

## CHAPTER 2

### REGISTRATION OF ELECTORS AND VOTING SYSTEM

#### PART I : GENERAL

2.1 This chapter details the voter registration and the electoral procedures of RR elections.

2.2 Only registered electors whose names appear on the final register of electors may vote at an RR election. The FR is updated in every voter registration cycle and published not later than 20 October in each year. Registered electors may visit the “Rural Representative Election Voter Registration Information Enquiry System” at the RR elections website ([www.had.gov.hk/rre](http://www.had.gov.hk/rre)) at any time to check their registration particulars. The regular deadlines for applications for new voter registration and change of registration particulars are both set on 16 June of the year.

2.3 True and accurate information must be provided to apply for registration as an elector. Giving false or misleading information knowingly or recklessly to apply for voter registration (commonly known as “vote rigging”) is an offence under the law, no matter whether the elector has subsequently voted or not.

2.4 The qualifications for registration as an elector and the voting right for EVs (ReR elections), MTs (KFR election) and IVs/CIVs (IIR elections) are different. Electors for EVs and MTs are bound by the residence requirement. If a registered elector no longer resides in the EV/MT for which he/she is registered, or his/her residential address in the EV/MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as

an elector. For a registered elector of an IV who is also a resident of an EV/MT, he/she must also meet the residence requirement for EV/MT in order to be eligible to register as an elector and vote at an election for that EV/MT.

2.5 In order to ensure the accuracy of the particulars in the register of electors, registered electors for EVs or MTs should provide their updated residential addresses as soon as possible to the HAD if they have moved away. According to the prevailing requirement<sup>3</sup>, an address proof must be provided when submitting the application form for change of address. Provision of address proof is also mandatory for an applicant for new voter registration for an EV or an MT to prove that the address stated in the application is his/her principal residential address and he/she has met the requirement on the duration of residence.

2.6 HAD has all along conducted checking along with the mechanism in place. If an elector of EVs or MTs is suspected to have moved and has not reported his/her new principal residential address, the HAD will include the elector in the statutory inquiry procedure. If the elector responds to the inquiry and provides address proof to update his/her new principal residential address by the deadline, his/her name may remain on the register. Otherwise, his/her name will be included in the omissions list (“OL”).

2.7 Before the FR is published, the HAD will publish a copy of the provisional register (“PR”) and OL for inspection by specified persons (for details, please refer to para. 2.42 below and **Appendix 3**). The procedure for objections and claims in respect of eligibility for voter registration will also commence at the same time. Any person who queries the eligibility of an elector may make an objection and the Revising Officer will make a determination on the case. For persons having applied for registration as an

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<sup>3</sup> In accordance with s 19A(3) of the EAC (ROE) (RRE) Reg, the ERO may require the applicant to submit together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant.

elector, if they notice their names missing or their particulars incorrectly recorded in the PR, they may make a claim for determination by the Revising Officer. Electors whose names have been included in the OL may also make a claim with the Revising Officer, and the elector’s voter registration can be maintained if the grounds for the claim are accepted by the Revising Officer. Sufficient information about the objection or claim must be provided by the applicant to inform the Revising Officer of the grounds of the case.

2.8 The person who raises an objection or claim shall be required to attend the hearing, otherwise the Revising Officer may dismiss the objection or claim (see para. 2.47 below for details). Unless the Revising Officer’s approval is obtained to retain the voter registration, electors whose names are listed on the OL will be excluded from the subsequently published FR.

