

**Legislative Council Election
Action Checklist for Candidates**

Updated as at 10 July 2012

A. Major Steps to be Observed

Before and during
Nomination Period

1. Obtain the following from the Returning Officer (“RO”), any District Office (“DO”) of the Home Affairs Department or the Registration and Electoral Office (“REO”):
 - (a) Nomination Form;
 - (b) Grid paper and Guide on Completion of Grid paper (for inclusion in the official Introduction to Candidates);
 - (c) the form of “Request by a Candidate for a Legislative Council Functional Constituency or a Sole Candidate on a Legislative Council Nomination List or by a Candidate for a District Council Constituency for Printing of Particulars Relating to the Candidate on a Ballot Paper” and/or the form of “Request by Candidates on a Legislative Council Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper”, as the case may be;
 - (d) the form of “Consent of a Prescribed Body for its Particulars to be Printed on a Ballot Paper in Relation to the Request by Candidate(s)”; and
 - (e) the form of “Intention to Display Election Advertisements at Designated Spots”.

During Nomination
Period

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

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

3. Candidates should apply to the Post Office for written approval of their EA specimens for free postage. They should carefully study the requirements governing free postage for EAs before deciding on the contents of their EAs and seek advice from the Post Office relating to postal requirements and the REO on other aspects as appropriate if in doubt. Candidates should make every effort to submit their EA specimens to the Post Office for approval as early as possible before mass production of their EAs so as to allow sufficient time for revising the contents of their EA specimens, if necessary.

4. Obtain from the RO the following:
 - (a) an electoral boundary map of the relevant geographical constituency (“GC”) (for GC and DC(second)FC candidates only);

 - (b) forms -
 - (i) Return and Declaration of Election Expenses and Election Donations by a GC / District Council (second) Functional Constituency (“DC (second) FC”) List of Candidates or Return and Declaration of Election Expenses and Election Donations by a FC (other than the DC (second) FC) Candidate

 - (ii) Standard Receipt for Election Donations to a GC / DC(second) FC List or Standard Receipt for Election Donations to Individual Candidates on a GC / DC(second) FC List or Standard Receipt for Election Donations to a Candidate for a FC (other than the DC (second) FC)

- (iii) Return and Declaration of Election Expenses Already Incurred and Appointment of Election Expense Agent/Cross-authorization of Candidates on a List of Candidates in a GC / DC (second) FC Election or Notice of Authorization of Person to Incur Election Expenses in a FC (other than the DC (second) FC) Election
- (iv) GC / DC (second) FC List - Notice of Adjustment of Authorized Amount of Election Expenses/Appointment of Election Expense Agent/Revocation of Authorization of Election Expense Agent or Notice of Revocation of Authorization to Incur Election Expenses for a FC (other than the DC (second) FC)
- (v) Notice of Withdrawal of Candidature
- (vi) Notice of Appointment of Election Agent
- (vii) Notice of Appointment of Polling Agents for a Polling Station not Situated in a Prison
- (viii) Notice of Appointment of Polling Agent for a Dedicated Polling Station Situated in a Prison (other than a maximum security prison) and Application for Consent to the Presence of Election Agent/Polling Agent in a Dedicated Polling Station Situated in a Prison (other than a maximum security prison)
- (ix) Notice of Appointment of Counting Agents for a GC or Notice of Appointment of Counting Agents for DC(second)FC or Notice of Appointment of Counting Agents for a FC (other than the DC (second) FC)
- (x) Notice of Revocation of Appointment of Agent
- (xi) Information Sheet in relation to Election Advertisements

- (xii) Application for Creating an Account of the Central Platform
- (xiii) Notification of the Electronic Address of the Candidate's Platform
- (xiv) Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates
- (xv) Notification of Corrected Information in relation to Election Advertisements
- (xvi) Consent of Support
- (xvii) Permission for Display of Election Advertisements or Conduct of Electioneering Activities at Private Premises
- (xviii) Declaration of Secrecy
- (xix) Return of Election Deposit
- (xx) Advance Return and Declaration of Election Donations by a GC / DC (second) FC List of Candidates or Advance Return and Declaration of Election Donations by a FC (other than the DC (second) FC) Candidate
- (xxi) Notice of Posting of Election Mail
- (xxii) Declaration for Posting of Election Mail
(Attachment: Summary on Free Postage for Election Mail)
- (xxiii) Claim for Financial Assistance
- (xxiv) Notice of Withdrawal of Claim for Financial Assistance
- (xxv) Notice of Variation

(Attachment: Legislative Council Election Financial Assistance Scheme - Notes for Candidate and Independent Auditor of Candidate of Legislative Council Elections)

(xxvi) Notification of Decision on Electioneering Activities

(xxvii) Notification of the Intention to Hold a Public Meeting/Procession; and

(c) Notice for Collection of Electors' Information.

