

CHAPTER 6

ELECTION PETITIONS

PART I : GROUNDS FOR LODGING AN ELECTION PETITION

6.1 The result of the LegCo election may be questioned only by an election petition made on the following grounds:

- (a) the ground that the person declared as elected by the RO in accordance with regulations in force under the EACO was not duly elected because:
 - (i) he was not eligible to be, or was disqualified from being, a candidate at the election; or
 - (ii) he engaged in corrupt or illegal conduct at the election; or
 - (iii) corrupt or illegal conduct was generally prevalent at the election; or
 - (iv) material irregularity occurred in relation to the election, the poll or the count; or
- (b) a ground specified in any other enactment that enables an election to be questioned.

[S 61 of the LCO.] *[Amended in October 2007]*

PART II : WHO COULD, AND WHEN TO, LODGE ELECTION PETITIONS

6.2 An election petition may be lodged:

- (a) by 10 or more electors entitled to vote in the relevant constituency; or
- (b) by a person claiming to have been a candidate in the relevant constituency.

[S 62 of the LCO.]

6.3 An election petition questioning an election may be lodged with the Court of First Instance only during the period of 2 months following the date on which the RO has published the result of the election in the Gazette. An election petition is triable in open court and before one judge. At the end of the trial of an election petition, the Court must determine questions of the validity of a nomination or whether a person was or was not duly elected, as appropriate. The Court must certify the determination in writing. The determination as certified is final as to the matters at issue concerning the election petition [ss 64, 65 and 67 of the LCO]. *[Amended in October 2007]*