

Chief Executive Election Action Checklist for Candidates

A. Major Steps to be Observed

Before and during
Nomination Period

1. Obtain the following materials/forms from the Returning Officer (“RO”) or the Registration and Electoral Office (“REO”):
 - (a) Nomination Form
 - (b) A declaration to the effect that the candidate stands for the election in an individual capacity, will uphold Basic Law and pledge allegiance to the HKSAR
 - (c) A declaration as to the candidate’s nationality and as to whether he has a right of abode in any foreign country
 - (d) Intention to Display Election Advertisements at Designated Spots
 - (e) Grid paper and guide on completion of grid paper (for inclusion in the Introduction to Candidates)

During Nomination Period

2. Except where RO authorises otherwise, personally deliver the duly completed Nomination Form accompanied by
 - (a) a declaration to the effect that the candidate stands for the election in an individual capacity, 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 has a right of abode in any foreign country
 to RO before expiry of the Nomination Period.

3. Obtain from RO the following:
 - (a) copies of the relevant legislation
 - (b) relevant extracts from the Final Register of Electors (both gum labels and soft copies) on signing an Undertaking on the Use of Electoral Records; and
 - (c) information regarding display spots on government land or property that are available to candidates for display of election advertisements (“EAs”).

- (d) forms –
- (i) Notice of Appointment of Election Agent
 - (ii) Notice of Appointment of Election Expense Agent
 - (iii) Return and Declaration of Election Expenses and Donations
 - (iv) Notice of Appointment of Polling Agents
 - (v) Application for admission of an election agent to or for appointment of a polling agent for a dedicated polling station situated in a prison (other than a maximum security prison)
 - (vi) Notice of Appointment of Counting Agents
 - (vii) Notice of Revocation of Appointment of Agent
 - (viii) Notice of Withdrawal of Candidature
 - (ix) Declaration of Election Advertisements
 - (x) Corrective Declaration of Election Advertisements
 - (xi) Notification of Decision on Electioneering Activities
 - (xii) Consent of Support
 - (xiii) Permission for Display / Distribution of Election Advertisements or Conduct of Electioneering Activities at Private Premises
 - (xiv) Standard Receipt for Election Donations
 - (xv) Declaration of Secrecy
 - (xvi) Advance Return and Declaration of Election Donations
 - (xvii) Notice of Posting of Election Mail
 - (xviii) Declaration for Posting of Election Mail
 - (xix) Notification of the Intention to hold a Public Meeting/Procession

(xx) Statutory Declaration¹(xxi) Undertaking²Any time before, during or
after the Nomination Period

4. Lodge with RO a Notice of Withdrawal of Candidature if the candidate wishes to withdraw his candidature.
5. (a) Except for the categories exempted, assign a serial number to all copies of each type of EAs intended for display, distribution or otherwise use.
 - (b) Submit to RO (or Chief Electoral Officer (“CEO”) if RO has not yet been appointed) a Declaration of Election Advertisements **before EAs are displayed, distributed or otherwise used.** Candidates may submit as many declarations as required from time to time.
 - (c) Ensure that all printed EAs contain the name and address of the printer, date of printing and the number of copies printed.
 - (d) Submit to RO (or CEO if RO has not yet been appointed) two copies of each type of EAs **before they are displayed, distributed or otherwise used.**
 - (e) Submit to RO (or CEO if RO has not yet been appointed) **before EAs are displayed, distributed or otherwise used** at private premises, a copy of Permission for Display/Distribution of Election Advertisements or Conduct of Electioneering Activities at Private Premises.
 - (f) Submit to RO (or CEO if RO has not yet been appointed) **before EAs are displayed, distributed or otherwise used,** a copy of Consent of Support, where necessary.
6. Lodge with RO (or CEO if RO has not yet been appointed) a Notice of Appointment of Election Agent.
7. Lodge with RO (or CEO if RO has not yet been appointed) Notices of Appointment of Election Expense Agent.

¹ The ‘Statutory Declaration’ form is for the winning candidate to declare that he 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).

² The ‘Undertaking’ form is for the winning candidate to state that he 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).

8. Submit to CEO an Advance Return and Declaration of Donations when a donation is received. Applicable to any candidate who is an incumbent public servant in the context of the Prevention of Bribery Ordinance (Cap. 201) e.g. a serving member of the Legislative Council or a District Council.
- Any time after handing in Nomination Form, but before expiry of Nomination Period
9. (a) If a candidate wishes to make use of the Introduction to Candidates³, he should:
- (i) Lodge with RO 3 identical passport-size colour photographs of the candidate taken not longer than 6 months ago;
 - (ii) Lodge with RO an introductory message for publication in the Introduction to Candidates.
- (b) Lodge with RO an “Intention to Display Election Advertisements at Designated Spots”.
- Any time after handing in Nomination Form, but not later than 7 days before polling day
10. Lodge with CEO/Presiding Officer (“PRO”) Notices of Appointment of Polling Agents.
11. Lodge with RO Notices of Appointment of Counting Agents.
12. 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 a dedicated polling station situated in a maximum security prison.)

³ If a candidate chooses not to print his election platform in the Introduction to Candidates, it will only show the personal particulars in respect of him.