## **PART II : REGISTRATION OF ELECTORS**

### **Key Dates in Voter Registration**

2.9 The regular voter registration arrangements adopted from the 2022 voter registration cycle onwards are detailed below:

<b>Voter Registration Arrangements</b>	<b>Statutory Deadline</b>
Electoral Registration Officer (“ERO”) to make inquiries regarding registered electors	30 May
Submission of applications for change of particulars	16 June

<b>Voter Registration Arrangements</b>	<b>Statutory Deadline</b>
Electors to apply for de-registration	16 June
Submission of applications for new registration	16 June
Electors to respond to inquiry letters to retain their voter registration	16 June
Applicants for new voter registration and change of particulars to submit further particulars	6 August
Publication of the PR and OL	Not later than 27 August
Claims and objections period	Not later than 27 August to 9 September
Publication of the FR	Not later than 20 October

### **Eligibility to Vote**

2.10 Under the existing voter registration arrangements, a self-declaration system has been adopted to facilitate the registration of eligible persons as electors. Applicants must provide true and accurate information for voter registration. Any person who makes a false statement in his/her application for voter registration or change of registration particulars violates s 32 of the EAC (ROE) (RRE) Reg, no matter whether he/she subsequently

votes at an election or not. If that person does vote at an election, he/she contravenes s 16 of the ECICO and shall be liable to a more serious penalty.

2.11 Only a registered elector is eligible to vote at an RR election. A registered elector is a person whose name appears on the FR of the Rural Area that is in effect at the time of the election as compiled and published by the ERO appointed by the SHYA under the RREO. A registered elector may only vote at an election for the Rural Area for which he/she is registered as an elector in the FR. [S 13(1) of the RREO]

### **Qualifications for Registration as an Elector**

2.12 To qualify for registration as an elector for a Rural Area under the RREO, a person has to satisfy the following requirements:

- (a) he/she is already registered as an elector for the Rural Area in the existing FR for the Rural Area that is in effect; or
- (b) he/she applies in accordance with the RREO or the EAC (ROE) (RRE) Reg to be registered as an elector for the Rural Area and is entitled to be so registered.

Qualifications for registration as an elector for various types of Rural Area are different. [S 15(1) of the RREO]

### **Existing Village**

2.13 A resident of an EV is eligible to be registered as an elector for an EV if he/she is:

- (a) a resident of the Village<sup>4</sup> and has been a resident thereof for the 3 years immediately before the date of application for registration. In the case of a prisoner, in respect of the residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above-mentioned residence requirement immediately before serving the sentence and has been maintaining his/her principal residential address in that Village throughout the period of imprisonment;
- (b) aged 18 years or above as at 20 October in the year of publication of the FR; and
- (c) a Hong Kong permanent resident.

[S 15(4) of the RREO]

2.14 Electors for EVs are required to observe the residence requirement for registration. In addition to the 3-year residence requirement, the electors must keep residing in the EVs for which they have been registered. If a registered elector for EVs (ReR elections) no longer resides in the Village for which he/she has been registered, or his/her residential address in the Village is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the FRs, the person will commit an offence if he/she votes at the election. The right to vote at the relevant election is restricted to an eligible elector having continuously resided in the Village for which he/she has been registered. If the elector has moved to another residential address in the same EV, his/her eligibility to vote will still be valid. If the elector has moved to another EV, his/her eligibility to vote for the original EV will be invalid. In order to be

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<sup>4</sup> Being a resident of the EV means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the EV concerned.

eligible to vote, he/she has to apply for change of principal residential address timely and submit an address proof to confirm that he/she has been a resident of that EV for at least 3 years immediately before making the application.

2.15 As the qualifications for registration as an elector and the voting right for EVs (ReR elections) and IVs/CIVs (IIR elections) are different, a registered elector for an IV must meet the residence requirement for an EV in order to be eligible to vote at an election for the EV.

2.16 The ERO will from time to time conduct random checking to verify the eligibility of a registered elector for an EV. Electors may be requested to provide documentary evidence to prove that he/she still meets the residence requirement.

