

CHAPTER 3

REGISTRATION OF ELECTION COMMITTEE EX-OFFICIO MEMBERS AND VOTERS, AND VOTING SYSTEM

PART I : GENERAL

3.1 Only registered voters whose names are contained in the subsector FR of voters may vote at the EC subsector elections. Registered voters/ARs may check their registration particulars at any time via “iAM Smart” or the Online Voter Information Enquiry System (“OVIES”) (www.voterinfo.gov.hk). The FR of voters is updated in every voter registration cycle. For a subsector PR of voters and a FR of voters to be compiled and published in a year in which a LegCo General Election is held, the ERO may, by notice published in the Gazette, specify an earlier date in the year by which the said registers must be so compiled and published. [S 14(1AB) of the Schedule to the CEEEO]

PART II : REGISTRATION OF EX-OFFICIO MEMBERS

3.2 As mentioned in para. 1.2 of Chapter 1, part of the members of the EC are returned by ex-officio membership, and are not subject to election or nomination. Ex-officio members must submit the specified form⁸ to the ERO for registration, and the validity of the relevant registration will be

⁸ The application forms for “Application by the NPC Deputy and CPPCC Member for New Registration as Ex-officio Members of the Election Committee” (REO-EC(X1)), “Application by Specified Person for New Registration as Ex-officio Members of the Election Committee” (REO-EC(X2)) or “Application by Designated Person/Council Chairman or Chairman of the Board of Governors of the Relevant University for New Registration as Ex-Officio Members of the Election Committee” (REO-EC(X3)), are available at the REO website (www.reo.gov.hk).

determined by the CERC. For the registration arrangement of ex-officio members, see paras. 3.3 to 3.11 of this chapter.

Registration of Hong Kong Special Administrative Region Deputies to the National People’s Congress and Hong Kong Special Administrative Region Members of the National Committee of the Chinese People’s Political Consultative Conference

3.3 All NPC deputies and CPPCC members are the ex-officio members of the EC. Their registration forms must be submitted by the Friends of Hong Kong Association Limited (“the Association”) on their behalf to the ERO. The form must contain a declaration by each NPC deputy or CPPCC member to the effect that he is eligible to be registered as an ex-officio member, and is not disqualified from being so registered. The declaration must be personally signed by each NPC deputy or CPPCC member, and also be signed on behalf of the Association by a person authorised by the Association for that purpose.

- (a) (i) if an NPC deputy or a CPPCC member is also a holder of a “specified office” in another subsector (“specified subsectors”) (i.e. not the NPC deputies and CPPCC members subsector), he may only be registered as the ex-officio member of that specified subsector;
- (ii) if he holds more than one “specified office” in the subsectors that are not the NPC deputies and CPPCC members subsector, he may choose to be the ex-officio member of one of the specified subsectors, and designate a person to be the ex-officio member of the remaining specified subsectors (if applicable⁹) in accordance with the requirements; and

⁹ This arrangement to designate a person to be the ex-officio member does not apply to the ex-officio seats in the legal subsector nor the members of the LegCo subsector.

- (b) a total of 190 seats is assigned to the NPC deputies and CPPCC members subsector according to Annex I to the Basic Law and the CEEEO. If the total number of NPC deputies or CPPCC members who are eligible to be registered as ex-officio members, after deducting the number of ex-officio members being registered in the specified subsectors per (a)(i) and (ii) of this paragraph, exceeds the total 190 seats, those NPC deputies or CPPCC members may choose to be registered as extra ex-officio members in relevant subsectors that they have substantial connection with. If there are NPC deputies or CPPCC members who choose to be registered in other subsectors as described in this paragraph, the number of ex-officio members of those subsectors will increase and the number of members to be returned by election of those subsectors will decrease accordingly. After the NPC deputies or CPPCC members are registered as the ex-officio members of the relevant subsectors, the number of ex-officio members, members to be nominated and members to be elected for those subsectors shall remain unchanged during that term of office of the EC.

[S 2B of the EAC (EP) (EC) Reg and ss 2, 5I and 5J of the Schedule to the CEEEO]

Registration of Other Ex-officio Members

3.4 Generally speaking, the holders of the “specified offices” in the subsectors (i.e. “specified persons”) may be registered as the ex-officio members of that subsector. If a specified person makes such a registration, he must indicate in the specified form to the effect that he chooses to be registered as an ex-officio member as the holder of the specified office, and make a

declaration specifying that he is eligible to be registered as an ex-officio member and is not disqualified from being so registered. [S 2C of the EAC (EP) (EC) Reg]

3.5 However, under the following circumstances, the specified person may designate another person (i.e. “designated person”) who is holding an office in a relevant body to be registered as an ex-officio member of that subsector:

- (a) the specified person is not eligible to be registered as an ex-officio member, including:
 - (i) he has not been registered as an elector under the LCO for a GC (or has not made a relevant application), or is disqualified from being registered as an elector for a GC; or
 - (ii) he is a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law, a prescribed public officer¹⁰ or any other civil servant who is holding a specified office in his official capacity; or
- (b) the specified person is a holder of more than one specified office.

