CHAPTER 2

REGISTRATION OF ELECTORS AND VOTING SYSTEM

PART I : GENERAL

2.1 Only registered electors whose names are contained in the final register ("FR") of electors may vote at an RR election. Registered electors may check their registration particulars at any time via the "Rural Representative Election Voter Registration Information Enquiry System" (rrevoter.had.gov.hk) at the RR Election website (www.had.gov.hk/rre).

PART II : REGISTRATION OF ELECTORS

2.2 Any person who is eligible to be registered as an elector may submit an application to the HAD. Only a registered elector for a particular Rural Area is entitled to vote at an election for that Rural Area. A registered elector is a person whose name is contained in the FR of electors for the Rural Area that is in effect at the time of the election as compiled and published under the RREO by the Electoral Registration Officer ("ERO") appointed by the SHYA. [S 13(1) of the RREO]

Qualifications for Registration

2.3 To qualify for registration as an elector for a Rural Area, a person must satisfy the following requirements:

(a) he is already registered as an elector for the Rural Area in the existing FR of electors for the Rural Area that is in effect; or

(b) he 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.

[S 15(1) of the RREO]

Qualifications for registration as an elector for various types of Rural Area are different.

(a) <u>Existing Village</u>

2.4 To qualify for registration as an elector for an EV, a person must satisfy the following requirements:

(a) he is a resident of the Village[7] and has been a resident thereof for the three 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 residence requirement immediately before serving the sentence and has been maintaining his principal residential address in that Village throughout the period of imprisonment;

(b) he is aged 18 years or above as at 20 October in the year of publication of the FR of electors; and

(c) he is a Hong Kong permanent resident.

[S 15(4) of the RREO]

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[7] 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. [S 2 of the RREO]

2.5 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.

(b) <u>Indigenous Village / Composite Indigenous Village</u>

2.6 To qualify for registration as an elector for an IV/CIV, a person must satisfy the following requirements:

(a) he is an indigenous inhabitant[8] of the Village, or a spouse or a surviving spouse of an indigenous inhabitant of the Village;

(b) he is aged 18 years or above as at 20 October in the year of publication of the FR of electors;

(c) at the time of applying to be registered, he satisfies the ERO that he:

(i) holds an identity document; or

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[8] According to s 2 of the RREO, "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 –
    (1) who was at the time of the branching off a resident of the first-mentioned Indigenous Village; and
    (2) 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).

(ii) has:

(1) applied for a new identity card; or

(2) 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; and

(d) at the time of applying to be registered:

(i) if the identity document held by, or previously issued to, him is an identity card, informs the ERO of the identifying number of the identity card; or

(ii) if the identity document held by him is not an identity card, provides the ERO with 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 eligibility to be registered as an elector for an IV.

[S 15(5) of the RREO]

(c) Market Town

2.7 To qualify for registration as an elector for an MT, a person must satisfy the following requirements:

(a) he is a resident of the MT[9] and has been a resident thereof for the three 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 residence requirement immediately before serving the sentence and has been maintaining his principal residential address in that MT throughout the period of imprisonment;

(b) he is aged 18 years or above as at 20 October in the year of publication of the FR of electors; and

(c) he is a Hong Kong permanent resident.

[S 15(5A) of the RREO]

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

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

2.10 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]

2.11 A person who would be eligible to be registered as an elector for two 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]

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[9] 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.

2.12 A person may register as an elector for both an IV (or a CIV) and an EV (or an MT), if he is so eligible for such registration in accordance with paras. 2.3 to 2.11 of this chapter.

2.13 Electors for EVs and MTs are bound by the residence requirement. The right to vote at an ReR election or a KFR election is restricted to an eligible elector having continued residence within the same registered EV/MT. If the elector no longer resides in the EV/MT for which he has been registered, or his residential address in the EV/MT is no longer his sole or main home, he is no longer eligible to remain registered as an elector. Even though his name is still on the FR of electors, the person concerned will commit an offence if he votes at the election. If the elector has moved to another residential address in the same EV/MT, his eligibility to vote will still be valid. If the elector has moved to reside in another EV/MT, his eligibility to vote for the previous EV/MT will be invalid. In order to be eligible to vote, he must apply for change of principal residential address in a timely manner and should submit an address proof[10] to confirm that he has been a resident of that EV/MT for at least three years immediately before making the application.

