

2020 Legislative Council General Election

Action Checklist for Candidates

<u>Time</u>	<u>Action</u>
Before and during Nomination Period (Up to 31 July 2020)	<ol style="list-style-type: none">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”):<ol style="list-style-type: none">(a) Nomination Form;(b) Confirmation Form;(c) Grid Paper for the production of the Introduction to Candidates and Guide on Completion of Grid Paper;(d) the form of “Request by a Candidate for a Legislative Council Functional Constituency or a Sole Candidate on a Legislative Council Nomination List or by a Candidate for a District Council Constituency for Printing of Particulars Relating to the Candidate on a Ballot Paper” and/or the form of “Request by Candidates on a Legislative Council Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper”, as the case may be;(e) the form of “Consent of a Prescribed Body for its Particulars to be Printed on a Ballot Paper in Relation to the Request by Candidate(s)”; and(f) the form of “Intention to Display Election Advertisements at Designated Spots”.
During Nomination Period (18 to 31 July 2020)	<ol style="list-style-type: none">2. Except where the Chief Electoral Officer (“CEO”) authorises otherwise, hand in the following to the RO by the candidate in person <u>before the end of the Nomination Period</u>:

- (a) the duly completed Nomination Form; and
- (b) an election deposit 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 mail specimens for free postage. Candidates should:
 - (a) carefully study the requirements governing free postage for election mail before deciding on the contents of their election mail and seek advice from Hongkong Post relating to postal requirements and the REO on other relevant aspects before printing; and
 - (b) make every effort to submit their election mail specimens to Hongkong Post for written approval as early as possible before mass production of their election mail so as to allow sufficient time for revising the contents of their election mail specimens, if necessary.
- 4. Obtain from the RO a Candidate Folder containing various forms and reference materials for use by candidate participating in the election.
- 5. Lodge with the RO a Notice of Withdrawal of Candidature if the candidate wishes to withdraw his/her candidature.
- 6. (a) Ensure that all printed election advertisements (“EAs”), except for the category exempted, contain the name and address of the printer, date of printing and the number of copies printed.

Any time before,
during or after
handing in
Nomination Form

- (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 open platform maintained by the candidate(s) or a person authorised by the candidate(s) (“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**. Candidates should keep records of the attachments posted onto the Candidate’s Platform and maintain this platform till the end of the period for which copies of Return and Declaration of Election Expenses and Election Donations (hereafter referred to as “election return”) are available for public inspection under section 41 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) (“ECICO”).
- (ii) If the candidates choose to post the electronic copy of EA and relevant information/documents onto the open platform maintained by the CEO or a person authorised by the CEO (“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 two sets of 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, including publication information, permission/consent of support in relation to EAs, 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 5 of the “Guidelines on Election-related Activities in respect of the Legislative Council Election” (“Guidelines”)**;
 - (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 5 of the Guidelines)**;
 - (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 each EA that is published through the open platform (the hyperlink to the specific EA published should be provided, rather than the hyperlink to the entire election website or page of the social media) and the information/documents relevant to the EAs onto the Candidate’s Platform or the Central Platform in accordance with the procedures set out in **Appendix 5 of the Guidelines**;

- (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 its actual form) 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. Candidates should keep records of all relevant information/documents and EAs posted onto the Central Platform or lodged with the RO.

- 7. (a) Record all election expenses spent and all election donation received.
- (b) Keep all original invoices and receipts issued by recipients of the payments for expense of \$500 or above.
- (c) Issue receipt to donor 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.)
- (d) Submit to the CEO an Advance Return and Declaration of Election Donations when an election donation is received (if required and as appropriate).

Any time before
handing in
Nomination Form till
the end of election
period
(Up to
6 September 2020)

8. Appoint Election Expense Agents:
- (a) Lodge with the RO (or CEO if RO has not yet been appointed) Authorisation to Incur Election Expenses.

[For GC/DC (second) FC list of candidates, Declaration of Election Expenses Already Incurred/Cross-Authorisation and Authorisation to Incur Election Expenses by a List of Candidates in a GC/DC (second) FC Election is applicable.]
 - (b) Each candidate/list of candidates can authorise 1 or more persons as the election expense agents to incur election expenses on his/her/their behalf at a prescribed amount specified by the candidate. A candidate/list of candidates **may** also authorise his/her/their election agent as an election expense agent. These agents may incur election expenses only after the candidate/list of candidates has authorised them to do so. It is important to note that the authorization is not effective until it has been received by the RO or CEO (if the RO has not yet been appointed).
 - (c) An election expense agent needs to be a person who has attained the age of 18 years.

Any time after
handing in
Nomination Form

9. Appoint Election Agent:
- (a) Lodge with the RO a Notice of Appointment of Election Agent.
 - (b) Each candidate/list of candidates can only appoint 1 election agent. An election agent has the authority to do everything a candidate is authorised to do under the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation for the purposes of the election, **except:**
 - (i) to sign the nomination form or make any requisite declaration in relation to a candidate's nomination;

- (ii) to withdraw the candidate's candidature;
 - (iii) to incur election expenses unless he/she has been so authorised by the candidate;
 - (iv) to authorise a person as an election expense agent to incur election expenses; and
 - (v) to be present at a dedicated polling station situated in a maximum security prison.
- (c) An election agent should be holder of the Hong Kong identity card and has attained the age of 18 years.

