

2018 Legislative Council By-election
Action Checklist for Candidates

A. Major Steps to be Observed

Before and during
Nomination Period
(From 1 December 2017
to 29 January 2018)

1. Obtain the following from the Returning Officer (“RO”) 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”;
- (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)”;
- (e) the form of “Intention to Display Election Advertisements at Designated Spots”.

During Nomination
Period
(From 16 January to
29 January 2018)

2. Except where the Chief Electoral Officer (“CEO”) authorises otherwise (only applicable to candidates of functional constituency (“FC”)), hand in the following to the RO by the candidate in person before the end of the Nomination Period:

- (a) the duly completed Nomination Form; and
- (b) an election deposit in cash or by cashier order or crossed cheque made payable to “The Government of the Hong Kong Special Administrative Region”.

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

3. Apply to Hongkong Post for written approval of their election mail specimens for free postage. Candidates should:

(a) carefully study the requirements governing free postage for election mail before deciding on the contents of their election mail and seek advice from Hongkong Post relating to postal requirements and the REO on other relevant aspects; and

(b) make every effort to submit their election mail specimens to Hongkong Post for written approval as early as possible to allow sufficient time for revising the contents of their election mail specimens, if necessary.

4. Obtain from the RO the following:

(a) a CD-ROM containing the relevant legislation and copy of the candidate forms/documents;

(b) an electoral boundary map of the relevant geographical constituency (“GC”) (for GC candidates only);

(c) forms –

(i) Return and Declaration of Election Expenses and Election Donations (thereafter referred to as “election return”)

(ii) Standard Receipt for Election Donations

(iii) Authorisation to Incur Election Expenses

- (iv) Notice of Revocation of Authorisation to Incur Election Expenses/Adjustment of Authorised Amount of Election Expenses
- (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 a 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 and Undertaking in respect of the Terms and Conditions in Using the Central Platform for Candidates
- (xiii) Notification of the Electronic Address of the Candidate's Platform
- (xiv) Notification of Corrected Information in relation to Election Advertisements
- (xv) Consent of Support

- (xvi) Permission for Display of Election Advertisements or Conduct of Electioneering Activities at Private Premises
 - (xvii) Declaration of Secrecy
 - (xviii) Return of Election Deposit
 - (xix) Advance Return and Declaration of Election Donations
 - (xx) Notice of Posting of Election Mail
(Attachment: Summary on Free Postage for Election Mail)
 - (xxi) Declaration for Posting of Election Mail
 - (xxii) Claim for Financial Assistance
(Attachment: Legislative Council Election Financial Assistance Scheme – Notes for Candidate and Independent Auditor of Candidate of Legislative Council Elections)
 - (xxiii) Notice of Withdrawal of Claim for Financial Assistance
 - (xxiv) Notification of Decision on Electioneering Activities
 - (xxv) Notification of the Intention to Hold a Public Meeting/Procession;
- (d) Notice for Collection of Electors' Information;
- (e) Undertaking on the Use of Electors' Information
(Attachment: Supplementary Note on Undertaking on the Use of Electors' Information);
and

(f) Notes on Submission of a Text Version of Introduction to Candidates for Persons with Visual Impairment.

5. 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

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

(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 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 E of the “Guidelines on Election-related Activities in respect of the Legislative Council Election” (“Guidelines”)**;
 - (ii) posting an electronic copy each of all his/her EAs and the relevant information/documents onto the Candidate’s Platform and provide the CEO with the **electronic address of the platform at least 3 working days before publication of the first EA (For details, please see Appendix 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 hardcopies 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 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.

- 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) Authorisation to Incur Election Expenses.
Any time before handing in Nomination Form till the end of election period (From 1 December 2017 to 29 January 2018)
- 9. Lodge with the RO a Notice of Appointment of Election Agent.
Any time after handing in Nomination Form
- 10. (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 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.
Any time after handing in Nomination Form, but before end of Nomination Period (On or before 29 January 2018)

(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. The statement, “Relevant information has not been provided by the candidate/list of candidates”, 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”.
- (c) If a candidate wishes to have his/her photograph and particulars printed on a ballot paper, he/she should lodge with the RO:
 - (i) a duly completed form of “Request by a Candidate for a Legislative Council Functional Constituency or a Sole Candidate on a Legislative Council Nomination List or by a Candidate for a District Council Constituency for Printing of Particulars Relating to the Candidate on a Ballot Paper”;
 - (ii) a colour photograph of the candidate, in a specified size and taken within the last 6 months, which should be affixed to the form at (c)(i) above, and an additional copy of his/her photograph identical to the one affixed to the form with his/her name label affixed on the back; and
 - (iii) the duly completed form(s) of “Consent of a Prescribed Body for its Particulars to be Printed on a Ballot Paper in Relation to the Request by Candidate(s)”.

