

Chief Executive Election Action Checklist for Candidates

A. Major Steps to be Observed

Before and during
Nomination Period

1. Obtain the following from the Returning Officer (“RO”) or the Registration and Electoral Office (“REO”):
 - (a) Nomination Form, including :
 - (i) a declaration to the effect that the candidate stands for the election in an individual capacity and will uphold Basic Law and pledge allegiance to the HKSAR; and
 - (ii) a declaration as to the candidate’s nationality and as to whether he/she has a right of abode in any foreign country;
 - (b) Confirmation Form¹;
 - (c) The form of “Intention to Display Election Advertisements at Designated Spots”; and
 - (d) Grid paper and Guide on Completion of Grid Paper (for inclusion in the Introduction to Candidates).

During Nomination Period

2. Except where the RO authorises otherwise, personally deliver the following to the RO before the end of the Nomination Period the duly completed Nomination Form, including:
 - (a) a declaration to the effect that the candidate stands for the election in an individual capacity and will uphold Basic Law and pledge allegiance to the HKSAR; and
 - (b) a declaration as to the candidate’s nationality and as to whether he/she has a right of abode in any foreign country.
3. Lodge with the RO the Confirmation Form.

¹ The Confirmation Form is for the candidate to confirm that he/she clearly understands the contents of the Basic Law and the legal requirements and responsibilities involved in signing the relevant declaration in the nomination form.

4. Apply to Hongkong Post for written approval of their election advertisement (“EA”) specimens for free postage. Candidates should:

- (a) carefully study the requirements governing free postage for EAs before deciding on the contents of their EAs and seek advice from Hongkong Post relating to postal requirements and the REO on other relevant aspects; and
- (b) make every effort to submit their EA specimens to Hongkong Post for written approval as early as possible to allow sufficient time for revising the contents of their EA specimens, if necessary.

5. Obtain the following from the RO:

- (a) a CD-ROM containing the relevant legislation and copy of the candidate forms/documents;
- (b) relevant extracts from the Final Register of Electors (both two sets of mailing labels and soft copies as contained in a Candidate Mailing Label System (“CMLS”) DVD-ROM) on signing an Undertaking on the Use of Election Committee Members’ Information;

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

- (c) forms –
 - (i) Return and Declaration of Election Expenses and Election Donations (hereafter referred to as “election return”)
 - (ii) Standard Receipt for Election Donations
 - (iii) Authorisation to Incur Election Expenses
 - (iv) Notice of Withdrawal of Candidature
 - (v) Notice of Appointment of Election Agent

- (vi) Notice of Appointment of Polling Agents for a Polling Station not Situated in a Prison
- (vii) Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Prison (other than a Maximum Security Prison)
- (viii) Notice of Appointment of Counting Agents
- (ix) Notice of Revocation of Authorisation/Appointment of Agent
- (x) Information Sheet in relation to Election Advertisements
- (xi) 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
- (xii) Notification of the Electronic Address of the Candidate's Platform
- (xiii) Notification of Corrected Information in relation to Election Advertisements
- (xiv) Consent of Support
- (xv) Permission for Display of Election Advertisements or Conduct of Electioneering Activities at Private Premises
- (xvi) Declaration of Secrecy
- (xvii) Advance Return and Declaration of Election Donations
- (xviii) Notice of Posting of Election Mail (Attachment: Summary on Free Postage for Election Mail)

- (xix) Declaration for Posting of Election Mail
- (xx) Notification of Decision on Electioneering Activities
- (xxi) Notification of the Intention to Hold a Public Meeting/Procession
- (xxii) Statutory Declaration²
- (xxiii) Undertaking³;

- (d) Undertaking on the Use of Election Committee Members' Information (Attachment: Supplementary Note on Undertaking on the Use of Election Committee Members' Information);
- (e) Note for Submission of a Text Version of Introduction to Candidates for Persons with Visual Impairment; and
- (f) Note for Production of Accessible Electronic Election Advertisements for Persons with Visual Impairment.

6. Lodge with the RO a Notice of Withdrawal of Candidature if the candidate wishes to withdraw his/her candidature.

Any time before, during or after handing in Nomination Form

- 7. (a) Ensure that all printed EAs, except for the category exempted, contain the name and address of the printer, date of printing and the number of copies printed.
- (b) Ensure that all prior written Consent of Support or Permission/Authorisation have been obtained before the publication of EAs and lodged with the RO (or CEO if RO has not yet been appointed), if applicable.