(d) Undertaking on the Use of Electors' Information

(Attachment: Supplementary Note on Undertaking on the Use of Electors' Information)

(e) Note for Submission of a Text Version of Introduction to Candidates for the Visually Impaired

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

Any time before, during or after handing in Nomination Form

6. (a) Ensure that all printed EAs, except for the category exempted, contain the name and address of the printer, date of printing and the number of copies printed.

(b) Ensure that all prior written Consent of Support or Permission/Authorisation have been obtained before the publication of EAs and lodged with the RO (or CEO if RO has not yet been appointed), if applicable.

(c) (i) If the candidates choose to post the electronic copy of EA and relevant information/documents onto the Candidate's Platform for public inspection, candidates should provide to the CEO the electronic address of the platform at least **3 working days 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 together with the Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates. The original copy of the Undertaking should be submitted to the CEO as soon as practicable.

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 EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in the **“Guidelines on Election-related Activities in respect of the Legislative Council Election” (“Guidelines”) Appendix E;**
- (ii) posting an electronic copy each of all his EAs and the relevant information/documents onto the Candidate’s Platform and provide the **electronic address** of the platform to the CEO **at least 3 working days before publication of the first EA (For details, please see Appendix E 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 E of the "Guidelines"**;
- (iv) providing 2 hard copies each of the EAs (or 2 identical postcard sized colour photographs of each EA which cannot be practically or conveniently photocopied) and 1 hardcopy each of the relevant information/documents to the RO; or
- (v) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy each of the relevant information/documents to the RO.

Candidates may make submission as required from time to time.

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| 7. | Submit to the CEO an Advance Return and Declaration of Election Donations when an election donation is received. |
| 8. | Lodge with the RO (or CEO if RO has not yet been appointed) Notices of Authorisation of Person to Incur Election Expenses.
[For GC/DC(second)FC list of candidates, Return and Declaration of Election Expenses Already Incurred and Appointment of Election Expense Agent/Cross-Authorisation of Candidates on a List of Candidates in a GC/DC (second) FC Election is applicable.] |
| 9. | Lodge with the RO (or CEO if RO has not yet been appointed) a Notice of Appointment of Election Agent. |
- Any time before handing in Nomination Form till the end of election period
- Any time after handing in Nomination Form

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

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

- (i) lodge with the RO a duly completed grid paper affixing a colour photograph of the candidate which must be in specified size and taken within the last 6 months; and
- (ii) provide 2 additional copies of his photograph identical to the one affixed to the grid paper with his name label affixed on the back.

(If a candidate does not submit the grid paper, the Introduction to Candidates will only show the name of the candidate and the number of the candidate/ list of the candidates. 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 an Intention to Display Election Advertisements at Designated Spots.

(c) If a candidate wishes to have his photograph and particulars printed on a ballot paper, he should:

- (i) lodge with the RO a duly completed form of “Request by a Candidate for a Legislative Council Functional Constituency or a Sole Candidate on a Legislative Council Nomination List or by a Candidate for a District Council Constituency for Printing of Particulars Relating to the Candidate on a Ballot Paper” or a duly completed form of “Request by Candidates on a Legislative Council Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper”, as the case may be;
- (ii) lodge with the RO a colour photograph of the candidate, in a specified size and taken within the last 6 months, which should be affixed to the form at (c)(i) above, and an additional copy of his photograph identical to the one affixed to the form with his name label affixed on the back; and

(iii) lodge with the RO the duly completed form(s) of “Consent of a Prescribed Body for its Particulars to be Printed on a Ballot Paper in Relation to the Request by Candidate(s)”.

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

11. Make a request to the CEO(GC / DC(second)FC) or RO(FC) for obtaining, within 5 working days, one set of address labels of electors and/or a DVD containing information of electors in the constituency (Candidates or their election agents are required to submit an Undertaking on the Use of Electors’ Information with the request.).