### **Indigenous Village / Composite Indigenous Village**

2.17 A person is eligible to be registered as an elector for an IV or a CIV if he/she:

- (a) is an indigenous inhabitant<sup>5</sup> of the Village, or a spouse or a

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<sup>5</sup> According to s 2 of the RREO (Cap. 576), "indigenous inhabitant" means-

- (a) in relation to an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
  - (i) a person who was in 1898 a resident of the Village; or
  - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (b) in relation to an Indigenous Village that branched off from an Indigenous Village that existed in 1898 (whether or not the name the Village now has is the same name it had in 1898), means-
  - (i) a person-
    - (A) who was at the time of the branching off a resident of the first-mentioned Indigenous Village; and
    - (B) who was an indigenous inhabitant of the second-mentioned Indigenous Village; or
  - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i);
- (c) in relation to a Composite Indigenous Village, means-
  - (i) a person who was in 1898 a resident of any of the villages of which the Village is composed; or
  - (ii) a person who is descended through the male line from a person mentioned in subparagraph (i).

surviving spouse of an indigenous inhabitant of the Village;

- (b) is aged 18 years or above as at 20 October in the year of publication of the FR;
- (c) at the time of applying to be registered, satisfies the ERO that he/she:
  - (i) holds an identity document; or
  - (ii) has:
    - (A) applied for a new identity card; or
    - (B) requested the alteration of the identity card or the issue of a new identity card,

in replacement of the identity card previously issued to him/her; and
- (d) at the time of applying to be registered:
  - (i) if the identity document held by, or previously issued to, him/her is an identity card, informs the ERO of the identifying number of the identity card; or
  - (ii) if the identity document held by him/her is not an identity card, provides the ERO a copy of the identity document.

Whether the person is a permanent resident in Hong Kong or a resident of an EV with the same name as that of the IV does not affect his/her eligibility to be



registered as an elector for an IV.

[S 15(5) of the RREO]

### **Market Town**

2.18 A resident of an MT is eligible to be registered as an elector for an MT if he/she is:

- (a) a resident of the MT<sup>6</sup> and has been a resident thereof for the 3 years immediately before the date of application for registration. In the case of a prisoner, for the purpose in respect of the residence requirement, a term of imprisonment does not normally break the period of residence provided the person has met the above-mentioned residence requirement immediately before serving the sentence and the address in that MT has remained as his/her principal residential address throughout the period of imprisonment;
- (b) aged 18 years or above as at 20 October in the year of publication of the FR; and
- (c) a Hong Kong permanent resident.

[S 15(5A) of the RREO]

2.19 Electors for MTs are also bound by the residence requirement. As in the case of electors for EVs, if a registered elector for MTs (KFR election) no longer resides in the MT for which he/she has been registered, or

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<sup>6</sup> Being a resident of the MT means that the person's principal residential address (i.e. the address of the dwelling place constituting the person's sole or main home) must be within the boundary of the MT concerned.

his/her residential address in the MT is no longer his/her sole or main home, he/she is no longer eligible to remain registered as an elector. Even though his/her name is still on the FR, the person will commit an offence if he/she votes at the election. The right to vote at the relevant election is restricted to an eligible elector having continuously resided in the MT for which he/she has been registered. If the elector has moved to another residential address in the same MT, his/her eligibility to vote will still be valid. If the elector has moved to another MT, his/her eligibility to vote for the original MT will be invalid. In order to be eligible to vote, he/she has to apply for change of principal residential address timely and submit an address proof to confirm that he/she has been a resident of that MT for at least 3 years immediately before making the application.

2.20 The ERO will from time to time conduct random checking to verify the eligibility of a registered elector for an MT. Electors may be requested to provide documentary evidence to prove that he/she still meets the residence requirement.

2.21 A person who would be eligible to be registered as an elector for 2 or more EVs may be registered for only one of those Villages of that person's choice. [S 15(6)(a) of the RREO]

2.22 A person who would be eligible to be registered as an elector for 2 MTs may be registered for only one of those MTs of that person's choice. [S 15(6)(b) of the RREO]

2.23 A person who would be eligible to be registered as an elector for one or more EVs and one or more MTs may be registered for only one of those EVs or one of those MTs of that person's choice. [S 15(6)(c) of the RREO]

2.24 A person who would be eligible to be registered as an elector for

2 or more IVs (including CIVs) may be registered for only one of those Villages of that person's choice. [S 15(7) of the RREO]

2.25 A person may register as an elector for both an IV (or a CIV) and an EV (or an MT), if he/she is so eligible for such registration in accordance with paras. 2.12 to 2.24 above.

