

District Council 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”), 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”;
 - (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) 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 of \$3,000 in cash or by cheque or cashier order 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. Obtain the following from the RO:
 - (a) copies of the relevant legislation;
 - (b) an electoral boundary map of the relevant constituency;

- (c) information regarding display spots on government land or property that are available to candidates for display of election advertisements (“EAs”);
- (d) Summary on Free Postage for Election Mails;
- (e) forms -
 - (i) Notice of Appointment of Election Agent
 - (ii) Notice of Authorization of Person to Incur Election Expenses
 - (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 Revocation of Authorization to Incur Election Expenses
 - (ix) Notice of Withdrawal of Candidature
 - (x) Declaration of Election Advertisements
 - (xi) Corrective Declaration of Election Advertisements
 - (xii) Notification of Decision on Electioneering Activities
 - (xiii) Consent of Support
 - (xiv) Permission for Display/Distribution of Election Advertisements or Conduct of Electioneering Activities at Private Premises
 - (xv) Standard Receipt for Election Donations
 - (xvi) Declaration of Secrecy
 - (xvii) Return of Election Deposit
 - (xviii) Advance Return and Declaration of Election Donations
 - (xix) Notice of Posting of Election Mail

- (xx) Declaration for Posting of Election Mail
- (xxi) Claim for Financial Assistance
- (xxii) Notice of Withdrawal of Claim for Financial Assistance
- (xxiii) Notification of the Intention to Hold a Public Meeting/Procession; and

(f) Notice for Collection of Electors' Information.

4. 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

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 the RO (or 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 the RO (or CEO if RO has not yet been appointed) 2 copies of each type of EAs **before they are displayed, distributed or otherwise used.**

(e) Submit to the 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 the 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 the RO (or CEO if RO has not yet been appointed) a Notice of Appointment of Election Agent.

7. Lodge with the RO (or CEO if RO has not yet been appointed) Notices of Authorization of Persons to Incur Election Expenses.

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

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

9. (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 a 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 and candidate number in respect of him, and “Relevant Information has not been provided by the candidate” will 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”;

(ii) 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)”;

and

(iii) 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.

- Any time after handing in Nomination Form, but not later than 3 weeks before polling day
- Any time after handing in Nomination Form, but not later than 7 days before polling day
- Around 3 days after close of nominations
10. Make a request to the CEO for obtaining, within 5 working days, one set of address labels of electors and a CD-ROM containing information of electors in the constituency. (On receiving the address labels and/or a CD-ROM, candidates or their election agents are required to sign an Undertaking on the Use of Electors' Information).
 11. Lodge with the RO Notices of Appointment of Polling Agents.
 12. Lodge with the RO Notices of Appointment of Counting Agents.
 13. 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.)
 14. Attend the briefing for candidates and collect from the RO the following:
 - (a) location maps of the polling/counting stations; and
 - (b) name badges for candidates and their agents.
 15. Attend meetings held by the RO to determine the candidate numbers by drawing of lots and to allocate display spots for display of EAs.
 16. Receive from the RO copy of the permission/authorization for display of EAs at designated spots allocated to the candidate.

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| Around 14 days after close of nominations | 17. 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 authorize a representative in writing to check the particulars concerned on the ballot paper printing proof on his behalf. |
| Within 10 days after expiry of Nomination Period | 18. Receive from the RO information about the election agents appointed by other candidates of the same constituency. |
| After expiry of Nomination Period | 19. 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 | 20. 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 | 21. 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 –

(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 1 clear working day before posting postage-free election mail | 22. Give notice of the free postings 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. |
| Before the posting deadline as designated by the Post Office | 23. Post postage-free election mail and present to the Post Office a Declaration for Posting of Election Mail (in duplicate). |
| Not later than 12 noon on the day preceding polling day | 24. Lodge with the RO Corrective Declarations of Election Advertisements, if any. |

- Before entering the polling station, counting station or the ballot paper sorting station
- Any time before polling day
- On polling day
- Within 10 days after polling day
- Not later than 30 days after the publication in the Gazette of the result of the election or the declaration of the termination of the election proceedings or the declaration of failure of the election
- (The election result of an uncontested constituency will be gazetted in the Notice of Nominations)
25. Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents).
 26. Lodge with the RO Notices of Revocation of Appointment of Agent, if any.
 27. Attend the poll and the count if so wishes, bringing along the Declaration of Secrecy.
 28. Candidates or their election agents personally deliver Notices of Appointment of Polling Agents 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. 11 and 26 respectively.
 29. 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, if not yet lodged pursuant to paras. 12 and 26 respectively.
 30. Remove all EAs on display.
 31. (a) Lodge with the CEO a Return and Declaration of Election Expenses and Donations signed by the candidate with original receipted vouchers and duplicate donation receipts.
(b) An uncontested candidate who is returned as a Member should lodge with the CEO a Return and Declaration of Election Expenses and Donations signed by the candidate with original receipted vouchers and duplicate donation receipts not later than 30 days after the gazettal of the Notice of Nominations.
 32. (a) Eligible candidates in contested constituencies who wish to apply for financial assistance should complete a Claim for Financial Assistance. The completed form, together with the candidate’s Return and Declaration of Election Expenses and Donations should be presented in person by the candidate or his agent to the CEO.

- (b) If an uncontested candidate who is returned as a Member wishes to apply for financial assistance, he should complete a Claim for Financial Assistance. The completed form, together with the candidate's Return and Declaration of Election Expenses and Donations should be presented in person by the candidate or his agent to the CEO not later than 30 days after the gazettal of the Notice of Nominations.

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 vouchers/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 the REO.)
4. Keep copies of all Declarations of Election Advertisements and copies of the EAs lodged with the RO.
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 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 authorised 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.

Appointment of Election Agents/Election Expense Agents

6. Each candidate can appoint one or more persons authorised to incur election expenses on his behalf, i.e. the election expense agents, by completing the Notice of Authorization of Persons to Incur Election Expenses. A candidate **may** also authorise his election agent to incur election expenses for him. These agents may incur expenses only after the candidate has authorised them to do so.

***Lodgement of
Authorization and
Declaration to appropriate
authority***

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 the Notice of Authorization for Persons to Incur Election Expenses. The authorization is not effective until it has been received by the RO.
9. 2 copies of each type of EAs must be deposited with the RO 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 the termination of the election proceedings or failure of the election under the relevant electoral law

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 election expense 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 or a Justice of the Peace or a solicitor holding a practising certificate.

13. (a) A candidate must lodge his completed return with the CEO at 10/Floor, Guardian House, 32 Oi Kwan Road, Wan Chai, Hong Kong by the deadline (i.e. not later than 30 days after the publication of election result in the Gazette or the declaration of the termination of the election proceedings or failure of the election under the relevant electoral law).
- (b) For an uncontested candidate who is returned as a Member, he must lodge his completed election return with the CEO (at the above address) not later than 30 days after the publication of the Notice of Nominations in the Gazette.
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 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 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.

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

[Amended in January 2010]