

Chief Executive Election
Action Checklist for Candidates

<u>Time</u>	<u>Action</u>
Before and during the Nomination Period	<ol style="list-style-type: none"> 1. Obtain the following from the Returning Officer (“RO”) or the Registration and Electoral Office (“REO”): <ol style="list-style-type: none"> (a) Nomination Form, including : <ol style="list-style-type: none"> (i) a declaration to the effect that the candidate stands for the election in an individual capacity and will uphold the Basic Law and bear allegiance to the HKSAR; and (ii) a declaration as to the candidate’s nationality and as to whether he/she has a right of abode in any foreign country; (b) designated form requested by the Candidate Eligibility Review Committee (“CERC”) for completion (if applicable); (c) the form of “Intention to Display Election Advertisements at Designated Spots”; and (d) grid paper for the production of the “Introduction to Candidates” and the “Guide on Completion of Grid Paper”.
During the Nomination Period	<ol style="list-style-type: none"> 2. Except where the RO authorises otherwise, hand in to the RO by the candidate in person <u>before the end of the Nomination Period</u> the duly completed Nomination Form, including: <ol style="list-style-type: none"> (a) a declaration to the effect that the candidate stands for the election in an individual capacity and will uphold the Basic Law and bear allegiance to the HKSAR; and (b) a declaration as to the candidate’s nationality and as to whether he/she has a right of abode in any foreign country.

3. Lodge with the CERC the designated form and requested information (if applicable).
4. Apply to Hongkong Post for written approval of their election mail specimens for free postage. Candidates should:
 - (a) carefully study the requirements governing free postage for election mail before deciding on the contents of their election mail and seek advice from Hongkong Post relating to postal requirements and the REO on other relevant aspects; and
 - (b) make every effort to submit their election mail specimens to Hongkong Post for written approval as early as possible to allow sufficient time for revising the contents of their election mail specimens, if necessary.
5. Obtain from the RO a Candidate Folder containing various forms and reference materials for use by candidate participating in the election.
6. Lodge with the RO a “Notice of Withdrawal of Candidature” if the candidate wishes to withdraw his/her candidature.
7. (a) Ensure that all printed election advertisements (“EAs”), except for the category exempted, contain the name and address of the printer, date of printing and the number of copies printed.
 - (b) Ensure that all prior written consent of support or permission/authorisation have been obtained before the publication of EAs and lodged with the RO (or the Chief Electoral Officer (“CEO”) if RO has not yet been appointed), if applicable.

Any time before, during or
after handing in
Nomination Form

- (c) (i) Candidates who choose to post the electronic copy of the EAs and relevant information/documents onto the open platform maintained by the candidate(s) or a person authorised by the candidate(s) (“Candidate’s Platform”) for public inspection should provide the CEO with the **electronic address** of the platform **at least 3 working days** (i.e. any day other than a general holiday or Saturday) **before publication of the first EA**. The Candidate’s Platform, as well as the attachments uploaded, should be maintained and kept by the candidate(s) till the end of the period during which copies of the “Return and Declaration of Election Expenses and Election Donations” (hereafter referred to as “election return”) are available for public inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) (“ECICO”).
- (ii) Candidates who choose to post the electronic copy of the EAs and relevant information/documents onto the open platform maintained by the CEO or a person authorised by the CEO (“Central Platform”) for public inspection should submit to the CEO the “Application for Creating an Account of the Central Platform and Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates”. The CEO will provide each candidate with a username and 2 sets of passwords **within 3 working days** upon receipt of the duly completed application and undertaking.
- (d) Make available a copy of each of the EAs and relevant information/documents, including publication information, permission/consent of support in relation to EAs, for public inspection **within 1 working day** after the publication of the EA by:
- (i) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix 4**;

- (ii) posting an electronic copy of each of his/her EAs and relevant information/documents onto the Candidate's Platform and providing the CEO with the **electronic address** of the platform **at least 3 working days before publication of the first EA (for details, please see Appendix 4)**;
- (iii) if it is technically impracticable to comply with (i) or (ii) above for EAs published through an open platform on the Internet (for example, when messages are exchanged on social network or communication websites on the Internet, such as Instagram, Twitter, Facebook, or blogs in a real-time interactive manner), posting a hyperlink of each of the EAs that is published through the open platform (the hyperlink to the specific EA published should be provided, rather than the hyperlink to the entire election website or page of the social media) and the information/documents relevant to the EAs onto the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix 4**;
- (iv) providing 2 hardcopies of each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in actual form) and 1 hardcopy of information/documents in relation to the EA to the RO; or
- (v) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy of information/documents in relation to the EA to the RO.