[Ss 5J(3) and 5L of the Schedule to the CEEQ]

3.6 Regarding the substitution arrangement for the ex-officio member in the education subsector, if the specified person is the Vice-Chancellor or President of a university but is not eligible to be registered as an ex-officio

¹⁰ Prescribed public officers include directorate officers, Administrative Officers and Information Officers of the Government, and police officers.

member of the education subsector, the Council Chairman or the Chairman of the Board of Governors of that university will be registered as such. This substitution arrangement is inapplicable to the seats of ex-officio members in the legal subsector, members of the LegCo subsector and the NPC deputies and CPPCC members subsector. [S 5J(4) of the Schedule to the CEEO]

3.7 A designated person (including the Council Chairman or the Chairman of the Board of Governors mentioned in para. 3.6 of this chapter) must complete the specified form for registration as an ex-officio member of the relevant subsector. The form must include a declaration made by the relevant specified person stating that due to his ineligibility to be registered as an ex-officio member, or holding more than one specified office, and having applied for the registration or having been registered as an ex-officio member of another subsector, therefore he designates another person to be registered as an ex-officio member of the relevant subsector. The form must also contain a declaration made by the designated person specifying the office held by the designated person in a relevant body in relation to the specified office, and that the designated person is eligible to be registered as an ex-officio member and is not disqualified from being so registered. In addition to the inclusion of these declarations, the registration form must also be personally signed by the specified person and the designated person. [S 2C of the EAC (EP) (EC) Reg]

3.8 An ex-officio member or a holder of a specified office cannot be a member returned by nomination or election. A specified person will be regarded as having resigned from the membership of the EC if he ceases to hold the specified office concerned. Each person may only be registered as an ex-officio member of one subsector only. [S 3 of the Schedule to the CEEO]

3.9 The above registration forms must be submitted to the ERO by 2 June in the year immediately before the relevant year of constituting a new term of office of the EC. In other circumstances, after a person has become an

NPC deputy, CPPCC member or a holder of a specified office, his application for registration should also be submitted as soon as possible with the form specified by the ERO. [Ss 2B(11) and 2C(10) of the EAC (EP) (EC) Reg]

3.10 If the registration by a specified person or designated person has been determined by the CERC to be invalid, the specified person may submit another registration form to designate another person to be registered as ex-officio member. The registration form must be submitted to the ERO within seven days after the date on which the subsector ordinary election is to be held for the term of office of the EC concerned¹¹. [Ss 2A and 2C(11) of the EAC (EP) (EC) Reg]

Disqualification from being Registered as an Ex-officio Member

3.11 A person is disqualified from being registered as an ex-officio member if the person:

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence or received a free pardon;
- (b) has been convicted of an offence endangering national security;
- (c) on the date of submission of the registration form, is serving a sentence of imprisonment;
- (d) without limiting (a) of this paragraph, where the registration form is submitted within five years after the date of the person's conviction, is or has been convicted:

¹¹ If different subsector ordinary elections are to be held on different dates for that term of office, the last of those dates shall be referred to.

- (i) of having engaged in corrupt conduct or illegal conduct in contravention of the ECICO;
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iii) of any offence prescribed by s 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or the EAC Regulations¹²;
- (e) is found for the time being under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs;
- (f) is a member of the armed forces of the People's Republic of China or any other country or territory; or
- (g) within five years before the date of submission of the registration form, has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath¹³, or has been declared or decided in accordance with any law:
- (i) to be in breach of a specified oath; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.

[S 5M of the Schedule to the CEEO]

¹² EAC Regulations mean regulations made under s 7 of the EACO.

¹³ Specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the HKSAR of the People's Republic of China.

PART III : REGISTRATION OF VOTERS FOR SUBSECTORS

3.12 Only a registered voter for a subsector is entitled to vote at the respective subsector election. [S 28(1) of the Schedule to the CEEO]

Qualifications for Registration as a Voter

3.13 There are two kinds of voters for the EC subsectors, namely a natural person (i.e. an individual) and a body (i.e. a corporate voter). A specified entity of a subsector, or a person who has already been registered for a subsector in the existing FR of voters without being disqualified from being so registered, is eligible to be registered as a voter for that subsector. In the case of an individual, only a person who is registered, or is eligible to be registered and has made an application to be so registered, as an elector for a GC, and is not disqualified from being so registered, is eligible to be registered as a voter. All corporate voters are required to appoint an eligible person to be its AR for casting a vote of that corporate voter at the election. A person is eligible to be appointed as an AR of a corporate voter only if he:

- (a) is registered, or is eligible to be registered and has made an application to be so registered, as an elector for a GC;
- (b) has a substantial connection with the corporate voter concerned (a person has a substantial connection with a corporate voter, e.g. the AR is a member, partner, officer or employee of the body);
and
- (c) is not disqualified from registration or voting under s 31 or 53 of the LCO.

