

Legislative Council Election
Action Checklist for Candidates

A. Major Steps to be Observed

2 weeks 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) notes on the preparation of a brief introduction for inclusion in the official leaflet;
- (c) form on Request by Candidate for Functional Constituency (“FC”) or Sole Candidate on Nomination List for Printing of Particulars Relating to the Candidate on a Ballot Paper;
- (d) form on Request by Candidates on Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper;
- (e) form on Consent of a Prescribed Body for its Particulars to be Printed on a Ballot Paper in Relation to the Request by Candidate(s); and
- (f) form on 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. Obtain from the RO the following:
 - (a) copies of the relevant legislation;
 - (b) an electoral boundary map of the relevant geographical constituency (“GC”) (for GC candidates only);
 - (c) relevant extracts from the Final Register of Electors (both gum labels and soft copies) on signing an Undertaking on the Use of Electoral Records;
 - (d) information regarding display spots on government land or property that are available to candidates for display of election advertisements (“EAs”); and
 - (e) forms -
 - (i) Return and Declaration of Election Expenses and Donations by a GC List of Candidates (Applicable to a GC list of candidates only) or Return and Declaration of Election Expenses and Donations (Applicable to FC candidates only)
 - (ii) Standard Receipt for Donations
 - (iii) Notice of Authorisation of Person to Incur Election Expenses
 - (iv) Notice of Revocation of Authorisation to Incur Election Expenses
 - (v) Notice of Withdrawal of Candidature
 - (vi) Notice of Appointment of Election Agent
 - (vii) Notice of Appointment of Polling Agents

- (viii) Notice of Appointment of Counting Agents
- (ix) Notice of Revocation of Appointment of Agent
- (x) Declaration of Election Advertisements
- (xi) Corrective Declaration of Election Advertisements
- (xii) Consent of Support
- (xiii) Permission for Display/Distribution of Election Advertisements or Conduct of Electioneering Activities at Private Premises
- (xiv) Declaration of Secrecy
- (xv) Return of Election Deposit
- (xvi) Advance Return and Declaration of Donations
- (xvii) Notice of Posting of Election Mail
- (xviii) Declaration for Posting of Election Mail
- (xix) Claim for Financial Assistance
- (xx) Notice of Withdrawal (Withdrawal of the Claim for Financial Assistance)
- (xxi) Notice of Variation (Variation of the Claim for Financial Assistance)
- (xxii) Notification of Decision on Electioneering Activities
- (xxiii) Notification of the Intention to hold a Public Meeting/Procession.

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 display, distribution or otherwise use of EAs**. 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 display, distribution or otherwise use**.
- (e) Submit to the RO (or CEO if RO has not yet been appointed) **before display, distribution or otherwise use of EAs** 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 display, distribution or otherwise use of EAs**, a copy of Consent of Support, where necessary.
- Any time after handing in Nomination Form
6. Lodge with the RO a Notice of Appointment of Election Agent.
7. Lodge with the RO Notices of Authorisation of Person to Incur Election Expenses.
[For GC 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 Election is applicable.]

8. Submit to the CEO an Advance Return and Declaration of Donations when a donation is received.
- Any time after handing in Nomination Form, but before expiry of Nomination Period 9. (a) Lodge with the RO an introductory message for publication in the official introductory leaflet by completion of the grid paper. [5 identical colour photographs in specified size of the candidate taken not longer than 6 months ago should be attached to the completed grid paper.]
(b) Lodge with the RO an Intention to Display Election Advertisements at Designated Spots.
(c) Lodge with the REO a Request by Candidate for Functional Constituency or Sole Candidate on Nomination List for Printing of Particulars Relating to the Candidate on a Ballot Paper, or a Request by Candidates on Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper, as the case may be. [2 identical colour photographs in specified size of the candidate taken not longer than 6 months ago for printing on the ballot paper should be attached to the completed request form.]
(d) Lodge with the REO a 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 one week before polling day 10. Lodge with the CEO Notices of Appointment of Polling Agents.
11. Lodge with the RO Notices of Appointment of Counting Agents.
- Within 3 days after close of nomination 12. Attend the briefing for candidates and collect from the RO the following:
(a) location and layout plans of the polling/counting station; and
(b) name badges for the candidate and his agents.