Candidates may make submission as required from time to time. Candidates should keep records of all relevant information/documents and the EAs uploaded onto the Central Platform or lodged with the RO.

- 8. (a) Record all election expenses incurred and all election donations received.

- (b) Keep all original invoices and receipts issued by the goods or service providers for each item of expenditure of \$500 or above.
- (c) Issue a receipt to the donor for any non-anonymous donation of more than \$1,000 and keep a copy of the receipt. (Candidates may use the “Standard Receipt for Election Donations” provided by the REO.)
- (d) Submit to the CEO an “Advance Return and Declaration of Election Donations” when an election donation is received (if required and as appropriate).

Any time before handing in
Nomination Form till the
end of the election period

9. Appointment of Election Expense Agent(s):

- (a) Lodge with the RO (or the CEO if the RO has not yet been appointed) “Authorisation to Incur Election Expenses”.
- (b) Each candidate may appoint 1 person or more as the election expense agent(s) to incur election expenses on his/her behalf (at a prescribed amount specified by the candidate). A candidate **may** also appoint his/her election agent as an election expense agent. These agents can only incur election expenses upon appointment by the candidate. It is important to note that the appointment is not effective until it has been received by the RO or the CEO (if the RO has not yet been appointed).
- (c) An election expense agent must be a person who has attained the age of 18 years.

Any time after handing in
Nomination Form

10. Appointment of Election Agent:

- (a) Lodge with the RO a “Notice of Appointment of Election Agent”.
- (b) Each candidate can only appoint 1 election agent. An election agent has the authority to handle all affairs a candidate is authorised to handle under the Electoral Procedure (Chief Executive Election) Regulation (Cap 541J) for the purposes of the election, **except:**

- (i) to sign the nomination form or make any declaration required in relation to a candidate's nomination;
- (ii) to withdraw the candidate's candidature;
- (iii) to appoint an election agent;
- (iv) to appoint an election expense agent;
- (v) to incur election expenses (unless he/she has been so appointed by the candidate);
- (vi) to revoke the appointment of an election agent or election expense agent; and
- (vii) to be present at a dedicated polling station situated in a maximum security prison.

- (c) An election agent must be a holder of the Hong Kong Identity Card and has attained the age of 18 years.

Any time after handing in Nomination Form, but before the end of the Nomination Period

- 11. (a) If a candidate wishes to have his/her photograph and electoral message printed in the "Introduction to Candidates", he/she should:
 - (i) lodge with the RO a duly completed grid paper affixed with a colour photograph of the candidate which must be in a specified size and taken within the last 6 months; and
 - (ii) provide 2 additional copies of the photograph identical to the one affixed to the grid paper with the candidate's name label affixed on the back.

(If a candidate does not submit the grid paper, the "Introduction to Candidates" will only show the name and candidate number, with the sentence "Relevant information has not been provided by the candidate" printed in the space provided for the electoral message.)

- (b) Lodge with the RO the form "Intention to Display Election Advertisements at Designated Spots".

Any time after handing in Nomination Form, but at least 7 days before the polling day

12. Make a request to the CEO for obtaining 2 sets of mailing labels in respect of the members of the Election Committee (“EC”) extracted from the relevant parts of the EC Final Register and/or a set of USB flash drives containing information of the members of the EC in the Candidate Mailing Label System (“CMLS”) (Candidates are required to sign the “Undertaking on the Use of members of the EC’s Information” when making the request.).

(Note: Relevant information will be provided to the validly nominated candidates. To protect the environment and respect the wish of the members of the EC, the CEO will not provide mailing labels in respect of the members of the EC who have provided their email addresses for receiving election mails and who have indicated that they do not wish to receive any election mails.)

13. Lodge with the CEO the “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” by hand, by post, by electronic mail or by facsimile transmission.
14. Lodge with the RO the “Notice of Appointment of Counting Agents” by hand, by post, by electronic mail or by facsimile transmission.
15. Lodge with the CEO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison)” to seek consent from the Commissioner of Correctional Services to the presence of an election agent or a polling agent at a dedicated polling station situated in a penal institution (other than a maximum security prison).