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 on a specified form for seeking the consent of the Commissioner of Correctional Services (“CCS”) to the presence of an election agent at or the appointment of a polling agent for 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 CCS 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 expiry of Nomination Period

15. Attend the briefing for candidates and collect from the RO the following:

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

(b) name badges for candidates and their agents.

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

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

Around 7 days after
expiry of Nomination
Period

18. 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 election agent cannot perform the check 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.

19. If a candidate wishes to upload his text version of the Introduction to Candidates onto the election dedicated website, he should send the completed form by e-mail to e-intro_to_can@reo.gov.hk by 5:00 p.m., 7 August 2012.

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

Within 10 days after
expiry of Nomination
Period

20. Receive from the RO information about the election agents appointed by other candidates of the same constituency.

After expiry of
Nomination Period

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

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).

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| During the week before the polling day | <p>23. Lodge with the CEO on a specified form for seeking the CCS's consent to the presence of an election agent at or the appointment of a polling agent for a dedicated polling station situated in a prison (other than a maximum security prison) ONLY if –</p> <p>(a) an elector imprisoned or held in custody who is entitled to vote for the relevant constituency at the aforesaid dedicated polling station situated in a prison is admitted or transferred to the prison during that week; and</p> <p>(b) the application is lodged without undue delay after the admission or transfer.</p> |
| 2 clear working days before posting postage-free election mail | <p>24. Give notice on 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 relevant Manager (Retail Business) of the Hongkong Post for inspection and retention.</p> |
| Make postage-free election mail before the posting deadline as designated by the Post Office | <p>25. Post postage-free election mail and present to the Post Office a Declaration for Posting of Election Mail (in duplicate).</p> |
| 2 working days after the polling day, the latest | <p>26. Post the corrected information of the election advertisements 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> |
| Before entering the polling station, counting station or the ballot paper sorting station | <p>27. Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents).</p> |
| Any time before polling day | <p>28. Lodge with the CEO or RO, as the case may be, Notices of Revocation of Appointment of Agent, if any.</p> |
| On polling day | <p>29. Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy.</p> |

30. Candidates or their election agents personally deliver Notices of Appointment of Polling Agents for a Polling Station not Situated in a Prison and Notices of Revocation of Appointment of Agent to the relevant Presiding Officer (“PRO”) other than a PRO of a dedicated polling station situated in a prison, if not yet lodged pursuant to paras. 12 and 28 respectively.
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.
32. Candidates or their election agents personally deliver Notices of Appointment of Counting Agents and Notices of Revocation of Appointment of Agent to the relevant PRO (or to the relevant RO if the counting agents are appointed for the central counting station), if not yet lodged pursuant to paras. 13 and 28 respectively.

Within 10 days after polling day

33. Remove all EAs displayed on Government land/property.

Not later than 60 days of the publication of election result in the Gazette or the declaration of the termination of the election proceedings or the declaration of the failure of the election under relevant electoral law

34. (a) Lodge with the CEO a Return and Declaration of Election Expenses and Election Donations signed by the candidate/all candidates of a list in contested constituencies with original invoices and receipts issued by recipients of the payments for all payments each of election expense of \$100 or above and duplicate donation receipts.

(The election result of an uncontested constituency will be gazetted in the Notice of Nominations)

- (b) A candidate/a list of candidates who is returned uncontested should lodge with the CEO a Return and Declaration of Election Expenses and Election Donations signed by the candidate with original invoice and receipts issued by recipients of the payments for all payments each of election expense of \$100 or above and duplicate donation receipts.

35. (a) Eligible candidates in contested constituencies who wish to apply for financial assistance should complete and sign a Claim for Financial Assistance. The completed form, together with the candidate's Return and Declaration of Election Expenses and Election Donations and an auditor's report should be presented in person by the candidate or his agent to the CEO.
- (b) If a candidate/a list of candidates who is returned uncontested wishes to apply for financial assistance, he should complete and sign a Claim for Financial Assistance. The completed form, together with the candidate's Return and Declaration of Election Expenses and Election Donations and an auditor's report should be presented in person by the candidate or his agent to the CEO not later than 60 days after the gazettal of the Notice of Nominations.