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[10] Documents accepted by the HAD as a valid address proof include:

(a) The supporting documents below which bear the issuing date, name of issuing organisation, and the applicant's name and principal residential address (name and address on the document should be identical to those on the applicant's Hong Kong Identity Card ("HKID") and the application form respectively):
  (i) bills or invoices issued by public bodies (e.g. utility bills for water/electricity/towngas services);
  (ii) correspondences from government departments or the Judiciary;
  (iii) statements or correspondences issued by banks, insurance companies or Mandatory Provident Fund Approved Trustees;
  (iv) bills of landline telephone/mobile phone/paid television/internet services;
  (v) documents or bills issued by local post-secondary institutions confirming the applicant's principal residential address;
  (vi) valid and "stamped" by the Inland Revenue Department (for stamp duty) tenancy agreement (the tenancy period must cover the date of receipt of this application); or
  (vii) bills, correspondences or other documents issued by public organisations, such as the Hospital Authority, the Hong Kong Examinations and Assessment Authority etc.;

(b) The address proof of the co-habitant of the applicant. The documentary proof must be a complete original or a true copy of the original, and be submitted together with a declaration signed by the applicant to confirm that the person concerned is living with the applicant at the same address; or

(c) A statutory declaration made by the applicant before a Commissioner for Oaths/practising solicitor/Justice of the Peace by virtue of the Oaths and Declarations Ordinance (Cap. 11) to substantiate the claim of residence at the declared address.

For details of the address proof or sample of the declaration, see the RR Election website (www.had.gov.hk/rre).

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

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

2.16 Any person must provide true and accurate information when submitting an application for new registration or change of registration particulars. It is an offence for any person to make any statement which the person knows to be false in a material particular, or recklessly make any statement which is incorrect in a material particular, or knowingly omit any material particular from the application, and is liable to a fine at level 3 ($10,000) and to imprisonment for 2 years. If that person does vote at an election subsequently, he may also contravene s 16 of the ECICO and is liable to a more serious penalty. It is also an offence for an elector to vote despite knowing that he is disqualified from being registered as an elector, even if his name is still contained in the FR of electors. [S 32 of the EAC (ROE) (RRE) Reg]

Key Dates in Registration of Electors

2.17 The registration of electors is conducted in accordance with the requirements of the EAC (ROE) (RRE) Reg. The law sets out clear registration procedures and deadlines for the annual publication of the FR of electors, with key dates as follows:

Procedures of Registration of Electors	**Statutory Deadline**
ERO to make inquiries to registered electors	30 May
Submission of application for change of registration particulars	16 June
Application for de-registration	
Submission of application for new registration	
Response to inquiry letters to retain the registration of electors	
Applicant to submit further particulars for new registration and change of registration particulars	6 August
Publication of the PR of electors and omissions list ("OL")	Not later than 27 August
Claims and objections period	Not later than 27 August to 9 September
Publication of the FR of electors	Not later than 20 October

2.18 A person may, at any time, submit a completed specified form[11] together with documentary evidence to prove that the address stated in his application is his principal residential address (the requirement for address proof is not applicable to registration of electors for the IIR election) to the HAD to apply for registration as an elector. However, if he wishes to have his name and address included in the register of electors for a particular year, the form must be submitted on or before the statutory deadline of that year (i.e. 16 June of that year). For applications received by the HAD after the statutory deadline, the names and addresses of the applicants will only be registered in the publication of the register of electors for the following year.