[Ss 12(1), 13(2), (3) and 28(3) of the Schedule to the CEEO]

3.14 A person who has been appointed as the AR of a corporate voter is not eligible to be appointed as the AR of another corporate voter. [S 13(3) of the Schedule to the CEEO]

3.15 A corporate voter must register its AR with the ERO. **The corporate voter must give notice of the appointment of its AR to the ERO in its application form for registration as a corporate voter.** A decision to appoint or replace an AR of a corporate voter may only be made by the governing authority (by whatever name called) of the corporate voter. The corporate voter may from time to time replace its AR by the specified form but the form must reach the ERO not later than 14 days before the polling date for the subsector concerned. If the ERO is satisfied that the AR has died or has suffered a serious illness or has suffered physical or mental incapacity, the 14-day deadline for the replacement of AR may be relaxed to not later than 3 working days before the polling date for the subsector concerned. [S 13(4), (5), (6) and (8) of the Schedule to the CEEO, and s 20(5) and (6) of the EAC (ROE) (FCSEC) Reg]

3.16 If a person is eligible to be registered as a voter for the HYK subsector, the representatives of Hong Kong members of relevant national organisations subsector, representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon subsector or representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories subsector, then he may only be registered as a voter for the relevant subsector. If a person is eligible to be registered as a voter of the above subsectors at the same time, he may only be registered as a voter for one of the subsectors in accordance with the priority as set out in the CEEO. [S 12(11) and (12) of the Schedule to the CEEO]

3.17 An individual/corporate voter must not be registered as a voter for more than one subsector.

3.18 Any person must provide true and accurate information when submitting an application for new registration or change of registration particulars. It is an offence for any person to make any statement which the person knows to be false in a material particular, or recklessly make any statement which is incorrect in a material particular, or knowingly omit any material particular from the application, and is liable to a fine at level 3 (\$10,000) and to imprisonment for 2 years. If that person does vote at an election subsequently, he may also contravene s 16 of the ECICO and is liable to a more serious penalty. It is also an offence for a voter to vote despite knowing that he is disqualified from being registered as a voter, even if his name is still contained in the FR of voters. [S 42 of the EAC (ROE) (FCSEC) Reg]

Key Dates in Voter Registration

3.19 The registration of voters for subsectors is conducted in accordance with the requirements of the EAC (ROE) (FCSEC) Reg. Any individual/body may, at any time, submit a completed specified form to the ERO to apply for registration as a voter. However, if they wish to have their names and addresses to be included in the PR of voters and FR of voters for a particular year, the form must be submitted on or before the statutory deadline for that year (i.e. 2 June of that year). If such applications are received by the REO after the statutory deadline, their names and addresses will not be included in the PR of voters and FR of voters until the following year when the registers are published.

3.20 The law sets out clear registration procedures and deadlines for the annual publication of the FR of voters, with key dates as follows:

Voter Registration Procedures	Statutory Deadline¹⁴
Submission of application for change of registration particulars	2 June
Application for de-registration	
Submission of application for new registration	
Respond to inquiry letters to retain voter registration	
Publication of PR of voters and OL	1 August
Claims and objections period	1 to 25 August
Publication of FR of voters	25 September

Disqualifications from Registration and Voting

3.21 A person is disqualified from being registered as an individual voter and voting at the relevant subsector election or voting as an AR if he:

- (a) is no longer eligible to be registered as an elector for a GC (see para. 3.13 of this chapter);
- (b) has ceased to be eligible to be registered as a voter for the relevant subsector (this item is inapplicable to ARs);

¹⁴ The ERO may, by notice published in the Gazette, advance the dates or periods for the relevant acts in relation to the compilation and publication of the PR of voters or FR of voters. [S 41A of the EAC (ROE) (FCSEC) Reg and s 10 of the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation]

- (c) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance¹⁵; or
- (d) is a member of the armed forces of the People's Republic of China or any other country or territory.

[S 30(1)(a), (e) and (f) of the Schedule to the CEEO]

3.22 A body is disqualified from being registered as a corporate voter if it:

- (a) is a consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap. 557); or
- (b) is an organisation to which s 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) applies or an international organisation defined in s 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558).