- (Note: (a) No consent will be given to the presence of an election agent at a dedicated polling station situated in a penal institution (other than a maximum security prison) if a polling agent has been appointed for that polling station. Similarly, if consent has been given by the Commissioner of Correctional Services to the presence of an election agent at a dedicated polling station situated in a penal institution, no polling agent may be appointed for that polling station.
- (b) No polling agent may be appointed nor may election agent be present at a dedicated polling station situated in a maximum security prison.)

As soon as practicable after the RO receives the candidate as validly nominated or not

16. Receive from the RO the notification on the validity of the candidate's nomination (which will also be sent to every other validly nominated candidate, if any).

After the end of the Nomination Period

17. Attend the briefing for the candidate(s).
- (a) At an uncontested election, the candidate will be provided with a list of the designated spots for display of EAs allocated to him/her.
- (b) At a contested election, attend meetings held by the RO to determine the candidate numbers by drawing of lots and to allocate designated spots for display of EAs.
18. Receive from the RO the following:
- (a) location maps and layout plans of the polling and counting stations; and
- (b) name badges for the candidate(s) and his/her/their agents.
19. Receive from the RO a copy of the permission/authorisation for the display of EAs at designated spots allocated to the candidate.

- As soon as practicable after the RO receives a “Notice of Appointment of Election Agent” from other candidates
20. Receive from the RO information about the election agent appointed by other candidates, if any.
- Around 7 days after the end of the Nomination Period
21. Before the deadline specified by the REO, send the completed e-form of the text version of the “Introduction to Candidates” (available on website) by electronic mail to e-intro_to_can@reo.gov.hk for uploading onto the dedicated election website.
- (If a candidate fails to submit the electronic file by the said deadline, his/her “Introduction to Candidates” will only include his/her name and candidate number, with the sentence “Relevant information has not been provided by the candidate” printed in the appropriate space.)
- Around 14 days after the end of the Nomination Period
22. Check the ballot paper printing proof and verify the particulars relating to the candidate to be printed on the ballot paper. If a candidate or his/her election agent cannot perform the checking in person, the candidate may authorise a representative in writing to check the particulars concerned on the ballot paper printing proof on his/her behalf.
- (If a candidate or his/her election agent/authorised representative does not perform the checking at the date and venue specified by the REO, the printing proof of the ballot paper will be printed without further notice.)
- Not later than 7 days before polling day
23. Receive from the RO information regarding the delineation of no canvassing zones and no staying zones for the polling stations (including dedicated polling stations).

- During the week before the polling day
24. Lodge with the CEO the “Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison)” **only if** –
- (a) during the week before the polling day, an elector imprisoned or held in custody who is entitled to vote at the aforesaid dedicated polling station situated in a penal institution is admitted or transferred to the penal institution; and
- (b) the application is lodged without undue delay after the admission or transfer.
- At least 2 clear working days before posting postage-free election mail
25. Notify Hongkong Post of the date of posting postage-free election mail by submitting the “Notice of Posting of Election Mail” (in duplicate), and submit 3 specimens of unsealed election mail to the designated manager(s) of Hongkong Post for inspection and approval.
- Send postage-free election mail before the deadline as specified by Hongkong Post
26. Post the postage-free election mail and present to Hongkong Post a “Declaration for Posting of Election Mail” (in duplicate). Furnish a copy of the election mail for the attention of the designated manager(s) of Hongkong Post for record purpose. The election mail must comply with the requirements specified in this Guidelines on Election-related Activities and “Summary on Free Postage for Election Mail”.
- (Note: Election mail sent after the deadline may fail to reach the members of the EC before the polling day.)
- Not later than 1 clear working day before the count (except the count for the 4th and subsequent rounds of voting at a contested election)
27. Receive information from the RO on when and where the counting of votes is to take place.
- Before entering the polling station or counting station
28. Complete the “Declaration of Secrecy” (a declaration of secrecy should be made by all candidate(s), his/her/their election agents, polling agents and counting agents).