2.19 Upon receipt of an application form for registration, in case of incomplete or incorrect information on the application, the ERO will send a written request to the applicant for further particulars or proof. An applicant who qualifies for registration as an elector will be allocated to the PR of the electors for the Rural Area concerned. Applicants not qualified for registration will also be notified by the ERO accordingly. [S 15(3) of the EAC (ROE) (RRE) Reg]

Disqualifications from Registration and Voting

2.20 A person is disqualified from being registered as an elector and voting at an election for the Rural Area if he:

(a) is no longer eligible to be registered as an elector for that Rural Area (see paras. 2.4, 2.6 and 2.7 of this chapter);

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[11] The application forms ("REF-1" (applicable to IIR elections) / "REF-2" (applicable to ReR elections) / "REF-3" (applicable to KFR elections)) can be downloaded from the RR Election website (www.had.gov.hk/rre).

(b) is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs[12] under the Mental Health Ordinance (Cap. 136); or

(c) is a member of any armed forces.

[Ss 14(a), (e), (f), 16(d) and (e) of the RREO]

Deregistration

2.21 For de-registration as an elector, the elector may submit a written request. A written notice for de-registration must contain personal particulars of the elector (including his name and identity document number) and be signed by the elector concerned. Upon receipt of the written notice, if the information provided therein is incomplete or incorrect, the ERO will send a written request to the applicant for further particulars or proof. If electors do not wish to have their names contained in the register of electors for a particular year, the notice must be submitted on or before the statutory deadline of that year (i.e. 16 June of that year).

Change of Residential Address and Other Registered Particulars

2.22 Registered electors are not required to re-apply for registration every year. However, if a registered elector would like to change his **principal particulars** in the FR of electors (i.e. name and principal residential address for electors of EVs and MTs; name for electors of IVs and CIVs), he **should notify the HAD using the specified form as soon as possible**. Any registered elector

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[12] Except for the condition stipulated in this paragraph, the law imposes no restrictions on the voting right of a person who is incapacitated from voting due to other physical conditions, provided that he must cast the vote on his own. If an elector is unable to mark the ballot paper(s) on his own, the elector may request the Presiding Officer ("PRO") or the PRO's deputy to mark the ballot paper(s) on his behalf according to his voting preference in the presence of one polling staff as a witness (see Part X of Chapter 4).

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 principal residential address, should also report to the HAD. If the ERO is satisfied that the person is no longer eligible for registration, that person's name will be removed from the register of electors for the EV/MT. An elector who has reported change of particulars will be issued a notice by the HAD showing his updated electoral record.

2.23 For an application for change of principal residential address recorded in the FR of electors for EVs and MTs, the applicant **must provide relevant documentary evidence to prove that his address stated in the application is the principal residential address**. The relevant proof required is as follows:

(a) 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 three months or any other period as specified by the HAD/ERO; or

(b) If the new principal residential address is in another EV/MT, the elector should submit address proof to confirm that he has been a resident of that EV/MT for at least three years immediately before making the application.

[S 19A(3) of the EAC (ROE) (RRE) Reg]

2.24 For an indigenous inhabitant who has registered as an elector for his IV/CIV, if he wishes to apply for change of his registration from the Village he originates from to the IV/CIV of his spouse, he will be eligible to vote but not eligible to stand for election in his spouse's IV/CIV. Moreover, he will also not be eligible to vote or to stand for election in the IV/CIV he originates from.

Inquiry Procedures

2.25 If **it comes to the knowledge of the ERO that the registered address of an elector for EV/MT may no longer be his principal residential address**, the ERO will initiate the statutory inquiry procedure to ascertain whether the address recorded in the existing register is still the elector's only or principal residential address. In the event that:

(a) the elector fails to respond to the inquiry;

(b) the elector fails to provide the information requested by the ERO in response to the inquiry; or

(c) the ERO, based on the information so received or otherwise obtained, is satisfied on reasonable grounds that the elector is no longer eligible to be registered;

the elector's registration particulars will be entered on the OL and may be removed from the next register of electors. Before the publication of the next register of electors, a person whose name is recorded in the existing register of electors is still a registered elector for the Rural Area. [Ss 17 and 18 of the EAC (ROE) (RRE) Reg, and s 18 of the RREO]

Provisional Register of Electors and Omissions List

2.26 The content of the PR of electors includes:

(a) the names and principal residential addresses or correspondence addresses (correspondence addresses are only applicable to the register for IVs and CIVs) of those eligible electors in the FR of electors for Rural Areas in effect at the time, with appropriate 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 addresses are only applicable to the IVs and CIVs register) of the eligible persons who have applied for new registration in the Rural Areas concerned on or before the statutory deadline for new registration.

