

## CHAPTER 4

### NOMINATION OF CANDIDATES/NOMINEES

#### **PART I : GENERAL**

4.1 This chapter outlines the eligibility for nomination as a candidate/nominee in an EC subsector election, the nomination procedures, and related matters, as well as the legal provisions that candidates/nominees must comply with, including the CEEO, EAC (EP) (EC) Reg, EAC (NAC) (EC) Reg, EC Subscribers & Deposit Reg, and relevant guidelines issued by the EAC.

4.2 The EAC will make arrangements for the election according to the list of validly nominated candidates determined by the CERC. If the CERC decides that a nomination is invalid, the CERC must endorse on the relevant nomination form the decision and the reason(s) for it, and the RO will make available a copy of the nomination form for public inspection pursuant to s 10 of the EAC (EP) (EC) Reg. By virtue of Annex I to the Basic Law and s 9B of the CEEO, no legal proceedings may be instituted in respect of a decision made by the CERC on the eligibility of a candidate/nominees pursuant to the opinion of the National Security Committee. [S 16(1) of the EAC (EP) (EC) Reg]

#### **PART II : ELIGIBILITY AND DISQUALIFICATION FOR NOMINATION**

##### **Eligibility for Nomination**

4.3 The eligibility requirements for nomination as a candidate/nominee at an EC subsector election are as follows:

<b>Candidate</b> <sup>23</sup>	<b>Nominee</b> <sup>24</sup>
Be 18 years of age or over	
Be both registered and eligible to be registered as an elector for a GC	
Be both registered and eligible to be registered as a voter for the relevant subsector or satisfies the RO for the subsector that he has a substantial connection with the subsector	Has a substantial connection with the relevant subsector

### **Disqualification for Nomination**

4.4 A person is disqualified from being nominated as a candidate/nominee at a subsector election, and from being elected as a member of the EC if he:

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a GC;
- (c) 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 any substitute sentence, or received a free pardon<sup>25</sup>;

<sup>23</sup> S 17(1) of the Schedule to the CEEO.

<sup>24</sup> S 8(1) of the Schedule to the CEEO.

- (d) has been convicted of an offence endangering national security;
- (e) on the date of nomination or on the date of the election, is serving a sentence of imprisonment;
- (f) is or has been convicted of the following offences within the five years immediately before the date of nomination (for nominees) or the polling day (for candidates):
  - (i) having engaged in corrupt conduct or illegal conduct in contravention of the ECICO;
  - (ii) an offence against Part II of the Prevention of Bribery Ordinance; or
  - (iii) any offence prescribed by s 7 of Schedule 4A to the District Councils Ordinance or the EAC Regulations<sup>26</sup>;
- (g) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance;
- (h) is a member of the armed forces of the People's Republic of China or any other country or territory; or

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<sup>25</sup> On 21 June 2012, the Court of First Instance handed down a written judgment on *Wong Hin Wai & another v. Secretary for Justice* (HCAL 51 & 54/2012), declaring s 39(1)(b) of the LCO (similar to relevant provisions in para. 4.4(c) of this chapter or ss 9(1)(a) and 18(1)(c) of the Schedule to the CEEO) to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future EC subsector elections will be conducted in accordance with the prevailing legislation. Any person who wishes to be nominated as a candidate/nominee for an EC subsector election and is doubtful about his eligibility for nomination may seek independent legal advice and, where appropriate, apply to the NAC appointed by the EAC for advice in an EC subsector ordinary election.

<sup>26</sup> EAC Regulations mean regulations made under s 7 of the EACO.

- (i) has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath<sup>27</sup> within the five years before the date of nomination, 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.

[Ss 9 and 18 of the Schedule to the CEEO]

4.5 Any person who is not a specified entity of the HYK subsector, the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon subsector, or the representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories subsector, is disqualified from being nominated as a candidate for the subsector concerned at the respective subsector election, or from being elected as a member of the EC representing the above subsectors concerned. [S 18A of the Schedule to the CEEO]

4.6 In addition, a person is disqualified from being a nominee for certain subsectors:

- (a) the accountancy subsector if the person is not a Hong Kong Accounting Advisor appointed by the Ministry of Finance of the People's Republic of China;

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<sup>27</sup> 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.