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| | 13. Attend meetings held by the RO to determine the candidate numbers by drawing of lots and to allocate display spots for display of EAs. |
| | 14. Receive from the RO copy of the permission/authorisation for display of EAs at designated spots. |
| Within 10 days after expiry of Nomination Period | 15. Receive from the RO information about the election agents appointed by other candidates of the same constituency. |
| Within 14 days after expiry of Nomination Period | 16. Receive from the RO the notice on other validly nominated candidates of the same constituency. |
| 2 working days before posting postage-free election mail | 17. Give notice of the free posting of election mail by using the Notice of Posting of Election Mail, and present two unsealed specimen packets to the relevant Manager (Retail Business) of Post Office for inspection and retention. |
| Not later than 14 working days before polling day | 18. Post postage-free election mail and present to the Post Office a Declaration for Posting of Election Mail. |
| Not later than 7 days before polling day | 19. Receive from the RO information regarding the delineation of no canvassing zone and no staying zone for the polling station. |
| Not later than 12 noon before polling day | 20. Lodge with the RO Corrective Declarations of Election Advertisements, if any. |
| Before entering polling/counting station | 21. Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents). |
| Any time before polling day | 22. Lodge with the CEO or RO, as the case may be, Notices of Revocation of Appointment of Agent, if any. |
| On polling day | 23. Attend the poll and the count if the candidate so wishes, bringing along the Declaration of Secrecy. |

24. 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”), if not yet submitted to the CEO under paras. 10 and 22 respectively.
25. 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 submitted to the RO under paras. 11 and 22 respectively.
- Within 10 days after polling day
26. Remove all EAs on display.
- Not later than 60 days of the gazettal of the election result (If uncontested, the election result will be gazetted in the Notice of Nominations)
27. (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 returned should also 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 60 days after the gazettal of the Notice of Nominations.
- (c) Candidate(s) who wishes to apply for financial assistance should complete and lodge with the CEO a Claim for Financial Assistance, together with a Return and Declaration of Election Expenses and Donations audited by an auditor.

Note:

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

B. Handling and Declaring Election Expenses

Records Keeping

Before and After Nomination

1. Record all expenses spent and all donations received.
2. Keep invoices/receipts for expenses of \$100 or above.
3. Issue receipt for any donation of more than \$1,000. [The candidate/list of candidates should use the standard receipt provided by the REO.]
4. Keep copies of all Declarations of Election Advertisements and copies of the EAs lodged with the RO.

Appointment of Election Agents/Election Expense Agents

5. Each candidate/list of candidates can only appoint one election agent. He 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; and
 - (d) to authorise a person as an election expense agent to incur election expenses.
6. Each candidate/list of candidates can appoint one or more persons authorised to incur election expenses on his/their behalf, ie the election expense agents, by completing the Notice of Authorisation of Person to Incur Election Expenses. A candidate/list of candidates **may** also authorise his/their election agent to incur election expenses for him/them. These agents may incur expenses only after the candidate/list of candidates has/have authorised them to do so. [After the formation of a GC list of candidates, each candidate on the list must also obtain the cross-authorisation from

each other before they can incur any election expenses.]

***Lodgement of
Authorisation 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. The candidate/list of candidates must serve a notice of the authorisation for person to incur election expenses or cross-authorisation of candidates on a GC 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. 2 copies of each type of EAs must be deposited with the RO (or CEO if the RO has not yet been appointed), together with a Declaration of Election Advertisements **before** display, distribution or otherwise use.

***Submission of Return
and Declaration of
Election Expenses and
Donations***

Not later than 60 days after the Gazettal of Election Result

10. The completed return and declaration should be submitted together with all supporting vouchers and receipts. If financial assistance is to be claimed, the return and declaration must be audited by an auditor before submission.
11. The completed form should include all donations received by the candidate/list of candidates and all election expenses incurred by him/them or by his/their election expense agents, and also the removal cost for his/their EAs by government departments, if he/they has/have not removed all his/their EAs by the deadline specified by the EAC. ***Candidates/list of candidates are required to submit their election returns even if no election expenses have been incurred.***
12. A candidate/list of candidates must make declaration 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/list of candidates must lodge his/their completed return with the CEO at Room 1507, 15/F, Guardian House, 32 Oi Kwan Road, Wan Chai by the deadline (ie not later than 60 days after the gazettal of election result).
- (b) For an uncontested candidate/list of candidates returned, he/they must lodge his/their completed election return with the CEO not later than 60 days after the gazettal of the Notice of Nominations.
14. If a candidate/list of candidates fails to lodge the return before the deadline, he/they can apply to the Court for an order allowing him/them to lodge the return with the CEO within such further period as the Court specifies.
15. If a candidate/list of candidates wishes to change any information in his/their election return, he/they may lodge with the CEO a supplement to his/their return before the deadline.
16. If a candidate/list of candidates wishes to change any information in the election return after the deadline, he/they must apply to the Court for an order enabling him/them to correct any error or false statement in his/their return or in any document accompanying his/their return.