A copy of the PR of electors for each Rural Area is **available for inspection by specified persons**[13] at the HAD headquarters and other places, such as District Offices ("DOs") in the New Territories (see **Appendix 3**). The ERO may require persons who wish to inspect the copy of the PR of electors and/or OL to produce an identity document and complete a form provided by the ERO.
[Ss 19(4), 21 and 22 of the EAC (ROE) (RRE) Reg]

2.27 When publishing the PR of electors for each Rural Area, the ERO will also publish a copy of the OL for inspection by specified persons[14] (see **Appendix 3**). The OL includes persons who are disqualified from or no longer qualified for registration as electors for the Rural Area (e.g. persons who have died, persons who have requested de-registration as electors, persons who have failed to respond to statutory inquiries or failed to provide a valid reply to such inquiries, or for electors of EVs and MTs, persons who have changed their principal residential addresses without the ERO's knowing the new addresses). However, the inclusion of an elector in the OL does not mean that his status as an elector is invalidated with immediate effect. If the elector lodges a claim to the ERO and the Revising Officer[15] accepts the grounds submitted by him and approves his claim, his status as an elector will be retained. [S 18 of the EAC (ROE) (RRE) Reg and s 17(4) and (5) of the RREO]

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[13] 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 of electors and OL for that person's inspection subject to paras. 2.26 and 2.27 of this chapter.

[14] See footnote 13.

[15] The Revising Officer may be any magistrate, former magistrate or retired magistrate appointed by the Chief Justice. [S 53 of the RREO]

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

Enquiry of Elector Information

2.29 Registered electors can check their latest registration particulars including their registered principal residential addresses and respective Rural Areas via the "Rural Representative Election Voter Registration Information Enquiry System" at the RR Election website (www.had.gov.hk/rre).

Appeals – Claims and Objections

2.30 Members of the public may deliver in person[16] at the ERO's office a notice of claim/objection in the specified form to lodge a claim in respect of his own entry or an objection in respect of the entry of another elector in the PR of electors within the claims and objections period. The detailed procedures for lodging claims and objections are set out on the RR Election website (www.had.gov.hk/rre) during the claims and objections period. Claimable matters include:

(a) an applicant who claims to be entitled to be registered as an elector and has submitted an application for registration but his name has not been recorded in the PR of electors;

(b) the name of a person has been included in the OL; or

[16] To facilitate a person who is imprisoned or held in custody by a law enforcement agency and wishes to lodge claims or objections, he may send a notice of claim or objection to the ERO by post. [Ss 23(2A) and 25(3A) of the EAC (ROE) (RRE) Reg]

(c) the particulars of an elector have not been correctly recorded in the PR of electors.

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

(d) believes that a registered elector is not eligible to be registered as an elector.

If the principal residential address of the claimant is not in Hong Kong, he may:

(a) send the notice of claim to the ERO's office by post or by fax transmission;

(b) send the notice of claim to the ERO's office as an electronic record authenticated by a digital signature; or

(c) have the notice of claim delivered to the ERO's office by a person authorised in writing by the claimant.