- (b) the Chinese medicine subsector if the person is not a Hong Kong member of the Council of the World Federation of Chinese Medicine Societies;
- (c) the legal subsector if the person is not a Hong Kong member of the Council of the China Law Society; and
- (d) the technology and innovation subsector if the person is not a Hong Kong academician of the Chinese Academy of Sciences or the Chinese Academy of Engineering.

[S 9A of the Schedule to the CEEO]

### **PART III : NOMINATION PERIOD AND NOMINATION FORM**

#### **Members to be Elected**

##### Nomination Period

4.7 The nomination period will be published in the Gazette. The ROs shall receive nomination forms during ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on Saturday) within the nomination period (except public holidays). Candidates must submit their nomination forms **in person** to the RO for the relevant subsector during the nomination period. Late submissions will not be accepted. In exceptional circumstances, such as a candidate's incapacity due to illness, the CEO may authorise other manners of submission of the nomination form to the RO. **Candidates are advised to submit their nomination forms in good time before the end of the nomination period to allow time for any errors in their nomination forms to be corrected.** Prospective candidates should read

carefully and comply with the “Points to Note for Submission of Nomination Forms for Candidates” and the “Action Checklist for Candidates” which are uploaded to the dedicated election website ([www.elections.gov.hk](http://www.elections.gov.hk)). [Ss 4 and 8(13) of the EAC (EP) (EC) Reg]

### Nomination Form

4.8 Nomination forms are available free of charge at any District Office, the RO’s office or the REO, and may also be downloaded from the REO website ([www.reo.gov.hk](http://www.reo.gov.hk)).

4.9 The nomination form comprises:

(a) The Nomination

It must be subscribed by not less than **five voters registered for the EC subsector concerned** (other than the candidate himself). Nomination must be made by ARs in the case of corporate voters. For each subsector, each voter may only subscribe **nominations up to the number of members required to be elected for that subsector**. Once the number of the nomination forms subscribed by a certain voter and delivered to the RO has reached the above-mentioned statutory limit (i.e. the number of members to be elected for a particular subsector), that voter’s signature on any other nomination forms will be inoperative.

If, however, the nomination subscribed by a voter is determined as invalid, or the candidate has withdrawn his candidature or has died, the voter may make another nomination instead before the end of the relevant nomination period, and his signature shall be operative on the latter nomination form.

[S 8(1), (2), (3) and (4) of the EC Subscribers & Deposit Reg]

**NOTE:**

- (i) A candidate who submits a nomination form on the last few days of the nomination period is advised to include more than the required number of subscribers for his nomination, so as to avoid the risk of invalidation of the nomination should any of the subscribers be subsequently found not qualified as subscribers.
- (ii) A candidate should ensure that the voters subscribing his nomination form are eligible to do so and that the voters have not subscribed more nomination forms than the number of members required to be elected for that subsector.
- (iii) Each voter subscribing a nomination shall sign the nomination form **personally**.
- (iv) A candidate must not sign as a subscriber in his nomination form.
- (v) No unlawful means shall be used to procure a voter to subscribe or not to subscribe a nomination. Intimidation is an offence under s 24 of the Crimes Ordinance (Cap. 200). Offenders are liable on summary conviction to a fine and to imprisonment for two years, or on conviction upon indictment to imprisonment for five years. Engaging in bribery, which is a corrupt conduct, is also liable to a fine and to imprisonment (see Chapter 17).
- (vi) Candidates are also required to observe Data Protection Principle 4 of Schedule 1 to the PD(P)O in safeguarding the

personal data of subscribers to the nomination form held by them. They shall take all practicable steps to ensure that the aforesaid personal data are protected against unauthorised or accidental access, processing, erasure, loss or use.