Till the end of the first anniversary from the date on which the election result is published

36. Candidate to maintain the Candidate's Platform for public inspection of his 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/the list of candidates 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 first anniversary from the date on which the election result is published; 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.
5. Each candidate/list of candidates 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 for the purposes of the election except:
 - (a) anything a candidate is required to do in relation to his nomination;
 - (b) to withdraw the candidate's candidature;
 - (c) to incur election expenses unless he has been so authorized by the candidate;
 - (d) to authorise a person as an election expense agent to incur election expenses; and
 - (e) to be present in a dedicated polling station situated in a maximum security prison.
6. Each candidate/list of candidates can appoint 1 or more persons authorised to incur election expenses on his/its behalf, i.e. the election expense agents, by completing the Notice of Authorisation of Person to Incur Election

Appointment of Election Agents/Election Expense Agents

Expenses. A candidate/a list of candidates **may** also authorise his/its election agent to incur election expenses for him/them. These agents may incur expenses only after the candidate/the list of candidates has authorised them to do so. [After the formation of a GC or DC (second) FC list of candidates, each candidate on the list must also obtain the cross-authorisation from each other before they can incur any election expenses.]

***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. The candidate/the list of candidates must serve a notice of the authorisation for person to incur election expenses or cross-authorisation of candidates on a GC or DC (second) FC list of candidates to the RO (or CEO if the RO has not yet been appointed). It is important to note that 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 EAs and the relevant information/documents onto the Central Platform in accordance with the procedures set out in **Appendix E of the "Guidelines"**;
 - (b) posting an electronic copy each of all his EAs and the relevant information/documents onto the Candidate's Platform and provide the **electronic address** of the platform to the CEO **at least 3 working days before publication of the first EA (For details, please see Appendix E 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 on the Candidate's Platform or the Central Platform in accordance with the procedures set out in **Appendix E of the "Guidelines"**;
- (d) providing 2 hard copies each of the EAs (or 2 identical postcard sized colour photographs of each EA which cannot be practically or conveniently photocopied) and 1 hardcopy each of the relevant information/documents to the RO; or
- (e) providing 2 identical copies of a CD-ROM or DVD-ROM each containing the EAs and 1 hardcopy each of the relevant information/documents to the RO.

Submission of Return and Declaration of Election Expenses and Election Donations

Not later than 60 days after the publication of election result in the Gazette or the declaration of the termination of the election proceedings or the declaration of the failure of the election under the relevant electoral law

(The election result of an uncontested constituency will be gazetted in the Notice of Nominations)

10. The completed return and a declaration verifying its contents must be submitted together with all supporting documents as required by section 37 of the ECICO. If financial assistance is to be claimed, the return and declaration must be audited by an auditor before submission and the auditor's report must be attached to the submission.
11. The completed return must set out all election expenses incurred by the candidate/the list of candidates or by his/its election expense agents on his/its behalf, the cost (if any) incurred by the Government in removing his/its EAs and the election donations (including services and goods) received. ***Candidate/list of candidates is required to submit his/its election***

returns even if no election expenses have been incurred.

12. A candidate/a list of candidates must make the declaration/supplementary declaration(s) verifying the content of the return before a Commissioner for Oaths (at District Offices) or a Justice of the Peace or a solicitor holding a practising certificate.
13. (a) A candidate/a list of candidates in contested constituencies must lodge his/its completed return with the CEO not later than 60 days after the publication of election result in the Gazette or the declaration of the termination of the election proceedings or the declaration of the failure of the election under the relevant electoral law.

(b) For a candidate/a list of candidates who is returned uncontested, he/it must lodge his/its completed election return with the CEO not later than 60 days after the publication of the Notice of Nominations in the Gazette.
14. If a candidate/list of candidates is unable or has failed to lodge the return by the deadline, he/it can apply to the Court of First Instance for an order allowing him/it to lodge the return within such a further period as specified by the Court of First Instance.
15. If a candidate/a list of candidates wishes to change any information in his/its election return, he/it may lodge with the CEO before the deadline a supplementary declaration stating the information to be changed.

16. If a candidate/a list of candidates wishes to correct any error or false statement in his/its return (including any document accompanying his/its return) after the deadline, he/it must apply to the Court of First Instance for an order enabling him/it to do so. Notwithstanding this, if the aggregate value of any error or false statement found in the election return does not exceed the prescribed relief arrangement limit for election concerned for purposes of s 37A of the ECICO, the candidate/the list of candidates may rectify the error or false statement in the election return in accordance with a simplified relief arrangement for minor errors or false statements as provided under 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. 16.27 to 16.32 of the Guidelines).