² The 'Statutory Declaration' form is for the winning candidate to declare that he/she is not a member of any political party within 7 working days after the declaration of result of the election as required by the Chief Executive Election Ordinance (Cap 569).

³ The 'Undertaking' form is for the winning candidate to state that, during his/her term of office as the Chief Executive, he/she will not become a member of any political party or do any act that will subject himself to the discipline of any political party within 7 working days after the declaration of result of the election as required by the Chief Executive Election Ordinance (Cap 569).

- (c) (i) If the candidates choose to post the electronic copy of EA and relevant information/documents onto the Candidate’s Platform for public inspection, candidates should provide the CEO with the **electronic address** of the platform **at least 3 working days** (i.e. any day other than a general holiday or Saturday) **before publication of the first EA.**
- (ii) If the candidates choose to post the electronic copy of EA and relevant information/documents onto the Central Platform for public inspection, candidates should submit to the CEO the Application for Creating an Account of the Central Platform and Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates.

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

- (d) Make available a copy of each type of EAs and relevant information/documents for public inspection **within 1 working day after publication** by:
 - (i) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix D of the Guidelines on Election-related Activities in respect of the Chief Executive 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 D 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 such open platform and the information/documents relevant to the EAs onto the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix D of the Guidelines**;

(iv) providing 2 hard copies each of the EAs (or 2 identical full colour photographs/printouts/photocopies of each EA which cannot be practically or conveniently produced in specie) and 1 hard copy 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 hard copy each of the relevant information/documents to the RO.

Candidates may make submission as required from time to time.

8. Submit to the CEO an Advance Return and Declaration of Election Donations when an election donation is received.

Any time before handing in Nomination Form till the end of election period

9. Lodge with the RO (or CEO if RO has not yet been appointed) Authorisation to Incur Election Expenses.

Any time after handing in Nomination Form

10. Lodge with the RO a Notice of Appointment of Election Agent.

Any time after handing in Nomination Form, but before end of Nomination Period

11. (a) If a candidate wishes to have his/her photograph and election platform printed in the Introduction to Candidates, he/she should:

(i) lodge with the RO a duly completed grid paper affixed with a colour photograph of the candidate which must be in specified size and should be taken within the last 6 months; and

- (ii) provide 2 additional copies of his/her photograph identical to the one affixed to the grid paper with his/her name label affixed on the back.

(If a candidate does not submit the grid paper, the Introduction to Candidates will only show his/her name and candidate number. The statement, “Relevant Information has not been provided by the candidate”, will also be printed in the space provided for the election platform.)

- (b) Lodge with the RO the form “Intention to Display Election Advertisements at Designated Spots”.

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

- 12. Lodge with the CEO Notices of Appointment of Polling Agents for a Polling Station not Situated in a Prison.
- 13. Lodge with the RO Notices of Appointment of Counting Agents.
- 14. Lodge with the CEO the Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (Other than a Maximum Security Prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Prison (Other than a Maximum Security Prison).

- (Note: (a) No consent will be given to the presence of an election agent at a dedicated polling station situated in a prison (other than a maximum security prison) if a polling agent has been appointed for that polling station. On the other hand, if consent has been given by the Commissioner of Correctional Services to the presence of an election agent at a dedicated polling station situated in a prison, no polling agent may be appointed for that polling station.
- (b) No polling agent may be appointed nor may election agent be present at a dedicated polling station situated in a maximum security prison.)