[Ss 23(1), (2), 24(1), (2) and (5) of the EAC (ROE) (RRE) Reg]

2.31 Cases of claims and objections will be referred to the Revising Officer for consideration. The Revising Officer will deliberate on each case of claim and objection and make a ruling on whether there should be an inclusion, exclusion or revision of the entry concerned in the relevant FR of electors. The claimant or objector must provide sufficient information so as to inform the Revising Officer of the grounds of the claim or objection. The claimant or objector (or the legal practitioner or authorised representative acting on his behalf) is also required to attend the hearing, otherwise the Revising Officer may dismiss the claim or objection regardless of whether the claimant or objector has

made a written representation concerning the claim or objection. [Ss 26 and 28(2) of the EAC (ROE) (RRE) Reg, and ss 2(3A) and 2A of the Rural Representative Election (Registration of Electors) (Appeals) Regulation]

Final Register of Electors

2.32 The FR of electors for each Rural Area contains entries shown in the relevant PR of electors, including all revised particulars of electors based on applications for new registration and change of personal particulars for that year, as well as the personal particulars involving persons making claims or being objected, which have been corrected in accordance with the Revising Officer's decisions. The ERO will also take the opportunity to remove the entries of electors who are known to have died and to correct any wrong information in the PR of electors. The FR of electors shall remain in effect until the publication of the FR of electors in the following year. [S 29(1) of the EAC (ROE) (RRE) Reg]

2.33 The time and place(s) for inspection[17] of the copy of the FR of electors by specified persons (see **Appendix 3**) will be published in a notice in the Gazette and newspapers, and the publication of the notice is to be treated as publication of the FR of electors. [S 30 of the EAC (ROE) (RRE) Reg]

Note:

Information relating to a person contained in any PR of electors or FR of electors or in any extract from any PR of electors or FR of electors **can only be used for election-related purposes** prescribed by the

[17] 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 of electors for that person's inspection subject to para. 2.33 of this chapter. The ERO may require persons who wish to inspect the FR of electors to produce an identity document and complete a form specified by the ERO.

electoral law. Any **abuse** or **misuse** of such information is an **offence** and is liable to a fine at level 2 ($5,000) and to imprisonment for 6 months. [S 32(3) of the EAC (ROE) (RRE) Reg]

In accordance with Data Protection Principle 3 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486) ("PD(P)O"), personal data relating to a person (as a data subject) contained in any PR of electors or FR of electors or in any extract from any PR of electors or FR of electors shall not, without the prescribed consent[18] of the data subject, or if the exemption under Part 8 of the PD(P)O is not applicable, be used for a "new purpose"[19]. Moreover, if a person (as a discloser) discloses any personal data relating to a person (as a data subject) contained in any PR of electors or FR of electors or in any extract from any PR of electors or FR of electors without the relevant consent of the data subject with an intent to cause any specified harm[20] to or being reckless as to whether any specified harm would be, or would likely be, caused to the data subject or any family member of the data subject, the discloser commits an offence and is liable to a fine of $100,000 and to imprisonment for 2 years. Additionally, if the disclosure causes any specified harm to the data subject or any family member of the data subject, the discloser is liable on conviction to a fine of $1,000,000 and to imprisonment for 5 years. [S 64(3A), (3B), (3C) and (3D) of the PD(P)O]

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

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

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

PART III : THE VOTING AND COUNTING SYSTEMS

2.34 The "first past the post" voting system is adopted in RR elections. An elector for a Rural Area may vote for as many candidates as the number of RRs to be returned for that Rural Area in the election concerned. The candidate who obtains the greatest number of votes shall be deemed elected, followed by the candidate with the next greatest number of votes, and so on, until all seats are returned. The number of RRs for each Rural Area and the number of candidates that each registered elector may vote for are as follows:

Rural Area	**Number of RRs**	**Number of Candidates Electors may Vote for**
EV	1	1
CIV	1	1
IV	1 to 5 (depending on the individual IVs)	1 to 5 (not exceeding the number of IIRs to be returned at the election for that IV)
MT	17 or 39 (depending on the individual MTs)	1 to 39 (not exceeding the number of KFRs to be returned at the election for that MT)

[S 31(3), (4) and (5) of the RREO]