Any time after handing in Nomination Form, but before end of Nomination Period
(On or before 31 July 2020)

10. (a) If a candidate/list of candidates wishes to have his/her/their photograph(s) and electoral message printed in the Introduction to Candidates, he/she/they should :
- (i) lodge with the RO a duly completed grid paper affixed with a colour photograph of the candidate which must be in specified size and 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/list of candidates does not submit the grid paper, the Introduction to Candidates will only show the name of the candidate(s) and the number/alphabet of the candidate/list of the candidates. The statement, "Relevant information has not been provided by the candidate/list of candidates", will also be printed in the space provided for the electoral message.)

- (b) Lodge with the RO the form “Intention to Display Election Advertisements at Designated Spots”.
- (c) If a candidate wishes to have his/her photograph and particulars printed on a ballot paper, he/she should lodge with the RO:
 - (i) a duly completed form of “Request by a Candidate for a Legislative Council Functional Constituency or a Sole Candidate on a Legislative Council Nomination List or by a Candidate for a District Council Constituency for Printing of Particulars Relating to the Candidate on a Ballot Paper” or a duly completed form of “Request by Candidates on a Legislative Council Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper”, as the case may be;
 - (ii) a colour photograph of the candidate, in a specified size and taken within the last 6 months, which should be affixed to the form at (c)(i) above, and an additional copy of his/her photograph identical to the one affixed to the form with his/her name label affixed on the back; and
 - (iii) the duly completed form(s) of “Consent of a Prescribed Body for its Particulars to be Printed on a Ballot Paper in Relation to the Request by Candidate(s)”.

(If a candidate/list of candidate(s) does not submit the duly completed form(s) of request and consent, if any, specified above, only his/her/their name(s) and candidate/candidate list number/alphabet will be printed on a ballot paper.)

Any time after
handing in
Nomination Form,
but not later than
3 weeks before
polling day
(On or before
17 August 2020)

11. Make a request to the CEO for obtaining one set of mailing labels of electors and/or a set of Candidate Mailing Label System (“CMLS”) USB flash drives containing information of electors in the constituency (Candidates or their election agents are required to sign an Undertaking on the Use of Electors’ Information with the request.).

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

Any time after
handing in
Nomination Form,
but at least 7 days
before polling day
(On or before
30 August 2020)

12. Lodge with the CEO Notices of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution by hand, by electronic mail, by facsimile transmission or by post.

13. Lodge with the RO Notices of Appointment of Counting Agents by hand, by electronic mail, by facsimile transmission or by post.

14. Lodge with the CEO the Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) for seeking the consent of the Commissioner of Correctional Services to the presence of an election agent or a polling agent at a dedicated polling station situated in a penal institution (other than a maximum security prison).

(Note:(a) No consent will be given to the presence of an election agent at a dedicated polling station situated in a penal institution (other than a maximum security prison) if a polling agent has been appointed for that polling station. 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 penal institution, no polling agent may be appointed for that polling station.

- (b) No polling agent may be appointed nor may election agent be present at a dedicated polling station situated in a maximum security prison.)

After the end of
Nomination Period

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

4 August 2020

16. Attend meetings held by the RO to determine the candidate numbers/alphabets 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).

18. Collect from the RO the following:

(a) location maps and layout plans of the polling and counting stations; and

(b) name badges for candidates and their agents.

4 August 2020

19. Check the ballot paper printing proof and verify the particulars relating to the candidate to be printed on the ballot paper. If a candidate or his/her election agent cannot perform the checking in person, the candidate may authorise a representative in writing to check the particulars concerned on the ballot paper printing proof on his/her behalf.

(If a candidate or his/her election agent/authorised representative does not perform the checking at the date and venue specified by the REO, the printing

proof of the ballot paper will be printed without further notice.)

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| 6 August 2020 | 20. | Participate in the on-line briefing for candidates. |
| 7 August 2020 | 21. | 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 onto the election dedicated website.

(If a candidate/list of candidates does not submit the file by the said deadline, only his/her/their name and candidate/candidate list number/alphabet and the words "Relevant information has not been provided by the candidate/list of candidates" will be shown in the appropriate area of the form.) |
| Within 10 days after end of Nomination Period
(On or before 10 August 2020) | 22. | Receive from the RO information about the election agents appointed by other candidates of the same constituency. |
| At least 10 days before polling day
(On or before 27 August 2020) | 23. | Receive information from the RO on when and where the counting of votes is to take place. |
| Not later than 7 days before polling day
(On or before 30 August 2020) | 24. | 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
(31 August to 5 September 2020) | 25. | Lodge with the CEO the Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) and Application for Consent to the Presence of Election/ Polling Agent in a Dedicated Polling Station Situated in a Penal Institution (other than a Maximum Security Prison) only if – |

- (a) an elector imprisoned or held in custody who is entitled to vote for the relevant constituency at the aforesaid dedicated polling station situated in a penal institution is admitted or transferred to the penal institution during that week; and
- (b) the application is lodged without undue delay after the admission or transfer.