2.26 A person is not, by virtue of being registered as an elector in the existing FR for an EV or an MT that is in effect, entitled to have the person's name included as an elector for the Village or the MT in any subsequent PR for the Village or the MT if the ERO is satisfied on reasonable grounds that the person has not been a resident of the Village or the MT for the 3 years immediately before the compilation of the register. The ERO may omit the person's name from the FR for the Village or the MT. [S 15(3) and (3A) of the RREO]

### **Disqualification from Voting**

2.27 A person registered as an elector for a Rural Area is disqualified from voting at an election for the Rural Area if he/she:

- (a) has ceased to be eligible to be so registered [see paras. 2.13, 2.17 and 2.18 above] [s 14(a) of the RREO];
- (b) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap. 136) [ss 14(e) and 16(d) of the RREO]; or
- (c) is a member of any armed forces [ss 14(f) and 16(e) of the RREO].

## **Application for Registration and De-registration**

2.28 The registration of electors is undertaken in accordance with the provisions of the EAC (ROE) (RRE) Reg.

2.29 A person may send in his/her application for registration as an elector using the specified form to the HAD at any time in the year. For ReR elections and KFR elections, the applicant **must submit together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant** [s 10(1A) of the EAC (ROE) (RRE) Reg]. As for application for de-registration, no specified form is required but the written notice must be signed by the elector. However, for inclusion/exclusion of a person's name in/from the FR to be published not later than 20 October in each year, the application form must reach the HAD on or before the specified deadline (i.e. 16 June of the same year) as stipulated under the EAC (ROE) (RRE) Reg.

2.30 The HAD will process the application forms for registration and notification of de-registration it has received. The HAD will send written requests to applicants for provision of information or proof if the information on their applications/notification is incomplete or incorrect. An applicant who qualifies for registration will be allocated to the PR of relevant Rural Area. Applicants who are not qualified for registration will also be informed of the result by surface mail [s 15(3) of the EAC (ROE) (RRE) Reg].

2.31 The particulars of all applicants who are eligible for registration as electors for an IV or a CIV, including their names and principal residential addresses or correspondence addresses (as the case may be), will be entered in the separate division for the IV or the CIV in the IVs and CIVs register. [S 5(1) of the EAC (ROE) (RRE) Reg]

2.32 The particulars of all applicants who are eligible for registration as electors for an EV, including their names and principal residential addresses, will be entered in the separate division for the EV in the EVs register. [S 4(1) of the EAC (ROE) (RRE) Reg]

2.33 The particulars of all applicants who are eligible for registration as electors for an MT, including their names and principal residential addresses, will be entered in the separate division for the MT in the MTs register. [S 4(1) of the EAC (ROE) (RRE) Reg]

### **Change of Residential Address and Other Registered Particulars**

2.34 It will not be necessary for a registered elector to re-apply for registration every year. However, if a registered elector has **changed his/her principal particulars in the FR** (i.e. name and principal residential address for electors of EVs and MTs; name for electors of IVs and CIVs), he/she **should notify the HAD using the specified form as soon as possible**. Apart from the above, any registered elector for an EV/MT who has ceased to be a permanent resident of Hong Kong, or whose residential address in the EV/MT is no longer his/her principal residential address, should also report to the HAD. An elector who has reported change of particulars will receive a notice from the HAD showing his/her updated electoral record.