(b) Candidate's Consent to Nomination and Declaration of Eligibility

A candidate must duly complete the nomination form, ensuring it is signed by the subscribers, and the candidate shall sign a declaration, which shall be attested by a witness<sup>28</sup>. The content of the declaration includes the following:

- (i) a declaration to the effect that the candidate will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China;
- (ii) a declaration to the effect that the candidate is eligible to be nominated as a candidate for the particular subsector, is not disqualified from being nominated as a candidate or from being elected as a member of the EC, and consents to being so nominated; and
- (iii) a declaration to the effect that the candidate has not been nominated as a candidate at another subsector, or if he has been so nominated, he has withdrawn all such prior nomination(s) according to the electoral legislation.

Otherwise, the candidate will not be validly nominated. [Ss 17A and 20 of the Schedule to the CEEO, and s 8(4) and (4A) of the EAC (EP) (EC) Reg]

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<sup>28</sup> A witness can be any person aged 18 years or above and in possession of an identity document.

**NOTE:**

- (i) At an EC subsector ordinary election, a person is not eligible to be nominated as a candidate for that ordinary election if he is a specified person, a designated person or a nominee of a designated body.
  
- (ii) Regarding by-election, a person is not eligible to be nominated as a candidate for that subsector by-election if he is a member of the EC, or a nominee of a designated body and the period during which the supplementary nomination is to be made and the nomination period for the by-election coincide or partly coincide.

[S 17(2) and (3) of the Schedule to the CEEEO]

4.10 In the nomination form, a candidate may choose whether to disclose his occupation and/or political affiliation. If a candidate mentions the name of any organisation when disclosing his political affiliation, he must seek the consent of the organisation concerned beforehand. If a candidate provides information on occupation and/or political affiliation in the input form for Introduction to Candidates, the relevant information should be true and should not be inconsistent with that in the nomination form, in particular, when a candidate claims to be an “independent candidate” or “non-affiliated candidate” (or other similar descriptions), he must ensure that the claim has a factual basis. Candidates may refer to the court’s opinion on an election petition case concerning the political affiliation of candidates (HCAL 3665/2019). Candidates are advised to seek independent legal advice if they are in doubt about the information on political affiliation to be provided in their nomination form and Introduction to Candidates.

4.11 Until the relevant notice of the election results is published, members of the public could inspect copies of the nomination forms free of charge during ordinary business hours at the address specified by the RO. [S 10 of the EAC (EP) (EC) Reg]

### **Members to be Nominated**

#### Nomination Period

4.12 The nomination period will be published in the Gazette. The ROs shall receive nomination forms during ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on Saturday) within the nomination period (except public holidays). A designated body must nominate all its nominees on **one** designated nomination form for submission to the RO within the nomination period at the specified address. **Designated bodies are advised to submit their designated nomination forms in good time before the end of the nomination period to allow time for any errors in their designated nomination forms to be corrected.** [Ss 3, 7(3) and (7) of the EAC (EP) (EC) Reg]

#### Designated Nomination Form

4.13 The designated nomination forms are available free of charge at the RO's office or the REO, and may also be downloaded from the REO website ([www.reo.gov.hk](http://www.reo.gov.hk)).

4.14 The designated nomination form comprises:

- (a) The Nomination

The designated nomination form must be signed by each nominee. It must also be signed on behalf of the designated body by a person authorised by the designated body for that purpose.

If the number of persons to be nominated by a designated body exceeds the assigned number for the body or the number of vacancies to be filled, the designated body shall indicate which of the nominees are to be given preference in making up the assigned number or in filling the vacancy; and then rank the excess nominees, if more than one, in order of priority. If the CERC determines that any of the nominees to be given preference is not validly nominated, the assigned number is to be made up or the vacancy is to be filled from the excess nominees (subject to their being validly nominated) in their order of priority.