Around 3 days after end of Nomination Period

- 15. Attend the briefing for the candidate(s) and collect from the RO the following:
 - (a) location maps and layout plans of the polling station and counting station; and

- (b) name badges for the candidate(s) and his/her/their agents.
16. (a) At an uncontested election, the candidate will be provided with a list of the designated spots for display of EAs allocated to him/her.
- (b) At a contested election, attend meetings held by the RO to determine the candidate numbers by drawing of lots and to allocate designated spots for display of EAs.
17. Receive from the RO copy of the permission/authorisation for display of EAs at designated spots allocated to the candidate.
- Around 7 days after end of Nomination Period
18. Send by e-mail to e-intro_to_can@reo.gov.hk by the deadline specified by the REO the completed e-form of the text version of the Introduction to Candidates (available on website) for REO's uploading to the election dedicated website.
- (If a candidate does not submit the file by the said deadline, only his/her name and candidate number and the words "Relevant information has not been provided by the candidate" will be shown in the appropriate area of the form.)
- As soon as practicable after RO determines the candidate as validly nominated or not
19. Receive from the RO the notice on the validity of the candidate's nomination (which will also be sent to every other validly nominated candidate, if any).
- As soon as practicable after RO receives a Notice of Appointment of Election Agent from another candidate
20. Receive from the RO information about the election agent appointed by another candidate, if any.

- Around 14 days after end of Nomination Period
21. 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.)
- Not later than 7 days before polling day
22. 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
23. Lodge with the CEO the Notice of Appointment of a Polling Agent for a Dedicated Polling Station situated in a Prison (other than a Maximum Security Prison) ONLY if –
- (a) an elector imprisoned or held in custody who is entitled to vote at the aforesaid dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and
- (b) the application is lodged without undue delay after the admission or transfer.
- At least 2 clear working days before posting postage-free election mail
24. 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
25. Post postage-free election mail and present to Hongkong Post a Declaration for Posting of Election Mail (in duplicate). Furnish a copy of the election mail for the attention of the designated manager of Hongkong Post for record purpose.
- (Note: Election mail sent after the deadline may fail to reach the electors before the polling day.)

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| <p>Not later than 1 clear working day before the count
(except the count for the 4th and subsequent rounds of voting at a contested election)</p> | <p>26. Receive information from the RO on when and where the counting of votes is to take place.</p> |
| <p>Before entering polling/counting station</p> | <p>27. Complete the Declarations of Secrecy (to be made by the candidate(s), his/her/their election agents, polling agents and counting agents).</p> |
| <p>Any time before polling day</p> | <p>28. Lodge with the RO or CEO, as the case may be, Notices of Revocation of Appointment of Agent, if any.</p> |
| <p>On polling day</p> | <p>29. Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy.</p> |
| | <p>30. Candidate(s) or his/her/their election agents personally deliver Notices of Appointment of Polling Agents for a Polling Station not Situated in a Prison and Notices of Revocation of Appointment of Agent to the Presiding Officer other than a Presiding Officer of a dedicated polling station situated in a prison, if not yet lodged pursuant to paras. 12 and 28.</p> |
| | <p>31. Candidates or their election agents personally deliver Notices of Revocation of Appointment of Agent to the CEO to revoke the appointment of polling agent for a dedicated polling station situated in a prison, if not yet lodged pursuant to para. 28.</p> |
| | <p>32. Candidate(s) or his/her/their election agents personally deliver Notices of Appointment of Counting Agents and Notices of Revocation of Appointment of Agent to the RO, if not yet lodged pursuant to paras. 13 and 28.</p> |
| <p>Within 2 working days after the polling day</p> | <p>33. Post the corrected information of the EAs concerned onto the Candidate's Platform or Central Platform alongside the original information and input the date of correction; or deposit with the RO a Notification of Corrected Information in relation to Election Advertisements.</p> |
| <p>Within 7 working days after publication of election result</p> | <p>34. For the candidate who is declared as elected:</p> <p>(a) make a statutory declaration that he/she is not a member of any political party; and</p> |

- (b) lodge with the RO a written undertaking to the effect that he/she will not become a member of any political party or do any act that has the effect of subjecting himself/herself to the discipline of any political party during his/her term of office as the Chief Executive.