### **Existing Village / Market Town**

2.35 For inclusion in the FR to be published not later than 20 October in each year, the statutory deadline for registered electors for an EV or an MT to report on change of principal particulars (including name or principal residential address) is 16 June of the same year [s 19A(12) and (13) of the EAC (ROE) (RRE) Reg]. For an application for change of principal residential address recorded in the FR for EVs and MTs, the applicant **must submit**

**together with the application documentary evidence that proves that the address stated in the application is the principal residential address of the applicant** [s 19A(3) of the EAC (ROE) (RRE) Reg]. The relevant proof required is as follows:

- (i) If the new principal residential address is still within the boundary of the registered EV/MT, the elector should submit address proof issued within the last 3 months or any other period as specified by the HAD/ERO; or
- (ii) If the new principal residential address is in another EV/MT, the elector should submit address proof to confirm that he/she has been a resident of that EV/MT for at least 3 years immediately before making the application.

2.36 **If a registered elector for an EV or an MT** has ceased to be a permanent resident of Hong Kong or has ceased to be residing in the Village or the MT concerned, he/she will no longer meet the requirements for registration and his/her name should be removed from the register of electors for the EV or the MT.

#### Indigenous Village / Composite Indigenous Village

2.37 For inclusion in the FR to be published not later than 20 October in each year, the statutory deadline for application for change of particulars (including name, principal residential address, correspondence address or the IV or CIV to be registered) by a registered elector for an IV or a CIV is 16 June of the same year.

2.38 For an indigenous inhabitant who has registered as an elector for his/her IV/CIV, if he/she wishes to apply for change of his/her registration from

the Village he/she originates to the IV/CIV of his/her spouse, he/she will be eligible to vote but not eligible to stand for election in his/her spouse's IV/CIV. Moreover, he/she will also not be eligible to vote or to stand for election in the IV/CIV he/she originates from.

### **Provisional Register and Omissions List**

2.39 The content of the PR shall include:

- (a) the names and principal residential addresses or correspondence addresses (correspondence address only applicable to IVs and CIVs register) of those eligible electors whose names appear in the FR for Rural Areas in effect at the time, with appropriate updates or correction by the ERO based on information reported or otherwise received (if applicable); and
- (b) the names and principal residential addresses or correspondence addresses (correspondence address only applicable to IVs and CIVs register) of the eligible new applicants who have applied for registration in the Rural Areas concerned on or before the statutory deadline for new registration in the year of compiling the register.

A copy of the PR for each Rural Area published under the RREO is **available for inspection by specified persons** at the HAD headquarters and other places, such as District Offices (“DOs”) in the New Territories (please refer to para. 2.42 below and **Appendix 3** for details). The PR is published not later than 27 August in each year [s 17(1)(a) of the RREO].

2.40 At the same time when the PR for each Rural Area is published, the ERO will also publish a copy of the OL for inspection by specified persons

(please refer to para. 2.42 below and **Appendix 3** for details). The OL contains the names and other relevant particulars<sup>7</sup> of persons who were formerly registered as electors but are struck out of the PR and proposed to be omitted from the next FR, because the ERO, based on the information obtained, is satisfied on reasonable grounds that they are disqualified from or no longer qualified for registration (such as persons who have passed away, persons who have informed the ERO that they do not wish to be registered anymore, or for electors of EVs and MTs, persons who have changed their principal residential addresses without the ERO's knowing the new addresses). [S 17(4) and (5) of the RREO and s 18 of the EAC (ROE) (RRE) Reg]

2.41 The time and place(s) for inspection of the copy of the PR and the OL will be published in a notice in the Gazette and newspapers. Publication of the notice is to be treated as the publication of the PR. [Ss 19(1) and 22(1) and (3) of the EAC (ROE) (RRE) Reg]

2.42 To align the arrangements for the inspection of registers of electors for the RR election and other public elections, the HAD has amended the relevant legislation relating to the inspection of registers of electors. Only specified persons (i.e. validly nominated candidates, political parties, the media, the Heung Yee Kuk, Rural Committees, residents of EVs/MTs and indigenous inhabitants of IVs/CIVs) (detailed at **Appendix 3**) are allowed to inspect the copy of registers of electors (including the OL, PR and FR). [S 17 of the RREO and ss 19, 22 and 30 of the EAC (ROE) (RRE) Reg]