If the number of persons nominated by a designated body exceeds the assigned number for the body or the number of vacancies to be filled but the body has not indicated which of the nominees are to be given preference; or the number of nominees to whom preference is given is less than the assigned number for that body or the number of vacancies to be filled, the RO must determine, by drawing lots, the order of priority in which the nominees of that body are to make up the assigned number or to fill the vacancy.

The CERC shall decide whether the nomination of a nominee is valid according to the order of priority indicated by the designated body or determined by drawing lots. When the assigned number for the body or the number of vacancies to be filled is filled, the

CERC shall no longer have to decide on the validity of the nomination of the remaining nominees.

[S 7(4), (5), (6) and (6A) of the Schedule to the CEEO, and s 7(4) of the EAC (EP) (EC) Reg]

(b) Nominees' Consent to Nomination and Declaration of Eligibility

The designated nomination form submitted by a designated body must contain a declaration completed and signed by each nominee, and be attested by a witness<sup>29</sup>. The nominee must duly complete and sign the **declaration** which includes the following:

- (i) a declaration to the effect that the nominee will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China; and
- (ii) a declaration to the effect that the nominee is eligible to be selected as a nominee, is not disqualified in this nomination from becoming a nominee, consents to being so nominated, and consents to the order of priority (if any) in which he is ranked in the designated nomination form.

Otherwise, he is not validly nominated as a nominee. [S 7A of the Schedule to the CEEO and s 7(2) and (2A) of the EAC (EP) (EC) Reg]

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<sup>29</sup> See footnote 28.

**NOTE:**

- (i) At an EC subsector ordinary election, a person is not eligible to be a nominee of a subsector at that ordinary election if he is a specified person, a designated person or a candidate at an election.
- (ii) Regarding supplementary nomination, a person is not eligible to be a nominee of a subsector under the supplementary nomination if he is a member of the EC, or a candidate at an EC subsector by-election where its nomination period coincides or partly coincides with the nomination period during which the supplementary nomination of the relevant subsector is to be made.
- (iii) A person who is selected as a nominee by a designated body is not eligible to be nominated by another designated body as a member of the EC if the period during which the nominations are to be made coincides or partly coincides.

[S 8(2), (3) and (4) of the Schedule to the CEEO]

4.15 Until the relevant notice of valid nominations is published, members of the public could inspect copies of the designated nomination forms free of charge during ordinary business hours at the address specified by the RO. [S 7(8) of the Schedule to the CEEO and ss 10 and 19(1) of the EAC (EP) (EC) Reg]

**Criminal Liability of Making False Declarations**

4.16 The RO may refuse to accept any nomination form bearing material alteration to its content. A person who, in an election-related document,

makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is incorrect in a material particular, or knowingly omits a material particular, commits an offence. Moreover, making a false statement in any statutory document is in breach of s 36 of the Crimes Ordinance, and a violation against the requirements of the above electoral legislation is a prescribed offence, meaning that a person will be regarded as having been convicted of a corrupt or illegal conduct under the ECICO, and will therefore be disqualified from being nominated as a candidate/nominee and from being elected as a member of the EC (see Chapters 16 and 17). [S 101 of the EAC (EP) (EC) Reg]

#### **PART IV : NOMINATIONS ADVISORY COMMITTEES**

4.17 The EAC may appoint NACs, and the NACs may provide advice, upon request, to prospective candidates/prospective nominees/designated bodies and ROs on whether a candidate/nominee is eligible for nomination. In line with the established practice, each NAC consists of a barrister or solicitor of not less than ten years' standing who, in the opinion of the EAC, is independent and impartial without any connection with any candidate/nominee or political organisation in Hong Kong. [Ss 2, 3 and 4 of the EAC (NAC) (EC) Reg]

4.18 Any advice given by an NAC or a refusal on its part to give any such advice does not preclude a person from seeking nomination as a candidate/nominee or from proceeding with the nomination of a candidate/nominee. [S 10 of the EAC (NAC) (EC) Reg]