2.35 The RREO stipulates the corresponding arrangements for the following situations:

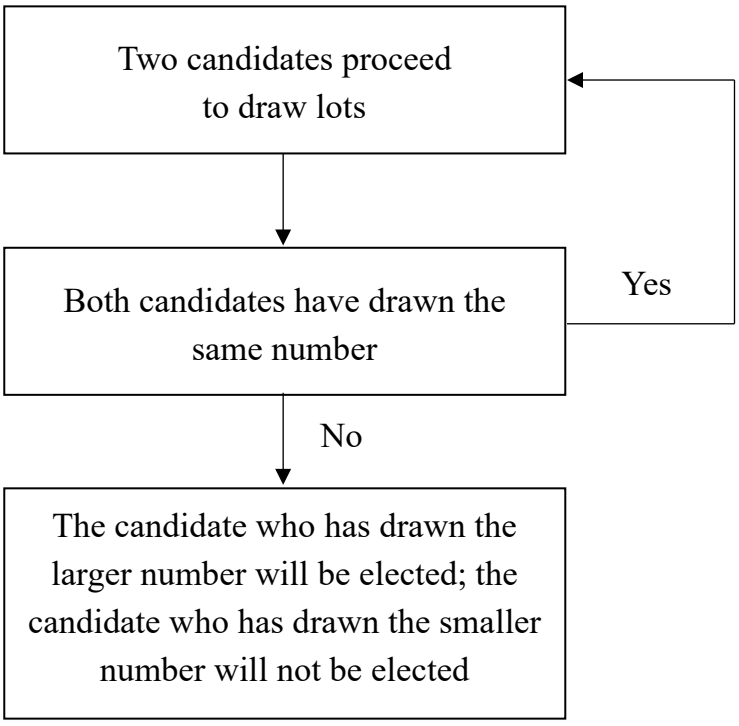
Number of validly nominated candidates	Corresponding arrangement(s)
Exceeds the number of representatives to be returned for that Rural Area	• A poll shall be held for that Rural Area.
Equals the number of representatives to be returned for that Rural Area	• The Returning Officer ("RO") declares the candidate(s) elected and a poll will not be necessary for that Rural Area.
Less than the number of representatives to be returned for that Rural Area	• The RO declares the candidate(s) elected and declares the election for that Rural Area has failed to the extent that the number of candidates validly nominated was less than the number of representatives to be returned; and • A by-election shall be held for that Rural Area.
No validly nominated candidates for that Rural Area	• The RO declares that the election for that Rural Area has failed; and • A by-election shall be held for that Rural Area.

[Ss 21 and 29 of the RREO]