[S 12(21) and (22) of the Schedule to the CEEO]

Deregistration

3.23 For de-registration as a voter for a subsector, the voter may make an application in person at the REO or submit a written request. If the voter chooses to request de-registration in writing, he must provide the particulars

¹⁵ Except for the condition stipulated in this paragraph, the law imposes no restrictions on the voting right of a person who is or claims that he is incapacitated from voting due to other physical cause, provided that he must cast the vote on his own. If a voter/an AR is unable to mark the ballot paper(s) on his own, he may request the Presiding Officer ("PRO") or the PRO's deputy to mark the ballot paper(s) on his behalf according to his voting preference in the presence of one polling staff as a witness (see Part X of Chapter 5).

including name and respective subsector and signed by the relevant voter¹⁶. The REO will not process the de-registration immediately after receiving the request, and will contact the voter concerned to verify the request for de-registration. After verification, only the voters who submit the request for de-registration on or before 2 June will be included in the OL for the subsector of that year. Otherwise, the registration particulars will be used to compile the PR of voters for the relevant subsector of that year. The voter so included in the OL for the relevant subsector may inspect his/its voter registration particulars starting from the day of publication of the PR of voters and OL till the end of the inspection period. If necessary, the voter can lodge a claim with supporting proof to request for reinstatement of his/its voter status. The REO will continue to process the relevant request in the next voter registration cycle.

Inquiry Procedures

3.24 **If it comes to the knowledge of the ERO or if the ERO is satisfied on reasonable grounds that a voter is no longer eligible to be registered in the relevant subsector,** the ERO will initiate the statutory inquiry procedure to ascertain whether the voter is still eligible to be registered as a voter for the relevant subsector. If the voter fails to provide the information requested by the ERO in response to the inquiry, or if the ERO, based on the information so received or otherwise obtained, is satisfied on reasonable grounds that the voter is no longer eligible to be registered, **then the registration particulars of the voter will be entered on the OL for the relevant subsector, and may be removed from the next FR of voters.** Before the publication of the next FR of voters, a person whose name is recorded in the existing FR of voters is still a registered voter for the relevant subsector. [Ss 22(1), (2) and 24 of the EAC (ROE) (FCSEC) Reg, and s 15 of the Schedule to the CEEO]

¹⁶ In the case of a corporate voter, the application for de-registration as a voter for a subsector must be signed by the responsible person.

Subsector Provisional Register of Voters and Omissions List

3.25 The content of the PR of voters includes:

- (a) the names and principal residential addresses/business addresses of those eligible voters included in the FR of voters in use at the time, with appropriate updates or correction by the ERO based on information reported or otherwise received (if applicable);
- (b) the names and principal residential addresses/business addresses of the eligible individuals/bodies that have submitted application for registration in the respective subsectors on or before the statutory deadline for new registration in that year; and
- (c) the names of the ARs of the corporate voters.

A copy of the PR of voters is available for inspection by specified persons (see **Appendix 3**) at the dedicated offices of the REO during ordinary business hours. Only the first character/word of the name (whether in Chinese or English) of an individual voter and his registered residential address will be shown on the PR of voters for inspection. Members of the public may inspect the copy of the PR of voters containing the entries of corporate voters as mentioned in (b) and (c) of this paragraph. [Ss 28 and 29 of the EAC (ROE) (FCSEC) Reg]

3.26 When publishing the PR of voters, the ERO will also publish a copy of the OL for inspection by specified persons (see **Appendix 3**). The OL includes individual/corporate voters and ARs who are disqualified from or no longer qualified for registration (e.g. persons who have died, individuals/bodies that have submitted requests for de-registration, individuals who have not informed the ERO of their new residential addresses, or bodies that are no

longer eligible members of prescribed bodies in the relevant subsectors, etc.). However, inclusion of a voter in the OL does not mean that the voter status is invalidated with immediate effect. If the voter concerned lodges a claim to the ERO and the Revising Officer¹⁷ accepts the grounds submitted and approves the claim, that voter status will be retained (see paras. 3.30 to 3.31 of this chapter). [S 14(4)(a) and (b) of the Schedule to the CEEO, and s 24(1) and (3) of the EAC (ROE) (FCSEC) Reg]

3.27 The REO will issue reminder letters to voters included in the OL. A message “Immediate action required – Your voting right is at stake” will be printed in red on the envelope, so as to remind the voters that they must submit a notice of claim or provide valid documentary proof by the specified deadline to confirm the concerned individuals/bodies are still eligible for registration as voters in the relevant subsectors. In addition, when the voter logs on to the OVIES (www.voterinfo.gov.hk) to inspect his registration particulars, the system will prompt the voter to respond to the reminder letter issued by the REO as soon as possible.