At least 2 clear working days before posting postage-free election mail

26. Give notice of the date of the free posting of election mail 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
(On or before 14 August 2020)

27. Post postage-free election mail and present to Hongkong Post a signed Declaration for Posting of Election Mail (in duplicate). Provide the manager of the designated acceptance offices of Hongkong Post with a copy of the election mail for record purpose.

(Note: Election mail sent after the deadline will likely fail to reach the electors before the polling day.)

Before entering the polling station, counting station or the ballot paper sorting station

28. Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents).

Any time before polling day

29. Lodge with the CEO or RO, as the case may be, Notices of Revocation of Appointment of Agent, if any, by hand, by electronic mail, by facsimile transmission or by post.

On polling day
(6 September 2020)

30. Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy.

31. Candidates or their election agents personally deliver Notices of Appointment of Polling Agents for a Polling Station not Situated in a Penal Institution and Notices of Revocation of Appointment of Agent to the relevant Presiding Officer (“PRO”) other than a PRO

of a dedicated polling station situated in a penal institution, if not yet lodged pursuant to paras. 12 and 29 respectively.

32. Notices of Revocation of Appointment of Agent must be delivered to the relevant RO by hand, by electronic mail or by facsimile transmission to revoke the appointment of polling agent for a dedicated polling station situated in a penal institution, if necessary and not yet lodged pursuant to para. 29.
33. Candidates or their election agents personally deliver Notices of Appointment of Counting Agents and Notices of Revocation of Appointment of Agent to the relevant PRO (or to the relevant RO if the counting agents are appointed for the central counting station), if not yet lodged pursuant to paras. 13 and 29 respectively.
34. Post the corrected information of the EAs concerned onto the Candidate's Platform or the 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.

Within 3 working days after the polling day
(On or before 9 September 2020)
35. Remove all EAs displayed on Government land/ property.

Within 10 days after polling day
(On or before 16 September 2020)
36. Destroy the CMLS USB flash drives and unused mailing labels, if any, and all the electors' information copied (the use of data erasing software is recommended to completely erase the information) **and** return to REO the reply slip on "Confirmation of Destruction of USB Flash Drives Containing the CMLS and the Relevant Electors' Information".

Within 2 weeks after polling day
(On or before 21 September 2020)

Before the statutory deadline for submission of election return as required under section 37 of the ECICO
(REO will issue letters to inform candidates of the deadline for lodging election returns)

37. (a) Lodge with the CEO an election return setting out all election expenses incurred by the candidate/list of candidates and his/her/their election expense agents and all election donations received by or on behalf of the candidate/list of candidates.
A candidate/list of candidates is required to submit his/her/their election return even if no election expenses have been incurred or no election donation is received.
- (b) Ensure that the election return is accompanied by invoices and receipts for each election expense of \$500 or more and copies of standard receipts issued to donors for each election donation of more than \$1,000 in value and the copies of receipts issued by charitable institutions or trusts of a public character for the collection of any unspent election donations, anonymous donations of more than \$1,000 in value and election donations which are in excess of the limit of election expenses as required under section 37 of the ECICO (see Chapter 16 of the Guidelines for details).
- (c) A candidate/all candidate(s) of a list must make the declaration/supplementary declaration(s) verifying the contents of the election return before a Commissioner for Oaths (at DOs), or a Justice of the Peace or solicitor holding a practicing certificate.
- (d) If a candidate/list of candidates is unable/fails to lodge the election return before the deadline, he/she/they may apply to the Court of First Instance (“CFI”) for an order allowing him/her/them to lodge the election return within such a further period as specified by the CFI.
- (e) If a candidate/list of candidates wishes to change any information in his/her/their submitted election return before the deadline, he/she/they may lodge with the CEO before the deadline a supplementary declaration stating the information to be changed together with the

related supporting documentations (e.g. receipt) as appropriate.

- (f) If a candidate/list of candidates wishes to correct any error or false statement in his/her/their election return (including any document accompanying his/her/their election return) after the deadline, he/she/they must apply to the CFI for an order enabling him/her/them to do so. Notwithstanding this, if the aggregate value of any error or false statement found in the election return does not exceed the prescribed relief arrangement limit for election concerned for purpose of section 37A of the ECICO, the candidate/list of candidates 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 section 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 para. 16.36 to 16.41 of the Guidelines).

38. Eligible candidates/lists of candidates who wish to apply for financial assistance should complete a Claim for Financial Assistance. The completed form, together with the candidate's election return and an auditor's report should be presented in person by the candidate or his/her/their agent (i.e. any other person on behalf of the candidate) to the CEO before the statutory deadline for submission of election return.

- Until the end of the period for which copies of election returns are available for inspection under section 41 of the ECICO
39. Maintain the Candidate's Platform for public inspection of EAs and relevant information/documents. If the hyperlink of a website on which an EA is published has been uploaded onto the Central Platform, ensure the hyperlink is valid and the relevant website continues to operate.

Note:

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