*[For the inspection of the OL, subject to the enactment of the relevant amendments to the RREO and EAC (ROE) (RRE) Reg, the provision regarding the arrangement for inspection of the OL above will be incorporated in the*

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<sup>7</sup> In accordance with section s18(8) of the EAC (ROE) (RRE) Reg, “other relevant particulars” means, in relation to the compilation of:

- (a) the EVs PR or the MTs PR, the principal residential address; and
- (b) the IVs and CIVs PR, the principal residential address, if it has been furnished to the ERO.



*finalised guidelines. Since it takes time to amend the law, prior to the completion of the amendments, inspection of OL shall be conducted in compliance with the administrative arrangements drawn up with reference to the legislative amendments.]*

2.43 Upon request by a person imprisoned or held in custody by a law enforcement agency and if the ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the PR and OL for that person's inspection subject to para. 2.42 above. [Ss 19(3) and 22(5) of the EAC (ROE) (RRE) Reg]

2.44 The ERO may require persons who wish to inspect the copy of the PR and/or OL to produce an identity document and complete a form furnished by the ERO. [Ss 19(4) and 22(6) of the EAC (ROE) (RRE) Reg]

### **Rural Representative Election Voter Registration Information Enquiry**

#### **System**

2.45 Registered electors may visit the “Rural Representative Election Voter Registration Information Enquiry System” at the RR elections website ([www.had.gov.hk/rre](http://www.had.gov.hk/rre)) at any time to check their latest registration particulars including their registered principal residential address and respective Rural Area.

#### **Appeals - Objections and Claims**

2.46 Members of the public may deliver in person at the ERO's office a notice of objection in the specified form as regards any entries in the relevant PR within the period for making objections or claims [s 23(2) of the EAC

(ROE) (RRE) Reg]. An applicant who claims that he/she is entitled to be registered as an elector and has made an application for registration but his/her name is not recorded in the relevant PR or is included in the OL, or an elector whose particulars have not been correctly recorded in the PR, may deliver in person at the ERO's office a notice of claim in the specified form within a specified period in respect of the entry or any omission concerning himself/herself. If the principal residential address of the claimant:

- (a) is in Hong Kong, he/she must deliver the notice of claim in person at the ERO's office; or
- (b) is not in Hong Kong, he/she may:
  - (i) deliver the notice of claim in person at the ERO's office;
  - (ii) send the notice of claim to the ERO's office by post or by facsimile transmission;
  - (iii) send the notice of claim to the ERO's office as an electronic record authenticated by a digital signature; or
  - (iv) have the notice of claim delivered at the ERO's office by a person authorised in writing by the claimant.

[Ss 23(2) and 24(1) and (2) of the EAC (ROE) (RRE) Reg]

If a person imprisoned or held in custody by a law enforcement agency wishes to make such an objection or claim, he/she is allowed to deliver a notice of objection or claim to the ERO by post. [Ss 23(2A) and 25(3A) of the EAC (ROE) (RRE) Reg]

2.47 Cases of objections and claims will be referred to the Revising Officer for consideration. The Revising Officer will hold a hearing on each objection or claim and make a ruling on the addition, removal or correction of the entry concerned in the relevant FR. [Ss 26 and 28(2) of the EAC (ROE) (RRE) Reg] The appellant must provide sufficient information so as to inform the Revising Officer of the grounds of the objection or claim. If the appellant does not appear at the hearing and is not represented at the hearing by a legal practitioner or an authorised representative, the Revising Officer may dismiss the objection or claim, whether or not the appellant has made representations in writing regarding the objection or claim. [Ss 2(3A) and 2A of the Rural Representative Election (Registration of Electors) (Appeals) Regulation]

### **Final Register**

2.48 The FR for each Rural Area is published not later than 20 October in each year [s 17(1)(b) of the RREO]. It consists of entries shown in the relevant PR, including, for the relevant year, the particulars of newly registered electors, the revised particulars of electors who have applied for change of particulars, as well as the personal particulars as updated or corrected in accordance with the Revising Officer's ruling on the relevant claim and objection [s 29(1) of the EAC (ROE) (RRE) Reg]. The ERO will also take the opportunity to remove entries of electors who are known to have passed away and to correct any incorrect information in the relevant PR. The FR shall remain valid until the publication of the FR in the following year.

