

Election Committee Subsector Elections
Action Checklist for Candidates

A. Major Steps to be Observed

Before and during
Nomination Period

1. Obtain the following from the Returning Officer (“RO”), any District Office (“DO”) of the Home Affairs Department or the Registration and Electoral Office (“REO”):
 - (a) Nomination Form;
 - (b) Grid Paper and Guide on Completion of Grid Paper (for inclusion in the official Introduction to Candidates); and
 - (c) the form of “Intention to Display Election Advertisements at Designated Spots”.

During Nomination
Period

2. Except where the Chief Electoral Officer (“CEO”) authorises otherwise, personally deliver the following to the RO before the end of the Nomination Period:
 - (a) the duly completed Nomination Form; and
 - (b) an election deposit of \$1,000 in cash or by cashier order or crossed cheque made payable to “The Government of the Hong Kong Special Administrative Region”.

In order to avoid the risk of invalidation of the nomination due to dishonoured cheques, candidates are strongly advised to submit the election deposit in cash or cashier order.

3. Apply to Hongkong Post for written approval of their election advertisement (“EA”) specimens for free postage. Candidates should:
 - (a) carefully study the requirements governing free postage for EAs before deciding on the contents of their EAs 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 EA specimens to Hongkong Post for written approval as early as possible to allow sufficient time for revising the contents of their EA specimens, if necessary.
4. Obtain the following from the RO:
- (a) a CD-ROM containing the relevant legislation and copy of the candidate forms/documents;
 - (b) relevant extracts from the Final Register of Voters (both gum labels and soft copies) on signing an Undertaking on the Use of Electoral Records;
 - (c) forms -
 - (i) Return and Declaration of Election Expenses and Election Donations (thereafter referred to as “election return”)
 - (ii) Standard Receipt for Election Donations
 - (iii) Authorisation to Incur Election Expenses
 - (iv) Notice of Revocation of Authorisation to Incur Election Expenses
 - (v) Notice of Withdrawal of Candidature
 - (vi) Notice of Appointment of Election Agent
 - (vii) Notice of Appointment of Polling Agents for a Polling Station Not Situated in a Prison
 - (viii) Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (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 Prison (other than a Maximum Security Prison)

- (ix) Notice of Appointment of Counting Agents
 - (x) Notice of Revocation of Appointment of Agent
 - (xi) Information Sheet in relation to Election Advertisements
 - (xii) 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
 - (xiii) Notification of the Electronic Address of the Candidate's Platform
 - (xiv) Notification of Corrected Information in relation to Election Advertisements
 - (xv) Consent of Support
 - (xvi) Permission for Display of Election Advertisements or Conduct of Electioneering Activities at Private Premises
 - (xvii) Declaration of Secrecy
 - (xviii) Return of Election Deposit
 - (xix) Advance Return and Declaration of Election Donations
 - (xx) Notice of Posting of Election Mail (Attachment: Summary on Free Postage for Election Mail)
 - (xxi) Declaration for Posting of Election Mail
 - (xxii) Notification of Decision on Electioneering Activities
 - (xxiii) Notification of the Intention to Hold a Public Meeting/Procession;
- (d) Notice for Collection of Voters' Information;

- (e) Undertaking on the Use of Voters' Information
(Attachment: Supplementary Note on Undertaking on the Use of Voters' Information);
and
- (f) Note for Submission of a Text Version of Introduction to Candidates for Persons with Visual Impairment.
5. Lodge with the RO a Notice of Withdrawal of Candidature if the candidate wishes to withdraw his/her candidature.
- Any time before, during or after handing in Nomination Form
6. (a) Ensure that all printed 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 CEO if RO has not yet been appointed), if applicable.
- (c) (i) If the candidates choose to post the electronic copy of EA and relevant information/documents onto the Candidate's Platform for public inspection, candidates 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.**
- (ii) If the candidates choose to post the electronic copy of EA and relevant information/documents onto the Central Platform for public inspection, candidates 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.

Candidates will receive the username and passwords from CEO **within 3 working days** upon receipt of the duly completed application and undertaking.