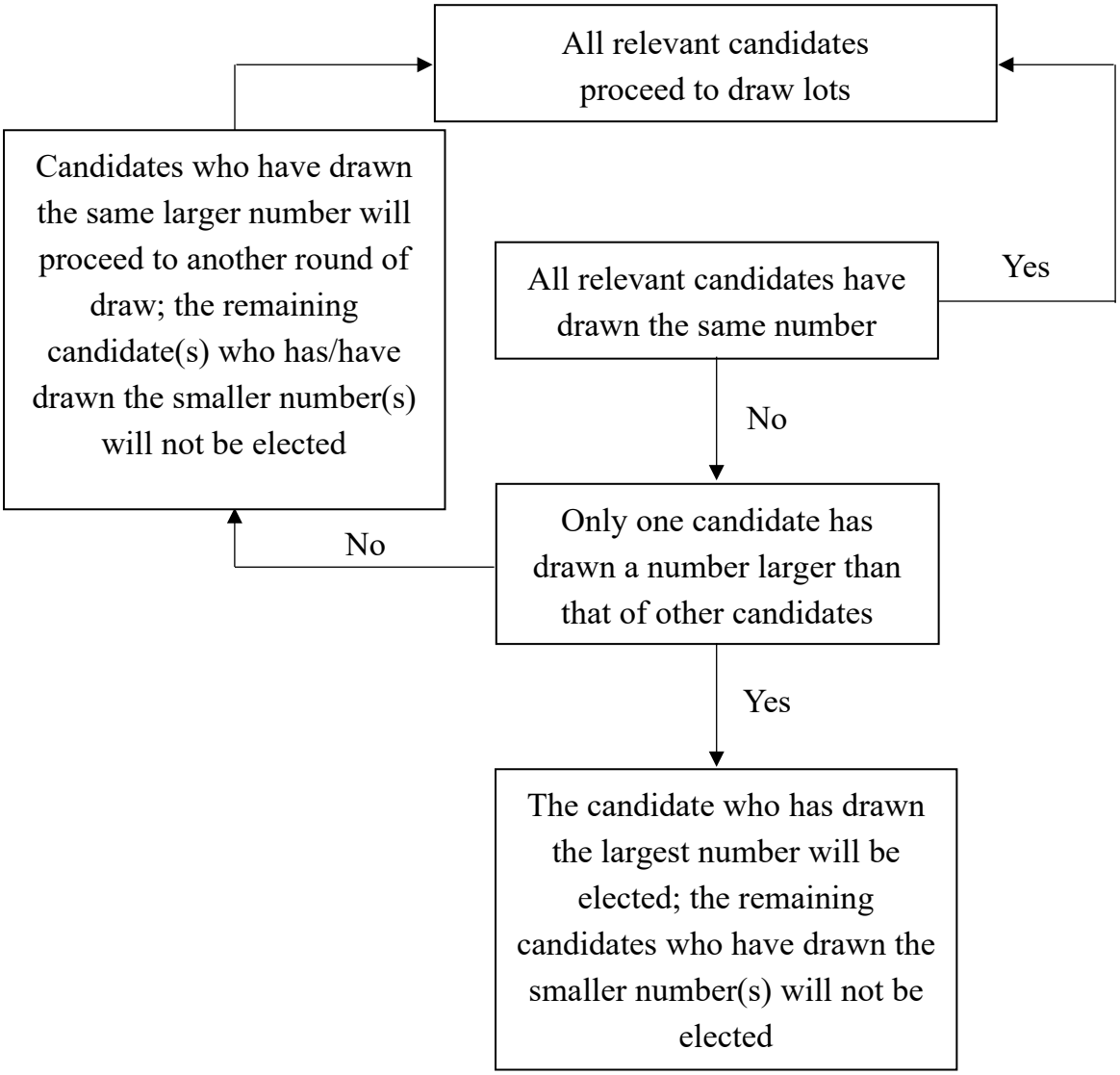
2.36 After the counting of votes is finished at an election for a Rural Area, if the number of candidates having the equal greatest number of votes exceeds the number of RRs to be returned, the RO shall determine the result of the election by drawing lots, and the candidate(s) on whom the lot falls is/are to be elected. [S 31(6) of the RREO]