4.19 NACs are not empowered to advise on matters under ss 7A, 17A and 19 of the Schedule to the CEEO (including the declarations by candidates/nominees on upholding the Basic Law and pledging allegiance to the HKSAR of the People's Republic of China, and the lodging of deposit by

candidates). The NAC provides advice on the eligibility of a prospective candidate/prospective nominee for nomination. However, the relevant advice does not indicate the validity of the nomination. The validity of the nomination is ultimately decided by the CERC. [S 2(2) of the EAC (NAC) (EC) Reg and ss 12 and 13 of the EAC (EP) (EC) Reg]

### **The Nominations Advisory Committee's Service to Prospective Candidates/Prospective Nominees/Designated Bodies**

4.20 The NAC provides service to prospective candidates/prospective nominees/designated bodies **at EC subsector ordinary elections only**. During a period specified by the EAC (which generally ends before the commencement of the nomination period), a prospective candidate/prospective nominee/designated body may, by completing a specified form, apply for the advice of the NAC as to whether the prospective candidate/prospective nominee is eligible to be, or is disqualified from being, nominated at the EC subsector ordinary election. The form can be obtained free of charge at the REO or any District Offices, or downloaded from the dedicated election website ([www.elections.gov.hk](http://www.elections.gov.hk)). Each prospective candidate/prospective nominee/designated body can only make one application in respect of a particular subsector/his intended designated nomination/a prospective nominee proposed to be nominated. For the avoidance of doubt, a prospective candidate may apply for the advice of the NAC in respect of more than one EC subsector. [Ss 4(4), 6(6), (7), (8) and (9) of the EAC (NAC) (EC) Reg]

4.21 The completed application must be submitted to the CEO **within the application period specified by the EAC**. [S 6(4) of the EAC (NAC) (EC) Reg]

4.22 The NAC may, before giving its advice, require the applicant to provide information, particulars and evidence relating to his intended

candidature/his intended designated nomination/the intended nomination of the person proposed by the applicant, or require the applicant (or, in the case of a designated body, a representative authorised by that body in writing) to attend a meeting with the NAC to assist in the consideration of his application. [S 6(12) and (13) of the EAC (NAC) (EC) Reg]

4.23 Where an applicant does not respond to the NAC's requests, the NAC may:

- (a) refuse to consider the application or to give any advice; or
- (b) give qualified advice on the application having regard to the following:
  - (i) the NAC has not been provided with (in part or in full) the information, particulars or evidence; and/or
  - (ii) the applicant does not attend the meeting with the NAC.

[S 6(14) of the EAC (NAC) (EC) Reg]

4.24 The NAC's advice to an applicant, including a decision of refusal to consider an application or to give advice, will be sent to the applicant in writing not later than a date specified by the EAC. [S 6(15) of the EAC (NAC) (EC) Reg]

### **The Nominations Advisory Committee's Service to Returning Officers**

4.25 The NAC also provides service to the ROs **at both EC subsector ordinary elections and by-elections**, during a period specified by the EAC (which generally spans from the commencement of the nomination period to one

day after the end of the nomination period), by offering advice on the eligibility for nomination of the candidates who have submitted their nomination forms and nominees of designated bodies. [S 7 of the EAC (NAC) (EC) Reg]

4.26 When considering whether a person is eligible to be, or is disqualified from being, nominated as a candidate/nominee, the RO must take into account any advice given by the NAC. However, the decision on the validity of nomination is ultimately decided by the CERC. [Ss 13 and 14 of the EAC (EP) (EC) Reg, and s 7(5) of the EAC (NAC) (EC) Reg]

## **PART V : ELECTION DEPOSIT**

### **Lodging of Election Deposit**

4.27 When submitting a nomination form, each candidate must lodge an election deposit of \$1,000, otherwise the nomination form will not be accepted. [S 19 of the Schedule to the CEEO and s 3 of the EC Subscribers & Deposit Reg]

#### **NOTE:**

- (i) Candidates should pay their election deposits by **cash** or **cashier order** as far as practicable and should avoid using crossed cheques since in the event that a cheque is dishonoured and the unpaid amount is not settled before the end of the nomination period, the nomination will be ruled invalid. In addition, candidates using the Faster Payment System to pay the election deposit must note that banks have defined different limits for various types of payments or transfers. If the transfer limit of the candidate's bank account

is lower than the prescribed election deposit payable, the transaction of paying the election deposit will fail, and the nomination form will not be accepted.