- (d) Make available a copy of each type of EAs and relevant information/documents for public inspection **within 1 working day** after publication by:
- (i) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix G**;
 - (ii) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Candidate's Platform and provide 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 G**);
 - (iii) if it is technically impracticable to comply with (i) or (ii) above for EAs published through an open platform on the internet (such as when messages are sent through social networking or communication websites on the Internet like Twitter, Facebook, blogs, etc. and the exchanges are of an interactive and spontaneous nature), posting a hyperlink of such open platform 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 G**;
 - (iv) providing 2 hardcopies each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and 1 hardcopy each of the relevant information/documents to the RO; or

- (v) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy each of the relevant information/documents to the RO.

Candidates may make submission as required from time to time.

7. Submit to the CEO an Advance Return and Declaration of Election Donations when an election donation is received.
- Any time before handing in Nomination Form till the end of election period
8. Lodge with the RO (or CEO if RO has not yet been appointed) Authorisations to Incur Election Expenses.
- Any time after handing in Nomination Form
9. Lodge with the RO a Notice of Appointment of Election Agent.
- Any time after handing in Nomination Form, but before end of Nomination Period
10. (a) If a candidate wishes to have his/her photograph and election platform 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 should be taken within the last 6 months; and
- (ii) provide 2 additional copies of his/her photograph identical to the one affixed to the grid paper with his/her name label affixed on the back.
- (If a candidate does not submit the grid paper, the Introduction to Candidates will only show his/her name and candidate number. The statement, “Relevant Information has not been provided by the candidate” will also be printed in the space provided for the election platform.)
- (b) Lodge with the RO the form “Intention to Display Election Advertisements at Designated Spots”.

Any time after handing in Nomination Form, but not later than 3 weeks before polling day

11. Make a request to the CEO for obtaining, **within 5 working days**, one set of mailing labels of voters and/or a Candidate Mailing Label System (“CMLS”) DVD-ROM containing information of voters in the subsector. Candidates or their election agents are required to submit an Undertaking on the Use of Voters’ Information with the request.

(Note: To protect the environment, mailing labels of voters who have provided their email addresses for receiving EAs will not be provided by the CEO.)

Any time after handing in Nomination Form, but not later than 7 days before polling day

12. Lodge with the CEO Notices of Appointment of Polling Agents for a Polling Station not situated in a Prison.

13. Lodge with the RO Notices of Appointment of Counting Agents.

14. Lodge with the CEO the Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (other than a maximum security prison) and Application for Consent to the Presence of Election/Polling Agent in a dedicated polling station situated in a prison (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 prison (other than a maximum security prison) if a polling agent has been appointed for that polling station. On the other hand, 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 prison, 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.)

Around 3 days after end
of Nomination Period

15. Attend the briefing for candidates and collect from the RO the following:
 - (a) location maps and layout plan of the polling/counting station; and
 - (b) name badges for candidates and their agents.

16. Attend meetings held by the RO to determine the candidate numbers by drawing of lots and to allocate designated spots for display of EAs.

17. Receive from the RO copy of the permission/authorisation for display of EAs at designated spots allocated to the candidate (except for uncontested candidates who will not be allocated with designated spots).

Around 7 days after end
of Nomination Period

18. Send by e-mail to e-intro_to_can@reo.gov.hk by the deadline specified by the REO the completed e-form of the text version of the Introduction to Candidates (available on website) for REO's uploading to the election dedicated website.

(If a candidate does not submit the file by the said deadline, only his/her name and candidate number and the words "Relevant information has not been provided by the candidate" will be shown in the appropriate area of the form.)

Within 5 days after end
of Nomination Period

19. Receive from the RO information about the election agents appointed by other candidates for the same subsector.

- | | |
|--|---|
| Within 14 days after end of Nomination Period | 20. Receive from the RO the notice on all other validly nominated candidates for the same subsector. |
| At least 2 clear working days before posting of postage-free election mail | 21. Give notice of the date of the free postage of election mail and intention to use joint election mail (if applicable) by using the Notice of Posting of Election Mail (in duplicate), and present 3 unsealed election mail specimens to the designated Manager of Hongkong Post for inspection and approval. |
| Make postage-free election mail before the posting deadline as designated by Hongkong Post | 22. Post 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) for record purpose. The mail make-up must comply with the guidelines in the Guidelines on Election-related Activities and Summary on Sending of Postage-free Election Mail.