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| Within 3 days after close of nomination | <p>13. Attend the briefing for the candidate(s) and collect from the RO the following:</p> <p>(a) location maps and layout plans of the polling station and counting station; and</p> <p>(b) name badges for the candidate(s) and his/their agents.</p> <p>14. (a) At an uncontested election, the candidate will be provided with a list of the designated spots for display of EAs allocated to him.</p> <p>(b) At a contested election, attend meetings held by RO to determine, by drawing of lots, the candidate numbers and to allocate display spots for display of EAs.</p> <p>15. Receive from RO copy of the permission/authorisation for display of EAs at designated spots.</p> |
| As soon as practicable after RO determines the candidate as validly nominated or not | <p>16. Receive from RO the notice on the validity of the candidate's nomination (which will also be sent to every other validly nominated candidate, if any).</p> |
| As soon as practicable after RO receives a Notice of Appointment of Election Agent from another candidate | <p>17. Receive from RO information about the election agent appointed by another candidate, if any.</p> |
| Not later than 7 days before polling day | <p>18. Receive from RO information regarding the delineation of no canvassing zones and no staying zones for the polling stations (including dedicated polling stations).</p> |
| During the week before the polling day | <p>19. 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 by the Correctional Services Department (“CSD”) 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</p> <p>(b) the application is lodged without undue delay after the admission or transfer.</p> |
| 2 working days before posting postage-free election mail | <p>20. Give notice of the free postings of election mail by using the Notice of Posting of Election Mail and present two unsealed specimen packets to the Post Office for inspection and retention.</p> |

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| Not later than 3 working days before the polling day | 21. Post postage-free election mail and present to the Post Office a Declaration for Posting of Election Mail. |
| Not later than 12 noon on the day preceding polling day | 22. Lodge with RO Corrective Declarations of Election Advertisements, if any. |
| Not later than 1 clear working day before the count (except the count for the 4 th and subsequent rounds of voting at a contested election) | 23. Receive information from RO on when and where the counting of votes is to take place. |
| Before entering polling/counting station | 24. Complete the Declarations of Secrecy (to be made by the candidate(s), his/their election agents, polling agents and counting agents). |
| Any time before polling day | 25. Lodge with RO or CEO, as appropriate, Notices of Revocation of Appointment of Agent, if applicable. |
| On polling day | 26. Attend the poll and the count if the candidate so wishes, bringing along the Declaration of Secrecy. |
| | 27. In respect of polling agents, the candidate(s) or his/their election agents personally deliver Notices of Appointment of Polling Agents and Notices of Revocation of Appointment of Agent to the PRO other than a PRO of a dedicated polling station situated in a prison, if not yet lodged pursuant to paras. 10 and 25. |
| | 28. In respect of counting agents, the candidate(s) or his/their election agents personally deliver Notices of Appointment of Counting Agents and Notices of Revocation of Appointment of Agent to RO, if not yet lodged pursuant to paras. 11 and 25. |
| Within 7 working days after publication of election result | 29. For the candidate who is declared as elected:

(a) make a statutory declaration that he is not a member of any political party; and

(b) lodge with RO a written undertaking |
| Within 10 days after polling day | 30. Remove all EAs on display. |
| Not later than 30 days after the publication in the Gazette of election result or the declaration of termination of election proceedings or failure of election | 31. Lodge with CEO a Return and Declaration of Election Expenses and Donations signed by the candidate with original invoices and receipts of each election expense of \$100 or above and duplicate donation receipts. |

Note:

Most of the forms mentioned in this checklist can be downloaded from 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 donations received.
2. Keep invoices/receipts 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 should use the Standard Receipt for Election Donations provided by REO).
4. Keep copies of all Declarations of Election Advertisements and copies of the EAs lodged with RO.

Appointment of Election Agents/Election Expense Agents

5. Each candidate can only appoint one 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 the matters set out in section 12(3)(a) to (i) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J).
6. Each candidate can appoint one or more election expense agents by completing a Notice of Appointment of Election Expense Agent. An election expense agent is authorised to incur election expenses on behalf of a candidate. A candidate **may** also appoint his election agent as an election expense agent. These agents may incur election expenses only after appointment.

Lodgement of Authorisation and Declaration to appropriate authority

7. Lodge with RO the Notice of Appointment of Election Agent at any time after handing in Nomination Form.
8. Lodge with RO the Notice of Appointment of Election Expense Agent. The Notice is not effective until it has been received by RO.
9. Two copies of each type of EAs must be deposited with RO (or CEO if RO has not yet been appointed) together with a Declaration of Election Advertisements **before the EAs are displayed, distributed or otherwise used.**

Submission of Return and Declaration of Election Expenses and Donations***Not later than 30 days after the Publication in the Gazette of Election Result or the Declaration of Termination of Election Proceedings or Failure of Election***

10. The completed return and the declaration verifying its contents must be submitted together with all supporting documents as required by section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).
11. The completed return must set out all election expenses incurred by the candidate or by the candidate's agents on his behalf, the cost (if any) incurred by the Government in removing his EAs and the election donations (including services and goods) received. ***Candidates are required to submit their returns even if no election expenses have been incurred.***
12. A candidate must make the declaration verifying the contents of the return before a Commissioner for Oaths, a Justice of the Peace or a solicitor holding a practising certificate.
13. A candidate must lodge the completed return with the CEO by the deadline (i.e. not later than 30 days after the publication in the Gazette of election result or the declaration of termination of election proceedings or failure of election).
14. If a candidate is unable or has failed to lodge the return by the deadline, he can apply to the Court of First Instance for an order allowing him to lodge the return within such further period as the Court specifies.
15. If a candidate wishes to change any information in his election return before the deadline, he may lodge with CEO before the deadline a supplementary declaration stating the information to be changed.
16. If a candidate wishes to correct any error of false statement in his return or in any document accompanying his return after the deadline, he must apply to the Court of First Instance for an order enabling him to do so.

[Amended in January 2007 and January 2010]