- (ii) Candidates must retain the original receipt of the election deposit (including that paid electronically) for the purpose of applying for its return.

### **Return of Election Deposit**

4.28 The election deposit will be returned to the candidate if:

- (a) he is not validly nominated;
- (b) he withdraws his candidature (see Part 8 of this chapter);
- (c) he has died or has been disqualified from being validly nominated after his nomination is confirmed valid for the election and before the specified date of the election;
- (d) he is elected; or
- (e) the number of votes received by the candidate in his favour is either not less than 2.5% of the total number of valid ballot papers received in the relevant EC subsector election or not less than 5 such ballot papers, whichever is the greater.

Candidates are required to, as soon as possible, complete a specified form for the return of the election deposit, and submit it together with the original receipt of the election deposit to the RO for action. The RO will forfeit the deposit in

accordance with ss 4 and 5 of the EC Subscribers & Deposit Reg, if none of the above conditions is satisfied.

## **PART VI : CANDIDATE ELIGIBILITY REVIEW COMMITTEE**

4.29 As stipulated in Annex I to the Basic Law and the CEEO, the CERC shall be responsible for reviewing and confirming the eligibility of candidates/nominees for members of the EC. The CERC may request the ROs to provide advice regarding the nominations of candidates. It may also make decisions pursuant to the opinion of the National Security Committee. The National Security Committee shall, on the basis of the review by the department for safeguarding national security of the HKPF, make findings as to whether a candidate/nominee meets the legal requirements and conditions of “upholding the Basic Law and swearing allegiance to the HKSAR of the People’s Republic of China”, and will issue an opinion to the CERC in respect of candidates/nominees who fail to meet such legal requirements and conditions. According to Article 14 of the Hong Kong National Security Law, no institution, organisation, or individual in the Region shall interfere with the work of the National Security Committee. Information relating to the work of the National Security Committee shall not be subject to disclosure.

4.30 The CERC consists of the chairperson, at least two but not more than four official members and at least one but not more than three non-official members. Each member of the CERC is appointed by the CE by notice published in the Gazette. Only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment as the chairperson or an official member. Only a person who is not a public officer is eligible for appointment as a non-official member. In addition, the CE must report any appointment made to the Central People’s Government for record. [S 9A of the CEEO]

## **PART VII : VALIDITY OF NOMINATIONS**

4.31 The CERC must make a decision on the validity of a nomination as soon as practicable after receipt of a nomination form, and publish a notice stating which persons are validly nominated as candidates at the relevant subsector election and which nominees are validly nominated as the members of the EC within 14 days after the close of the nomination period. [Ss 7(8) and 22 of the Schedule to the CEEO, and ss 18(1) and 19(1) of the EAC (EP) (EC) Reg]

4.32 In determining whether a candidate/nominee is validly nominated, the CERC may request the RO to advise on whether the candidate/nominee is eligible to be nominated or disqualified from being nominated under the EAC (EP) (EC) Reg and the CEEO. [Ss 12(6) and 13(3A) of the EAC (EP) (EC) Reg]

4.33 If the RO discovers an error which may amount to a ground for deciding that the nomination form is invalid, and the error can be rectified within the nomination period, the RO may, before forming an opinion as to whether the nomination form is valid, as far as practicable, give the candidate/nominee/designated body a reasonable opportunity to rectify it. For example, if the qualification of a subscriber to a submitted nomination form is in doubt, the prospective candidate may, where possible, be allowed to find another subscriber in substitution as soon as practicable. No substitution of subscriber or re-submission of a nomination form is allowed for the prospective candidate/prospective nominee/designated body after the close of the nomination period. A nomination may be ruled invalid if the errors on the nomination form are still not rectified. [S 15 of the EAC (EP) (EC) Reg]