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| Within 10 days after polling day | 35. Remove all EAs displayed on Government land/property. |
| Within 2 weeks after polling day | 36. Destroy or return to REO the CMLS DVD-ROM and unused mailing labels, if any. If a candidate has downloaded the electors' information from the CMLS for processing, he/she must also delete the information (use of data erasing software is recommended to completely erase the information). |
| Before the expiry of the period of 30 days after the date on which –
(a) the result of the election is published in the Gazette;
or
(b) the proceedings for the election are declared to have been terminated. | 37. Lodge with the CEO an election return [see para. 4(c)(i)] signed by the candidate with invoices and receipts issued by recipients of the payments for all payments each of election expense of \$100 or above and duplicate donation receipts. |
| Till the end of the period ending with the 30 th day before the first anniversary of the date of the deadline for lodging the relevant election return
(disregarding any order made by the Court of First Instance (“CFI”) under s 40 of the ECICO) | 38. Maintain the Candidate’s Platform for public inspection of EAs and relevant information/documents. |

Note:

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

B. Handling and Declaring Election Expenses

Records Keeping

Before and After Nomination

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

Appointment of Election Agents/Election Expense Agents

5. Each candidate can only appoint 1 election agent by completing a Notice of Appointment of Election Agent. An election agent has the authority to do everything a candidate is authorised to do under the EP (CEE) Reg for the purposes of the election, except the matters set out in section 12(3)(a) to (i) of the EP (CEE) Reg.
6. Each candidate can appoint 1 or more persons as election expense agent to incur election expenses on his/her behalf, by completing the Authorisation to Incur Election Expenses. A candidate **may** also appoint his/her election agent as an election expense agent. These agents may incur election expenses only after the candidate has authorised them to do so.

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

7. Lodge with the RO the Notice of Appointment of Election Agent at any time after handing in Nomination Form.
8. Lodge with the RO (or CEO if the RO has not yet been appointed) the Authorisation to Incur Election Expenses. The authorisation is not effective until it has been received by the RO or CEO (if the RO has not yet been appointed).
9. Make available a copy of each type of EAs and relevant information/documents for public inspection **within 1 working day after publication** by:
 - (a) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix D of the Guidelines**;
 - (b) 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 D of the Guidelines)**;
 - (c) if it is technically impracticable to comply with (a) or (b) above for EAs published through an open platform on the internet (such as when messages are sent through social networking or communication websites on the Internet like Twitter, Facebook, blogs, etc. and the exchanges are of an interactive and spontaneous nature), posting a hyperlink of such open platform and the information/documents relevant to the EAs on the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix D of the Guidelines**;
 - (d) providing 2 hard copies each of the EAs (or 2 identical full colour photographs/ printouts/ photocopies of each EA which cannot be practically or conveniently produced in specie) and 1 hard copy each of the relevant information/documents to the RO; or

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

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

- (a) the result of the election is published in the Gazette; or
- (b) the proceedings for the election are declared to have been terminated;

or within such extended period as may be allowed by the CFI under the relevant law.

- 11. The completed election return and a declaration verifying its contents must be submitted together with all supporting documents as required by section 37 of the ECICO.
- 12. The completed election return should include all election expenses incurred by the candidate or by the candidate's election expense agents, and also the removal cost for his/her EAs by Government Departments, if he/she has not removed all his/her EAs, and the election donations (including services and goods) received. All EAs submitted on the Information Sheet in relation to Election Advertisements, the Central Platform and the Candidate's Platform should be included in the completed election return. ***A candidate is required to submit their election returns even if no election expenses have been incurred.***
- 13. A candidate must make the declaration/supplementary declaration(s) verifying the content of the election return before a Commissioner for Oaths, a Justice of the Peace or a solicitor holding a practising certificate.
- 14. If a candidate is unable or has failed to lodge the election return by the deadline, he/she can apply to the CFI for an order allowing him/her to lodge the election return within such extended period as may be allowed by the CFI.

15. If a candidate wishes to change any information in his/her submitted election return before the deadline, he/she may lodge with the CEO before the deadline a supplementary declaration stating the information to be changed.
16. If a candidate wishes to correct any error or false statement in his/her election return (including any document accompanying his/her election return) after the deadline, he/she must apply to the CFI for an order enabling him/her to do so. Notwithstanding this, if the aggregate value of any error or false statement found in the election return does not exceed the prescribed relief arrangement limit (i.e. HK\$5,000), the candidate may rectify the error or false statement in the election return in accordance with a simplified relief arrangement for minor errors or false statements as provided under s 37A of the ECICO within a specified period upon receipt of a notice from the CEO relating to the error and/or false statement (see paras. 16.29 to 16.34 of the Guidelines).

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

[Amended in January 2007, January 2010, November 2011 and October 2016]