(Note: Election mail sent after the posting deadline is very unlikely to be delivered to the voters before the polling day.) |
| 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 Prison (other than a Maximum Security Prison) and Application for Consent to the Presence of Election/Polling Agent in a Dedicated Polling Station Situated in a prison (other than a maximum security prison) ONLY if –

(a) a voter/AR imprisoned or held in custody who is entitled to vote for the relevant subsector at the aforesaid dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and |

(b) the application is lodged without undue delay after the admission or transfer.

- | | |
|--|--|
| Any time before polling day | 25. Lodge with the CEO or RO, as the case may be, Notices of Revocation of Appointment of Agent, if any. |
| At least 10 working day before polling day | 26. Receive information from the RO on when and where the counting of votes is to take place. |
| Before entering polling/counting station | 27. Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents). |
| On polling day | 28. Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy. |
| | 29. Candidates or their election agents personally deliver Notices of Appointment of Polling Agents for a Polling Station Not Situated in a Prison and Notices of Revocation of Appointment of Agent to the relevant Presiding Officers (“PRO”) other than a PRO of a dedicated polling station situated in a prison, if not yet lodged pursuant to paras. 12 and 25 respectively. |
| | 30. Candidates or their election agents personally deliver Notices of Revocation of Appointment of Agent to the CEO to revoke the appointment of polling agent for a dedicated polling station situated in a prison, if not yet lodged pursuant to para. 25. |
| | 31. Candidates or their election agents personally deliver Notices of Appointment of Counting Agents and Notices of Revocation of Appointment of Agent to the relevant RO, if not yet lodged pursuant to paras. 12 and 25 respectively. |

- | | |
|---|--|
| <p>Within 2 working days after the polling day</p> | <p>32. Post the corrected information of the EAs concerned onto the Candidate's Platform or Central Platform alongside the original information and input the date of correction; or deposit with the RO a Notification of Corrected Information in relation to Election Advertisements.</p> |
| <p>Within 10 days after polling day</p> | <p>33. Remove all EAs displayed on Government land/property.</p> |
| <p>Within 2 weeks after polling day</p> | <p>34. Destroy or return to REO the CMLS DVD-ROM and unused mailing labels, if any. If a candidate has downloaded the voters' information from the CMLS for processing, he/she must also delete the information (use of data erasing software is recommended to completely erase the information).</p> |
| <p>Before the expiry of the period of 30 days after the date on which the last of the following events occurs in relation to all EC subsector elections to be held on the same date –</p> <p>(a) the result of the election is notified in the Gazette;</p> <p>(b) a declaration that no candidate was validly nominated is made.</p> | <p>35. Lodge with the CEO an election return [See para. 4(c)(i)] signed by the candidate with invoices and receipts issued by recipients of the payments for all payments each of election expenses of \$100 or above and duplicate donation receipts.</p> |

Till the end of the period ending with the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any order made by the CFI under s 40 of the ECICO

36. Maintain the Candidate's Platform for public inspection of EAs and relevant information/documents.

Note:

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

B. Handling and Declaring Election Expenses***Records Keeping******Before and After Nomination***

1. Record all election expenses spent and all election donations received.
2. Keep the original invoices and receipts issued by recipients of the payments for expenses of \$100 or above.
3. Issue receipt for any non-anonymous donation of more than \$1,000 and keep a copy of the receipt. (The candidate may use the Standard Receipt for Election Donations provided by the REO.)
4. (a) Keep records of the attachments posted onto the Candidate's Platform and maintain this platform till the end of the period ending with the 30th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any order made by the CFI under section 40 of the ECICO); or
(b) Keep records of the attachments posted onto

the Central Platform; or

- (c) Keep copies of all relevant information/ documents and EAs lodged with the RO.