4.34 To enable the CERC to be satisfied that the candidate/nominee of the relevant subsector is eligible to be nominated as a candidate/member of the EC, or otherwise as to the validity of a nomination, the CERC or RO may require

a candidate/nominee/designated body to furnish any supplementary information.  
[Ss 7(6), 8(10), 12(6) and 13(3A) of the EAC (EP) (EC) Reg]

4.35 A nomination will be invalid unless the nomination form contains all information and signatures required or supplementary information required by the RO and the candidate/nominee has made the declarations mentioned in paras. 4.9(b) and 4.14(b) of this chapter.

4.36 Without prejudice to ss 17, 17A, 18 and 18A of the Schedule to the CEEO, the CERC may determine a nomination of a candidate to be invalid only when:

- (a) the number and qualifications of subscribers on the nomination form do not meet the requirements under s 8 of the EC Subscribers & Deposit Reg;
- (b) the nomination form, including the parts on nomination and declaration thereof, has not been completed or signed as required under the EAC (EP) (EC) Reg;
- (c) the CERC is satisfied that the candidate is not eligible to be, or is disqualified from being, nominated as a candidate under the Schedule to the CEEO;
- (d) the candidate has not lodged the appropriate election deposit; or
- (e) the RO is satisfied that the candidate has died.

[S 13(3) of the EAC (EP) (EC) Reg]

4.37 Without prejudice to ss 7A, 8, 9 and 9A of the Schedule to the CEEO, the CERC may determine a nomination of a nominee to be invalid only when:

- (a) the designated nomination form or the nomination of a nominee on the form has not been completed or signed as required under the EAC (EP) (EC) Reg;
- (b) the CERC is satisfied that the nominee is not eligible to be, or is disqualified from being, nominated as a member of the EC under the Schedule to the CEEO; or
- (c) the CERC is satisfied that the nominee has died.

[S 12(5) of the EAC (EP) (EC) Reg]

## **PART VIII : WITHDRAWAL OF CANDIDATURE**

4.38 A candidate may withdraw his candidature only before the close of the nomination period. He shall complete and sign the “Notice of Withdrawal of Candidature” and deliver the notice to the RO concerned in person or through the election agent. Under the subsisting law, candidates are not allowed to withdraw their candidature after the close of the nomination period, and there is no such mechanism as “abandonment of election”. Even if a candidate has made public his claim about the “abandonment of election”, his name will still be shown on the ballot papers for voters/ARs to vote for, and the candidate concerned must comply with the election-related legislation, including reporting all election expenses. [S 21 of the Schedule to the CEEO and s 17 of the EAC (EP) (EC) Reg]

**NOTE:**

It is an offence for a person to offer advantage, or to use or threaten to use force or duress, or by a deception, to induce a candidate to withdraw his candidature, or for a candidate to solicit or accept an advantage to withdraw his candidature. [Ss 7, 8 and 9 of the ECICO]

**PART IX : NOTICE OF VALID NOMINATIONS**

4.39 For subsectors for which the members of the EC are to be nominated, the CERC must, within 14 days after the close of the nomination period, publish a notice in the Gazette declaring the nominee or nominees who is or are validly nominated as a member of the EC or members of the EC. The RO concerned will send the decision as to whether a nominee is validly nominated to the nominee concerned, the designated body that nominated the nominee concerned and the other nominees who are nominated by that designated body. [Ss 16(3) and 19(1) of the EAC (EP) (EC) Reg]

4.40 For subsectors for which the members of the EC are to be returned by election, the CERC must publish a notice in the Gazette within 14 days after the close of the nomination period, stating the name and address<sup>30</sup> of each of all the validly nominated candidates for the subsectors. In the case of validly nominated candidates of a contested subsector, the RO will draw lots for them to determine the order of candidates' names on the ballot papers (which may not correspond to the candidate number) and the list number of the designated spots allocated for displaying EAs. The candidate number will be officially confirmed only after the CERC has determined the validly nominated candidates and