3.28 The time and place for inspection of the copy of the PR of voters and the OL will be published in a notice in the Gazette and newspapers, and the publication of the notice is to be treated as the publication of the PR of voters. [Ss 25 and 29 of the EAC (ROE) (FCSEC) Reg]

Enquiry of Voter Information

3.29 Registered voters and ARs can check their latest registration particulars, including registered addresses and respective subsectors, and find out whether they are included in the statutory inquiry procedure via “iAM

¹⁷ The Revising Officer may be any magistrate, former magistrate, retired magistrate, or any legal officer as defined by s 2 of the Legal Officers Ordinance appointed by the Chief Justice. [S 46 of the Schedule to the CEEO]

Smart”, the OVIES (www.voterinfo.gov.hk), or by calling the REO hotline (2891 1001).

Appeals – Claims and Objections

3.30 Members of the public may deliver in person¹⁸ at the office of the ERO a notice of claim/objection in the specified form to lodge a claim in respect of his own entry or an objection in respect of the entry of another voter in the PR of voters within the claims and objections period. The detailed procedures for lodging claims or objections are set out on the REO website (www.reo.gov.hk) during the claims and objections period. Claimable matters include:

- (a) an applicant who claims to be entitled to be registered as a voter/an AR and has submitted an application for registration but his name and/or the body’s name has not been recorded in the PR of voters;
- (b) the name of a person and/or a body has been included in the OL;
or
- (c) the particulars of an individual and/or a body have not been correctly recorded in the PR of voters.

Any person may lodge an objection to the following matter if he:

- (d) believes that a registered voter/AR is not eligible to be so registered, or that a person who has been registered as an AR has been wrongly so registered.

[Ss 30(1), (2), 31(1), (2), (3), (4), (7) and (8) of the EAC (ROE) (FCSEC) Reg]

¹⁸ Imprisoned persons or persons held in custody by law enforcement agencies may send a notice of claim/objection to the ERO by post. [Ss 30(2A) and 31(8A) of the EAC (ROE) (FCSEC) Reg]

3.31 Cases of claims and objections will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each case of claim and objection and make a ruling on whether there should be an inclusion, exclusion or revision of the entry concerned in the relevant FR of voters. The claimant or objector must provide sufficient information to inform the Revising Officer of the grounds of the claim or objection. The claimant or objector is also required to attend the hearing¹⁹, otherwise the Revising Officer may dismiss the claim or objection. [Part VI of the EAC (ROE) (FCSEC) Reg and ss 2(5A) and 2B of the Registration of Electors (Appeals) Regulation]

Subsector Final Register of Voters

3.32 The FR of voters contains entries shown in the relevant PR of voters, including the names and principal residential addresses/business addresses of voters based on applications for new registration and change of registration particulars for that year, as well as the names and principal residential addresses/business addresses of persons making the claim or being objected, which have also been updated or corrected in accordance with the Revising Officer's decisions. The ERO will also take the opportunity to remove the entries of voters who are known to have died and to correct any wrong information in the PR of voters. The FR of voters shall remain in effect until the publication of the FR of voters in the following year. [S 36(1) of the EAC (ROE) (FCSEC) Reg]

3.33 A copy of the FR of voters is available for inspection by specified persons (see **Appendix 3**) at the dedicated offices of the REO during ordinary business hours. Only the first character/word of the name (whether in Chinese or English) of an individual voter and his registered residential address will be

¹⁹ The Revising Officer has the power to direct that the claim or objection be determined without a hearing on the basis of written submissions only. [S 2A of the Registration of Electors (Appeals) Regulation (Cap. 542B)]

shown on the FR of voters for inspection. [S 38(2), (3) and (4AA) of the EAC (ROE) (FCSEC) Reg]

NOTE:

Information relating to a person contained in any PR of voters or FR of voters or in any extract from any PR of voters or FR of voters **can only be used for election-related purposes** prescribed by the electoral law. Any **abuse** or **misuse** of such information is an **offence** and is liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 42(3) of the EAC (ROE) (FCSEC) Reg]

In accordance with Data Protection Principle 3 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) (“PD(P)O”), personal data relating to a person (as a data subject) contained in any PR of voters or FR of voters or in any extract from any PR of voters or FR of voters shall not, without the prescribed consent²⁰ of the data subject, or if the exemption under Part 8 of the PD(P)O is not applicable, be used for a “new purpose”²¹. Moreover, if a person (as a discloser) discloses any personal data relating to a person (as a data subject) contained in any PR of voters or FR of voters or in any extract from any PR of voters or FR of voters without the relevant consent of the data subject with an intent to cause any specified harm²² to or being reckless as to whether any specified harm would be, or would likely be, caused

²⁰ In accordance with s 2(3) of the PD(P)O, “prescribed consent” means the express consent given voluntarily, and not withdrawn in writing, by the data subject.