2.49 The time and place(s) for inspection of the copy of FR will be published in a notice in the Gazette and newspapers. Publication of the notice is to be treated as publication of the FR. The inspection of the FR shall be arranged as detailed in para. 2.42 above (i.e. for specified persons only). Upon request by a person imprisoned or held in custody by a law enforcement

agency and if ERO considers it appropriate to do so, the ERO may make available at a penal institution or the premises of a law enforcement agency, as the case may be, a copy of a part of the FR for that person's inspection subject to para. 2.42 above. The ERO may require persons who wish to inspect the FR to produce an identity document and complete a form specified by the ERO. [S 30(1), (5) and (6) of the EAC (ROE) (RRE) Reg]

### **IMPORTANT :**

Information relating to a person contained in any register of electors or in any extract of any register of electors **can only be used for election-related purposes** under the electoral legislation. Any **abuse** or **misuse** of such information is an **offence** and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. [S 32(3) of the EAC (ROE) (RRE) Reg]

To further safeguard the privacy of electors on the register, only the names and addresses of electors will be entered into the register of electors for the relevant Rural Area mentioned in paras. 2.39, 2.48 and 2.49 above for inspection by specified persons. The identification document number as well as the gender of the electors shall not be made available for inspection of the specified persons.

## **PART III : THE VOTING SYSTEM**

2.50 The voting system adopted for the RR election, depending on the number of RR(s) to be returned, is the simple majority or relative majority system, commonly known as the "first past the post" voting system [s 31(3) of

the RREO]. A registered elector:

- (a) for an EV may vote for 1 candidate as the ReR for that EV;
- (b) for a CIV may vote for 1 candidate as the IIR for that CIV;
- (c) for an IV may vote for 1 to 5 candidates as the IIRs for that IV, provided that the number of candidates he/she votes for does not exceed the number of IIRs to be returned at the election for that IV; and
- (d) for an MT may vote for 1 to 39 candidates (depending on the individual MT) as the KFRs for that MT, provided that the number of candidates he/she votes for does not exceed the number of KFRs to be returned at the election for that MT.

2.51 When there is only 1 validly nominated candidate for an EV or a CIV, the Returning Officer (“RO”) will declare the validly nominated candidate elected. In the case of an IV or an MT, depending on the number of IIRs for the individual IV and KFRs for the individual MT, the number of IIRs to be returned may range from 1 to 5 and the number of KFRs to be returned may range from 1 to 39. When no more candidates have been validly nominated for election for the IV than the number of IIRs to be returned for that IV at the election or no more candidates have been validly nominated for election for the MT than the number of KFRs to be returned for that MT, the RO will declare the validly nominated candidates elected [s 29(1) of the RREO]. In such cases, polling for the Rural Area will not be necessary. When there are more validly nominated candidates than the number of RRs to be returned at an election, a poll shall be held [s 31 of the RREO].