- Any time before the polling day 29. Lodge with the CEO or RO, as the case may be, the “Notice of Revocation of Appointment of Agent”, if any, by hand, by post, by electronic mail or by facsimile transmission.
- On the polling day 30. Attend and observe the poll and the count if so wishes, bringing along the “Declaration of Secrecy”.
31. If the “Notice of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution” and “Notice of Revocation of Appointment of Agent” are not submitted in manners specified in paras. 13 and 29 above respectively, candidates or their election agents should lodge such notices with the Presiding Officer (“PRO”) (except for the PROs at dedicated polling stations situated in penal institutions) in person.
32. If it is necessary to revoke the appointment of a polling agent for a dedicated polling station situated in a penal institution but the “Notices of Revocation of Appointment of Agent” is not lodged in manners specified in para. 29, the notice must be delivered to the CEO by hand, by electronic mail or by facsimile transmission.
33. If the “Notice of Appointment of Counting Agents” and “Notice of Revocation of Appointment of Agent” are not lodged in the manners specified in paras. 14 and 29 respectively, candidates or their election agents must deliver the notices to the RO in person.
- Within 3 working days after the polling day 34. Post the corrected EAs particulars onto the Candidate’s Platform or the Central Platform and place them next to the original version, together with the date of correction; or submit the “Notification of Corrected Information in relation to Election Advertisements” to the RO.
- Within 7 working days after publication of the election result 35. **For the candidate who is declared as elected:**
- (a) make a statutory declaration that he/she is not a member of any political party; and

- (b) lodge with the RO a written undertaking to the effect that he/she will not become a member of any political party or do any act that has the effect of subjecting himself/herself to the discipline of any political party during his/her term of office as the Chief Executive.
- Within 10 days after the polling day
36. Remove all EAs displayed on government land/property.
- Within 2 weeks after the polling day
37. Destroy the USB flash drives containing the CMLS, unused mailing labels (if any), and all the members of the EC's information copied (candidates are advised to use a data erasure software to erase the information completely), **and** return the reply slip on "Confirmation of Destruction of CMLS in the USB Flash Drives and the Relevant Members of the Election Committee's Information" to the REO.
- Before the statutory deadline for the submission of election returns as required under section 37 of the ECICO
38. (a) Lodge with the CEO an election return setting out all election expenses incurred by the candidate and the election expense agents on his/her behalf and all election donations received by or on behalf of the candidate.
- Candidates are required to submit an election return even if no election expenses have been incurred or no election donation has been received.*
- (The REO will issue letters to inform candidates of the deadline for lodging election returns)
- (b) As required under section 37 of the ECICO, candidates should ensure that the election return is accompanied by invoices and receipts for each election expense of \$500 or more, copies of standard receipts issued to donors for each election donation of more than \$1,000 in value, and copies of receipts issued by charitable institutions or trusts of a public character for the collection of any unspent election donations, anonymous donations of more than \$1,000 in value and election donations exceeding the limit of election expenses (see Chapter 16 of the Guidelines for details).

- (c) Candidates must make a declaration/supplementary declaration(s) verifying the contents of the election return before a Commissioner for Oaths (at District Offices), or a Justice of the Peace or solicitor holding a practising certificate.
- (d) Any candidate who is unable/fails to lodge the election return before the deadline may apply to the Court of First Instance (“CFI”) for an order allowing him/her to lodge the election return within an extended period as specified by the CFI.
- (e) Any candidate who has submitted an election return and wishes to make amendments to the election return before the deadline may lodge with the CEO before the deadline a supplementary declaration stating the amendments and the relevant supporting documents (e.g. receipts) as appropriate.
- (f) Any candidate who wishes to correct any error or false statement in his/her election return (including any document accompanying his/her election return) after the deadline must apply to the CFI for an order allowing him/her to do so. Nevertheless, if the aggregate value of the error or false statement in the election return does not exceed the prescribed relief limit (\$50,000) for election as stipulated in section 37A of the ECICO, the candidate may, upon receipt of notification from the CEO of the error and/or false statement in the election return, rectify the error or false statement in the election return within a specified period in accordance with the simplified relief arrangement for minor errors or false statements in section 37A of the ECICO (see paras. 16.35 to 16.40 of the Guidelines).

Until the end of the period for which copies of election returns are available for inspection under section 41 of the ECICO

- 39. Maintain the Candidate’s Platform for public inspection of the EAs and relevant information/documents. If the hyperlink of a website on which an EA is published has been uploaded onto the Central Platform, candidates should ensure that the hyperlink is valid and the relevant website continues to operate.

Note:

Most of the forms mentioned in this checklist can be downloaded from the REO website at <https://www.reo.gov.hk>.

(This “Action Checklist for Candidates” is for general reference only. Candidates are advised to refer to the Action Checklist with timetable which will be included in the Candidate Folder for the respective election.)

[Amended in January 2007, January 2010, November 2011, October 2016 and January 2022]