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<sup>30</sup> The name and address of the candidate are the information provided by the candidate in the nomination form. For details, see the notes on completion of the nomination form.

published a notice in the Gazette. After the end of the nomination period, the RO will inform the relevant candidates of the date, time and place of the lots drawing session and the Candidates' Briefing. The CERC will publish, in accordance with the order determined by drawing of lots, the number allocated to each candidate which will be shown on the ballot papers, in the notice of valid nomination. [Ss 18 and 49 of the EAC (EP) (EC) Reg]

4.41 Moreover, in the case of validly nominated candidates of an uncontested subsector, the RO must also publish a notice in the Gazette to declare the candidates as being duly elected as the members of the EC for that subsector. [S 19(2) of the EAC (EP) (EC) Reg]

4.42 The RO must also send a notice to each validly nominated candidate in the subsector, stating whether the candidate is validly nominated. [S 16(4) of the EAC (EP) (EC) Reg]

4.43 The EAC will conduct a briefing for all validly nominated candidates on important matters related to the election.

## **PART X : INTRODUCTION TO CANDIDATES**

4.44 The REO will publish an **Introduction to Candidates**, and the candidate number allocated to each candidate by drawing of lots, which is to be shown on the ballot papers, will also be printed on the Introduction to Candidates. The Introduction to Candidates will be sent to voters/ARs (including the registered voters/ARs in custody) together with poll cards before the polling day. The Introduction to Candidates will also be uploaded to the dedicated election website for voters'/ARs' reference.

4.45 Candidates who wish to make use of the Introduction to Candidates for electioneering promotion must submit the required information to the relevant RO or the CEO **before the end of the nomination period** in one of the following manners:

<b>Hard Copy Submission</b> <sup>Note</sup>	<b>Electronic Submission</b> <sup>Note</sup>
<ul style="list-style-type: none"> <li>• A duly completed input form affixed with a colour photo of the candidate taken within the last six months in specified size; and</li> <li>• Two copies of photo identical to the one affixed to the input form, with a label affixed on the back of each photo stating the candidate’s name and name of subsector in which the candidate stands for election.</li> </ul>	<ul style="list-style-type: none"> <li>• Upload a digital photo of the candidate to the specified section of the electronic input form. The digital photo must comply with the file format specified in the electronic form (including image type, file size, and photo dimensions), otherwise the photo concerned will not be accepted; and</li> <li>• The electronic input form must be uploaded to REO’s designated e-Form Upload Platform.</li> </ul>

Note: If a candidate does not submit the input form, the Introduction to Candidates will only show his name and candidate number allocated, with the statement “Relevant information has not been provided by the candidate” printed in the space provided for the electoral message.

4.46 Candidates should understand the different needs of voters/ARs (including those voters/ARs with visual impairment) and therefore, in the course of their electioneering activities, should make sure that voters/ARs can have reasonable access to the electoral messages. The EAC encourages candidates to

submit an electronic version of the input form (including the text version part) by the specified deadline to enable the production of a text version of the Introduction to Candidates which is readable by computers or smartphones for visually impaired voters/ARs. If a candidate does not provide the electronic version of text information, only an image-based version of the Introduction to Candidates will be available on the dedicated election website, and the text version will only show the candidate's name, personal particulars (if relevant information has been provided in the input form by the candidate), and the allocated number, with a remark that the candidate has not provided a text version of his electoral message. The EAC appeals to all candidates to make use of the text version to convey their electoral messages to persons with visual impairment.

4.47           The content, nature and presentation of an electoral message in the Introduction to Candidates are exclusively the idea and work of the candidate himself. They will not be subject to alteration or editing by the REO unless the content is considered unlawful, obscene, immoral, indecent, offensive, defamatory or containing information irrelevant to the promotion of the candidate's standing for election.