexity; and • the above has given applicant such experience and ability in administering and managing financial affairs as to enable him to effectively carry out the President’s functions and duties	<b>New Art 19(3)(c)</b> PEC must be satisfied that: • having regard to the nature of the office and applicant’s performance in that office, applicant has experience and ability comparable to those who qualify under Routes 1 or 2; and • having regard to any other factors it sees fit to consider, applicant has experience and ability to effectively carry out the President’s functions and duties
<b>4. Aggregation of periods of service</b>	• Not available	<b>New Art 19(3)(d)</b> • Permits aggregation of 2 separate periods of service that fall within Routes 1, 2 or 3, to satisfy 3-year requirement • Each period must be ≥ 1 year in length

**Table 3: Private Sector Service Requirement**

Route	Current	Under the Bill
<b>1. Private Sector Companies</b>	<p><b>Existing Art 19(2)(g)(iii)</b></p> <ul style="list-style-type: none"> <li>Position: Chairman of Board of Directors or CEO</li> <li>Entity: Company with paid-up capital ≥ \$100m</li> </ul>	<p><b>New Art 19(4)(a)</b></p> <ul style="list-style-type: none"> <li>Position: chief executive (ie most senior executive, however named)</li> <li>Entity: <ul style="list-style-type: none"> <li>Company with average shareholders' equity ≥ \$500m during applicant's most recent 3-year period of service as chief executive</li> <li>Company, on average, makes profit after tax for the entire time (continuous or otherwise) that applicant served as chief executive</li> <li>Company has not been subject to any insolvency event within 3 years of applicant ceasing his service as chief executive or until the date of writ of election, whichever is earlier</li> </ul> </li> </ul>
<b>2. Private Sector Deliberative Track</b>	<p><b>Existing Art 19(2)(g)(iv)</b></p> <p>PEC must be satisfied that:</p> <ul style="list-style-type: none"> <li>applicant has held similar or comparable position of seniority and responsibility, in any organisation or department of equivalent size or complexity; and</li> <li>the above has given applicant such experience and ability in administering and managing financial affairs as to enable him to effectively carry out the President's functions and duties</li> </ul>	<p><b>New Art 19(4)(b)</b></p> <p>PEC must be satisfied that:</p> <ul style="list-style-type: none"> <li>having regard to the nature of the office, the size and complexity of the organisation and applicant's performance in that office, he has experience and ability comparable to a chief executive of a typical company with shareholders' equity ≥ \$500m and who satisfies Route 1; and</li> <li>having regard to any other factors it sees fit to consider, applicant has experience and ability to effectively carry out the President's functions and duties</li> </ul>
<b>3. Aggregation of periods of service</b>	<ul style="list-style-type: none"> <li>Not available</li> </ul>	<p><b>New Art 19(4)(c)</b></p> <ul style="list-style-type: none"> <li>Permits aggregation of 2 separate periods of service that fall within Routes 1 or 2, to satisfy 3-year requirement</li> <li>Each period must be ≥ 1 year in length</li> <li>If applicant relies on Route 1 for one or both periods of service, he may only rely on the most recent period of service in each company, and the 3 "Entity" requirements for Route 1 must be satisfied for each period</li> </ul>

**Table 4: Augmenting the PEC's size**

Current PEC members	PEC members under the Bill
<p><b>Existing Art 18(2)</b></p> <ol style="list-style-type: none"> <li>PSC Chairman (who is the PEC Chairman)</li> <li>ACRA Chairman</li> <li>PCMR member, nominated by PCMR Chairman</li> </ol>	<p><b>New Art 18(2)</b></p> <ol style="list-style-type: none"> <li>PSC Chairman (who is the PEC Chairman)</li> <li>ACRA Chairman</li> <li>PCMR member, appointed by PCMR Chairman</li> <li>Former or current CPA member, appointed by CPA Chairman</li> <li>Person who is qualified to be or has been a Judge of the Supreme Court, appointed by CJ</li> <li>Person who has expertise and experience acquired in the private sector that is relevant to the functions of the PEC, appointed by PM</li> </ol>