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

Any time after handing in Nomination Form, but not later than 3 weeks before polling day
(On or before 23 February 2018)

- 11. Make a request to the CEO for obtaining, **within 5 working days**, one set of mailing labels of electors and/or a Candidate Mailing Label System (“CMLS”) DVD-ROM 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.).

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

Any time after handing in Nomination Form, but not later than 7 days before polling day (On or before 4 March 2018)

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.)

1 February 2018

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 designated spots for display of EAs.

17. Receive from the RO copy of the permission/authorisation for display of EAs at designated spots allocated to the candidate (except for uncontested candidates who will not be allocated with designated spots).
- On or before
2 February 2018
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 by-election dedicated website.
- (If a candidate does not submit the file by the said deadline, only the name and number of the candidate/candidate list as shown on the ballot paper and the words "Relevant information has not been provided by the candidate" will be shown in the appropriate area of the form.)
- Within 10 days after
end of Nomination
Period
(On or before
8 February 2018)
19. Receive from the RO information about the election agents appointed by other candidates of the same constituency.
- 5 February 2018
20. 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.)
- After end 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 (On or before 4 March 2018) 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 (From 5 March to 10 March 2018) 23. 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/ Polling Agent in 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 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
- (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 relevant Manager (Retail Business) of Hongkong Post for inspection and approval.
- Make postage-free election mail before the posting deadline as designated by Hongkong Post (On or before 28 February 2018) 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 manager(s) of the designated post offices/delivery offices for record purpose.
- (Note: Election mail posted after the deadline will likely fail to reach the electors before the polling day.)
- Within 2 working days after the polling day (On or before 13 March 2018) 26. 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.

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| Before entering the polling station, counting station or the ballot paper sorting station | 27. | Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents). |
| Any time before polling day | 28. | Lodge with the CEO or RO, as the case may be, Notices of Revocation of Appointment of Agent, if any. |
| On polling day (11 March 2018) | 29. | Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy. |
| | 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 (On or before 21 March 2018) | 33. | Remove all EAs displayed on Government land/property. |
| Within 2 weeks after polling day (On or before 26 March 2018) | 34. | Return to REO the CMLS DVD-ROM <u>on or before 26 March 2018</u> , and destroy the 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 statutory deadline as required under section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”) (REO will issue letters to remind candidates of the deadline for lodging election returns)

35. 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.
36. Eligible candidates who wish to apply for financial assistance should complete a Claim for Financial Assistance. The completed form, together with the candidate’s election return and an auditor’s report should be presented in person by the candidate or his/her agent to the CEO.

Until the end of the period for which copies of election returns are available for inspection under section 41 of the ECICO

37. 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

Before and After Nomination

Records Keeping

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 until the end of the period for which copies of election returns are available for inspection under section 41 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 Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation for the purposes of the election, **except the following -**
 - (a) to sign the nomination form or make any requisite declaration and promissory oath in relation to a candidate's nomination;
 - (b) to withdraw the candidate's candidature;
 - (c) to incur election expenses unless he/she has been appointed as Election Expense Agent by the candidate;

(d) to authorise any person to incur election expenses;
and

(e) to be present in a dedicated polling station situated
in a Maximum Security Prison.

6. Each candidate can appoint 1 or more persons authorised to incur election expenses on his/her, i.e. the election expense agents, by completing the Authorisations to Incur Election Expenses. A candidate **may** also authorise his/her election agent to incur election expenses for him/her. These agents may incur expenses only after the candidate has authorised them to do so.
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 Authorisations 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).

Lodging EAs and relevant information or documents with the appropriate authority or upload onto the Central Platform or Candidate's Platform

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 E 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 **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 hardcopies 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 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 Election Return

- 10. A candidate must lodge his/her completed election return with the CEO before the statutory deadline as required under section 37 of the ECICO or within such extended period as may be allowed by the Court of First Instance ("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. If financial assistance is to be claimed, the election return must be audited by an auditor before submission and the auditor's report must be attached to the submission.
- 12. The completed election return should include all election expenses incurred by the candidate, or by his/her 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 his/her 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 (at District Offices) or 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 a further period as specified 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 for election concerned for purposes of section 37A of the ECICO, 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 section 37A of the ECICO within a specified period upon receipt of a notice from the CEO relating to the error and/or false statement (see Part IV of Chapter 16 of the Guidelines).