2.52 In announcing the results of the elections, the RO should comply

with the following principles:

- (a) In the case of a single vacancy, the RO shall declare the candidate with the highest number of votes elected. In the event that more than 1 candidate has the equal highest number of votes, the RO shall determine the result by drawing lots. He/She shall declare the candidate on whom the lot falls as elected. [S 31(5)(a) and (6) of the RREO]
  
- (b) In the case of 2 or more vacancies, the candidates elected will be the candidate who obtains the highest number of votes followed by the candidate with the second highest number of votes, and so on, until all vacancies have been filled. In the event that there is/are still 1 or more vacancy/vacancies to be filled and the successful candidates remaining have the same number of votes, the RO shall determine the result of the election by drawing lots and the candidate(s) whom the lot falls is/are to be returned to fill the remaining vacancy/vacancies. The RO shall declare the candidate on whom the lot falls as elected. [S 31(5)(b) and (6) of the RREO]
  
- (c) When the election result has to be determined by the drawing of lots, 10 table-tennis balls each marked with a number from 1 to 10 will be put into an empty opaque bag, to be provided by the RO. Firstly, one of the candidates is to draw 1 ball from the bag. The number marked on the ball should be jotted down by the RO and the ball should be put back into the bag. The procedures are repeated for the other candidates until all candidates have drawn the table-tennis ball. The RO will draw the lot on behalf of candidate(s) who is/are absent at the time of the draw. The candidate or candidates on whom the lot falls, as

specified below, is or are to be returned at the election:

- (i) Where there is only 1 vacancy to be filled and there are 2 candidates, the candidate who draws the larger number from 1 to 10 will be the winner. If 2 candidates have drawn the same number, further round(s) of draw will be held until a candidate eventually wins. 1 is the smallest number and 10 is the largest number.
- (ii) Where there is only 1 vacancy to be filled and there are more than 2 candidates, if in the first draw, the numbers drawn by the candidates are different, then the candidate who draws the largest number wins. If, on the other hand, 2 or more candidates have drawn the same larger number and the remaining candidate(s) has/have drawn a smaller number, a second round of draw will be held. Only those candidates who have drawn the same larger number in the first round will participate in the second round of draw.
- (iii) Where there are 2 vacancies to be filled and there are 3 or more candidates having an equal number of votes, if each candidate has drawn different numbers in the first round of draw, the 2 candidates who have drawn the largest and the larger numbers will get the 2 vacancies, and the remaining candidate(s) will be declared defeated. Similarly, if 2 of the candidates have drawn 2 larger equal numbers and the remaining candidate(s) has/have drawn smaller number(s), then those 2 candidates will be declared elected. If 1 candidate has drawn a larger number and the remaining candidates have drawn equal smaller numbers, the

candidate who has drawn the larger number will be declared elected and the remaining candidates will participate in a second round of draw.

2.53 After obtaining the results of the elections, the RO should publicly declare the successful candidate(s) as elected as soon as practicable.

### **Death or Disqualification of a Candidate**

2.54 If, after the RO has decided that a candidate is validly nominated, proof is given before the polling day to the satisfaction of the RO that the candidate has died or is disqualified from being nominated as a candidate, the RO must, as soon as practicable, publicly declare that the candidate has died or that the RO's decision is varied to the effect that the candidate is not validly nominated. The RO must further declare which candidates are validly nominated for election for the relevant Rural Area. [Ss 27 and 28 of the RREO]

2.55 If, on the polling day but before the close of poll for the election, proof is given to the satisfaction of the RO that a validly nominated candidate has died or is disqualified from being elected, the RO shall publicly declare that the proceedings for the election for the Rural Area are terminated. The declaration is to be made by a notice displayed in a prominent place outside each polling station of the relevant Rural Area and published in the Gazette as soon as practicable. [S 30(1) of the RREO and s 20(1) and (2) of the EP (RRE) Reg]

2.56 If, after the close of poll but before the election result is declared, proof is given to the satisfaction of the RO that a validly nominated candidate has died or is disqualified from being elected, the RO should complete the counting of votes. After the counting of votes is finished, if the candidate



concerned is found to be successful at the election, the RO shall not declare that candidate as elected and shall publicly declare that the election for that Rural Area has failed or has failed to the extent that the number of candidates returned for the Rural Area at the election is less than the number of RRs to be returned for that Rural Area. [Ss 30(2), (3) and 31(8) of the RREO and s 21(3) of the EP (RRE) Reg]