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

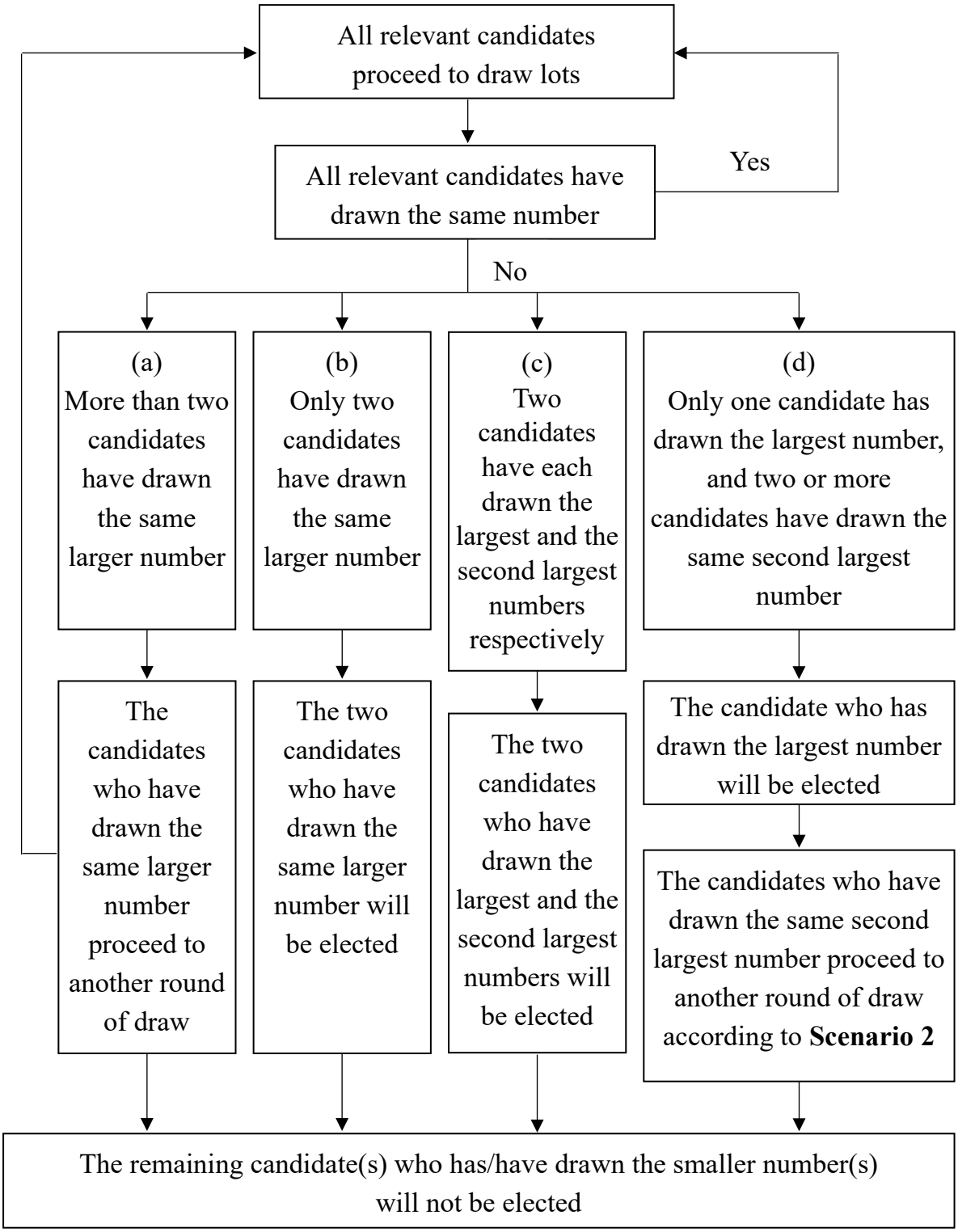
<u>Scenario 1</u>: Where there is only one vacancy to be filled but there are two candidates with an equal number of votes



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



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



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

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

Death or Disqualification of a Candidate

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

	Death of a Candidate	**Disqualification of a Candidate from being Nominated as a Candidate**
After the RO has decided that a candidate is validly nominated and before the date of election	• The RO must give notice of the death of the candidate. • Where the RO has already published the notice stating which persons are validly nominated as candidates, the RO must publicly declare that the candidate has died and further declare which candidate(s) is/are validly nominated for the election for that Rural Area.	• The RO must give notice to vary the decision to the effect that the candidate is not validly nominated. • Where the RO has already published the notice stating which persons are validly nominated as candidates, the RO must publicly declare that the notice has been varied and further declare which candidate(s) is/are validly nominated for the election for that Rural Area.

	Death of a Candidate	Disqualification of a Candidate from being Nominated as a Candidate
On the date of election but before the close of poll	• The RO must issue a notice declaring that the proceedings for the election for that Rural Area are terminated. The notice shall be displayed in a prominent place outside each polling station of the Rural Area concerned and published in the Gazette as soon as practicable.	
After the close of poll but before the election result is declared	• The counting of votes for that election shall continue; and • After the counting of votes is finished, if the candidate concerned is found to be successful, the RO shall not declare that candidate as elected and must publicly declare that election has failed or publicly declare that election has failed because the number of candidates returned for that Rural Area is less than the number of RRs to be returned.	

[Ss 27, 28, 30 and 31(8) of the RREO, and ss 20(1), (2) and 21(3) of the EP (RRE) Reg]