²¹ In accordance with Data Protection Principle 3(4) of Schedule 1 to the PD(P)O, “new purpose”, in relation to the use of personal data, means any purpose other than the purpose for which the data was to be used at the time of the collection of the data or a purpose directly related to that purpose.

²² In accordance with s 64(6) of the PD(P)O, “specified harm”, in relation to a person, means (a) harassment, molestation, pestering, threat or intimidation to the person; (b) bodily harm or psychological harm to the person; (c) harm causing the person reasonably to be concerned for the person’s safety or well-being; or (d) damage to the property of the person.

to the data subject or any family member of the data subject, the discloser commits an offence and is liable to a fine of \$100,000 and to imprisonment for 2 years. Additionally, if the disclosure causes any specified harm to the data subject or any family member of the data subject, the discloser is liable on conviction to a fine of \$1,000,000 and to imprisonment for 5 years. [S 64(3A), (3B), (3C) and (3D) of the PD(P)O]

3.34 The time and place for inspection of the copy of the FR of voters will be published in a notice in the Gazette and newspapers, and the publication of the notice is to be treated as the publication of the FR of voters. [S 38(1) and (6) of the EAC (ROE) (FCSEC) Reg]

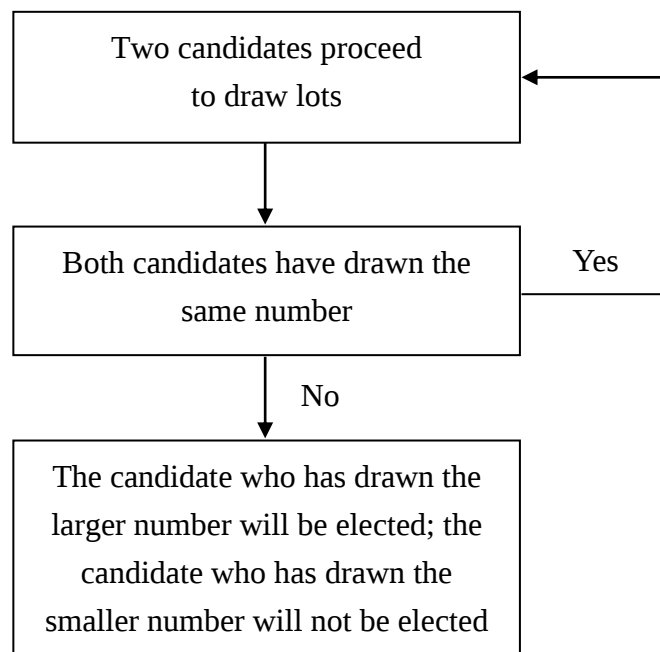
PART IV : THE VOTING AND COUNTING SYSTEMS FOR SUBSECTOR ELECTIONS

3.35 The “first past the post” voting system is adopted in the EC subsector elections. A voter/an AR may vote for as many candidates as the number of members to be returned by the subsector concerned at the election and no more. The candidate who obtains the greatest number of votes shall be deemed elected, followed by the candidate with the next greatest number of votes, and so on, until all members have been returned. [S 29(1), (2), (3), (4) and (5) of the Schedule to the CEEO]