Appointment of Election Agents/Election Expense Agents

5. Each candidate can only appoint 1 election agent by completing a Notice of Appointment of Election Agent. An election agent has the authority to do everything a candidate is authorised to do under the EAC (EP) (EC) Reg for the purposes of the election **except**:
- (a) to sign the nomination form or make any requisite declaration in relation to a candidate's nomination;
 - (b) to withdraw the candidate's candidature;
 - (c) to incur election expenses unless he/she has been so authorised by the candidate;
 - (d) to authorise a person as an election expense agent to incur election expenses; and
 - (e) to be present in a dedicated polling station situated in a maximum security prison.
6. Each candidate can authorise 1 or more persons as the election expense agents to incur election expenses on his/her behalf by completing the Authorisation to Incur Election Expenses. A candidate **may** also authorise his/her election agent to incur election expenses for him/her. These agents may incur election expenses only after the candidate has authorised them to do so.

Lodging of Authorisation and Information Sheet of Election Advertisements with the appropriate authority and Posting Election Advertisements on Central Platform or Candidate's Platform

7. Lodge with the RO the Notice of Appointment of Election Agent at any time after handing in Nomination Form.
8. Lodge with the RO the Authorisations to Incur Election Expenses. The authorisation is not effective until it has been received by the RO.

9. Make available a copy of each type of EAs and relevant information/documents for public inspection **within 1 working day** after **publication** by:
- (a) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix G**;
 - (b) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Candidate's Platform and provide the **electronic address** of the platform to the CEO **at least 3 working days before publication of the first EA (For details, please see Appendix G)**;
 - (c) if it is technically impracticable to comply with (a) or (b) above for EAs published through an open platform on the internet (such as when messages are sent through social networking or communication websites on the Internet like Twitter, Facebook, blogs, etc. and the exchanges are of an interactive and spontaneous nature), posting a hyperlink of such open platform on the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix G**;
 - (d) providing 2 hardcopies each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and 1 hardcopy each of the relevant information/documents to the RO; or
 - (e) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy each of the relevant information/documents to the RO.

***Submission of Election
Return***

10. **A candidate must lodge his/her completed election return with the CEO before the expiry of the period of 30 days after the date on which**

the last of the following events occurs in relation to all EC subsector elections to be held on the same date :

- (a) the result of the election is notified in the Gazette;**
- (b) a declaration that no candidate was validly nominated is made,**

or within such extended period as may be allowed by the Court of First Instance (“CFI”) under the relevant law.

- 11. The completed election return should include all election expenses incurred by the candidate or by the candidate’s election expense agents and also the removal cost for his/her EAs by government departments, if he/she has not removed all his EAs, and the election donations (including services and goods) received. All election advertisements submitted on the Information Sheet in relation to Election Advertisements, the Central Platform and the Candidate’s Platform should be included in the completed election return. *A candidate is required to submit his/her election returns even if no election expenses have been incurred.*
- 12. A candidate must make the 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 a solicitor holding a practising certificate.
- 13. The completed election return and the declaration verifying its contents must be submitted together with all supporting documents as required by s 37 of ECICO (Cap 554).

14. If a candidate is unable or has failed to lodge the election return by the deadline, he/she can apply to the CFI for an order allowing him/her to lodge the election return within such a further period as specified by the CFI.

15. If a candidate wishes to change any information in his/her submitted election return before the deadline, he/she may lodge with the CEO before the deadline a supplementary declaration stating the information to be changed.

16. If a candidate wishes to correct any error or false statement in his/her return (including any document accompanying his/her return) after the deadline, he/she must apply to the CFI for an order enabling him/her to do so. Notwithstanding this, if the aggregate value of any error or false statement found in the election return does not exceed the relief arrangement limit (i.e. \$500), the candidate may rectify the error or false statement in the election return in accordance with a simplified relief arrangement for minor errors or false statements as provided under s 37A of the ECICO within a specified period upon receipt of a notice from the CEO relating to the error and/or false statement (see paras. 16.29 to 16.34 of the Guidelines).

(This "Action Checklist for Candidates" is for general reference only. Candidate is advised to refer to the Action Checklist included in the candidate folder of the respective election.)

[Amended in January 2010, October 2011 and September 2016]