

Legislative 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 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” and/or the form of “Request by Candidates on a Legislative Council Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper”, as the case may be;
 - (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) the form of “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) Summary on Free Postage for Election Mails;
 - (d) Undertaking on the Use of Electors’ Information and Notice for Collection of Electors’ Information;
 - (e) information regarding display spots on government land or property that are available to candidates for display of election advertisements (“EAs”); and
 - (f) 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 Functional Constituency (“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/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
 - (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 of Claim for Financial Assistance
- (xxi) Notice of Variation (Variation of the Claim for Financial Assistance)

(Attachment: Financial Assistance Scheme - Notes for Candidate and Auditor of Candidate of Legislative Council Elections)

- (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 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 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) 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 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 of the candidate and the number of the candidate/ list of the candidates. The statement, “Relevant information has not been provided by the candidate”, will also be printed in the area 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” or a duly completed form of “Request by Candidates on a Legislative Council Nomination List with More than One Candidate for Printing of Particulars Relating to the Candidates on a Ballot Paper”, as the case may be;
 - (ii) lodge with the RO a colour photograph of the candidate, in a specified size and taken within the last 6 months, be affixed to the form, and an additional copy of his photograph identical to the one affixed to the form with his name label affixed on the back; and

- (iii) 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)”.

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| Any time after handing in Nomination Form, but not later 3 weeks before polling day | 10. Make a request to CEO for obtaining, within 5 working days, one set of gum labels with addresses of electors and a CD-ROM containing addresses of electors in the constituency (after signing an Undertaking on the Use of Electors’ Information). |
| Any time after handing in Nomination Form, but not later than one week before polling day | 11. Lodge with the CEO Notices of Appointment of Polling Agents.

12. Lodge with the RO Notices of Appointment of Counting Agents. |
| Around 3 days after close of nominations | 13. Attend the briefing for candidates and collect from the RO the following:

(a) location and layout plans of the polling/counting stations; and

(b) name badges for candidates and their agents.

14. Attend meetings held by the RO to determine the candidate numbers by drawing of lots and to allocate display spots for display of EAs.

15. Receive from the RO copy of the permission/authorisation for display of EAs at designated spots allocated to the candidate. |
| Around 7 days after close of nominations | 16. Check the ballot paper 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 authorise a representative in writing to check the particulars concerned on the ballot paper proof on his/her behalf. |
| Within 10 days after expiry of Nomination Period | 17. Receive from the RO information about the election agents appointed by other candidates of the same constituency. |

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| After expiry of
Nomination Period | 18. 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). |
| 1 clear working day
before posting
postage-free election
mail | 19. Give notice of the free posting of election mail by using the Notice of Posting of Election Mail and present three unsealed specimens to the relevant Manager (Retail Business) of the Hongkong Post for inspection and retention. |
| Not later than the period
specified by Hongkong
Post | 20. 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 | 21. 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 | 22. Lodge with the RO Corrective Declarations of Election Advertisements, if any. |
| Before entering
polling/counting station | 23. Complete the Declarations of Secrecy (to be made by all candidates, their election agents, polling agents and counting agents). |
| Any time before polling
day | 24. Lodge with the CEO or RO, as the case may be, Notices of Revocation of Appointment of Agent, if any. |
| On polling day | 25. Attend the poll and the count if the candidate so wishes, bringing along the Declaration of Secrecy. |
| | 26. 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 lodged pursuant to paras. 11 and 24 respectively. |
| | 27. 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. 12 and 24 respectively. |
| Within 10 days after
polling day | 28. Remove all EAs on display. |

Not later than 60 days of 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

29. (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.

(The election result of an uncontested constituency will be gazetted in the Notice of Nominations)

(b) An uncontested candidate returned 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 60 days after the gazettal of the Notice of Nominations.

Not later than 60 days after the publication in the Gazette of the result of the election or the declaration of the failure of the election

30. (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 audited by an auditor should be presented in person by the candidate or his agent to the CEO.

(The election result of an uncontested constituency will be gazetted in the Notice of Nominations)

(b) If a candidate in an uncontested constituency 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 audited by an auditor should be presented in person by the candidate or his agent to the CEO not later than 60 days after the gazettal of the Notice of Nominations.

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***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/list of candidates should use the Standard Receipt for Donations 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 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; 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, i.e. 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 the EAs are displayed, distributed or otherwise used.

***Submission of Return
and Declaration of
Election Expenses and
Donations******Not later than 60 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). If financial assistance is to be claimed, the return and declaration must be audited by an auditor before submission.
11. The completed return must set out all election expenses incurred by the candidate/list of candidates or by his/their election expense agents on his/their behalf, the cost (if any) incurred by the Government in removing his/their EAs and the election donations (including services and goods) received. ***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 the declaration verifying the content of the return 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 not later than 60 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/list of candidates returned, he/they must lodge his/their completed election return with the CEO not later than 60 days after the publication of the Notice of Nominations in the Gazette.
14. If a candidate/list of candidates is/are unable or has/have failed to lodge the return by the deadline, he/they can apply to the Court of First Instance for an order allowing him/them to lodge the return within such further period as the Court specifies.
15. If a candidate/list of candidates wish(es) to change any information in his/their election return, he/they may lodge with the CEO before the deadline a supplementary declaration stating the information to be changed.
16. If a candidate/list of candidates wish(es) to correct any error or false statement in his/their return or in any document accompanying his/their return after the deadline, he/they must apply to the Court of First Instance for an order enabling him/them to do so.

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

[Amended in July 2008]