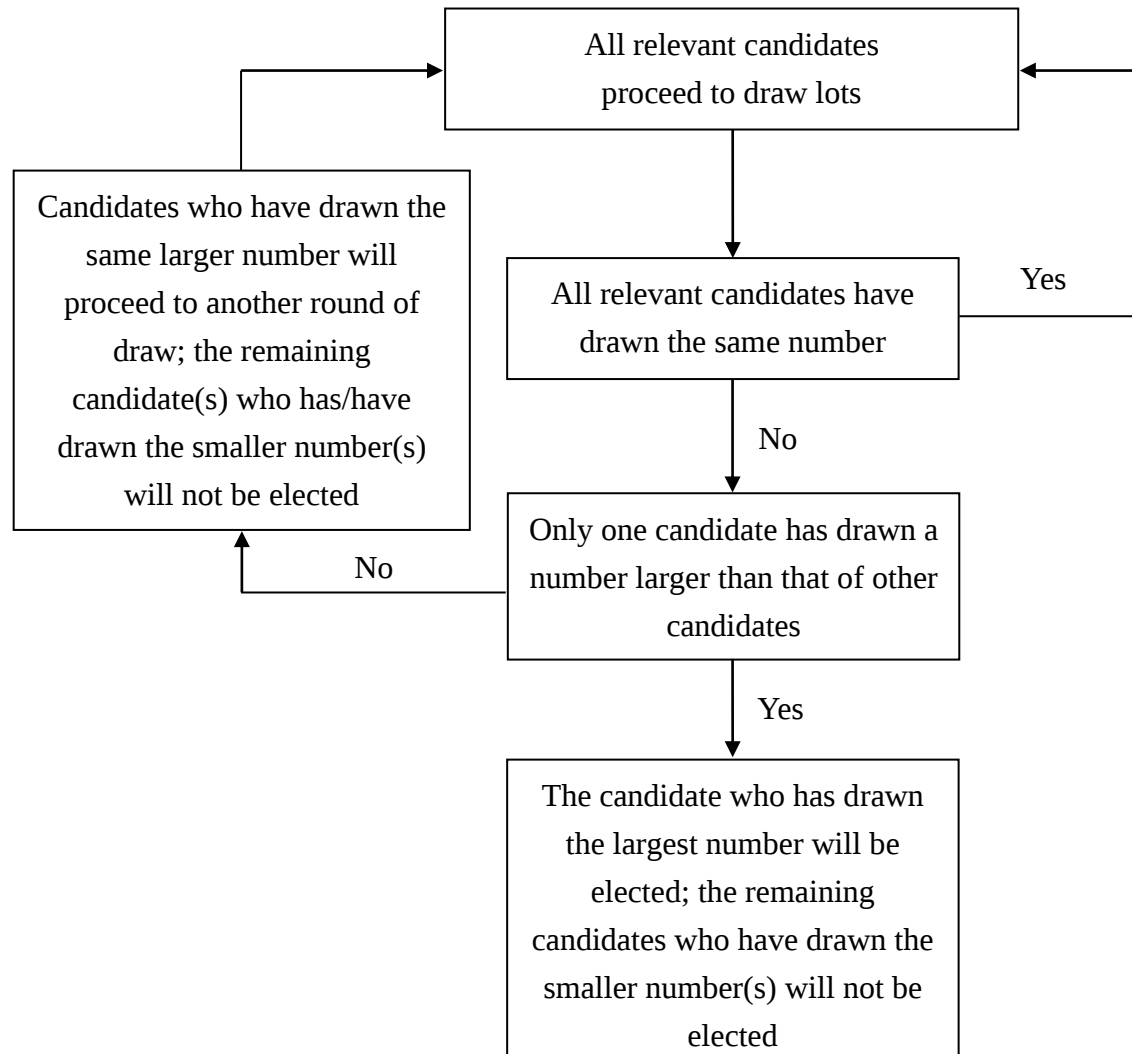
3.36 After the counting of votes is finished at an election for a subsector, if the number of candidates having the equal greatest number of votes exceeds the number of members to be returned, the RO shall determine the result of the election by drawing lots, and the candidate(s) on whom the lot falls is/are to be elected. [S 29(6) of the Schedule to the CEEO]

3.37 When the election result has to be determined by the drawing of lots, the RO will provide 10 table-tennis balls each marked with a number from 1 to 10 (1 is the smallest and 10 is the largest), and then put all table-tennis balls into an empty opaque bag. One of the candidates will first draw one ball from the bag, and then give the ball to the RO to note down the relevant number. Afterwards, the ball should be put back into the bag. The procedures are repeated for the other candidates with an equal number of votes until all candidates have drawn the table-tennis ball. The RO will draw the lot on behalf of the candidate if the candidate is absent at the time of the draw. The arrangements for the result of the draw are as follows:

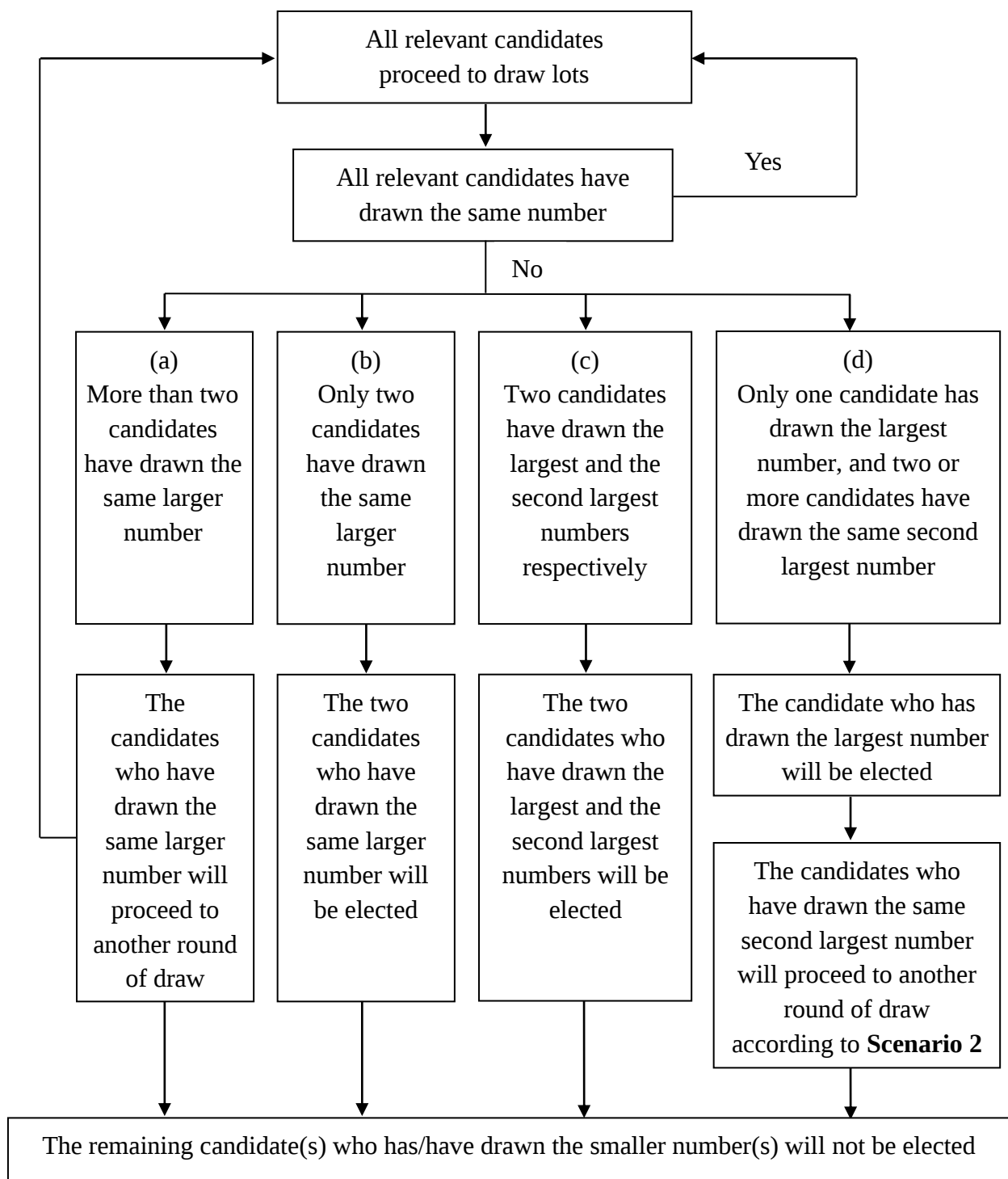
Scenario 1: Where there is only one vacancy to be filled but there are two candidates with an equal number of votes



Scenario 2: Where there is only one vacancy to be filled but there are more than two candidates with an equal number of votes



Scenario 3: Where there are two vacancies to be filled but there are three or more candidates with an equal number of votes



Note: The same drawing principle also applies to scenarios where N number of candidates have the same greatest number of votes, and the number of vacancies to be filled is less than N.

3.38 As soon as practicable after the result of the elections has been determined, the RO must publicly declare the successful candidates as elected.

Death or Disqualification of a Candidate

3.39 The subsisting electoral law stipulates corresponding arrangements for the following situations:

	Death of a Candidate	Disqualification of a Candidate from being Nominated as a Candidate
After the CERC has decided that a candidate is validly nominated and before the polling day	• The RO must give notice of the death of the candidate. Where the CERC has already published the notice stating which persons are validly nominated as candidates: • The RO must publicly declare that the candidate has died, and further declare which candidate(s) is/are validly nominated for the relevant subsector election.	• The CERC must vary the decision to the effect that the candidate is not validly nominated; and • The RO should give a notice to the CEO and each candidate who is validly nominated for the relevant subsector election. Where the notice of validly nominated candidates has already been published by the CERC: • The CERC must publicly declare to vary the notice and further announce a list of validly nominated candidates.

	Death of a Candidate	Disqualification of a Candidate from being Nominated as a Candidate
On the polling day but before the election result is declared	• The proceedings for the subsector election shall continue; and • After the counting of votes is finished, if the candidate concerned is found to be successful but there is no other candidate who can be returned in place of that candidate, the RO must publicly declare that no candidate is returned at the subsector election, or that the number of members returned at the election is less than the number of members to be returned.	

[Ss 23 and 26 of the Schedule to the CEEO, and ss 20 and 21 of the EAC (EP) (EC) Reg]