

Checklist for Candidates -

Legislative Council Election and *Election Committee Subsector* Elections

- The Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) (Cap. 554), which is enforced by the ICAC, aims to uphold fair and clean elections as well as prevent corrupt and illegal conduct at elections. Both the Legislative Council Election and the Election Committee Subsector Elections are regulated by the ECICO.
- The ECICO is applicable to Hong Kong and places outside Hong Kong. This checklist includes the major contents of the ECICO and serves as a reference to remind candidates and election helpers on what they should and should not do in the process of running in an election.
- Candidates and election helpers should refer to the text of the legislation and seek legal advice for individual situations in case of doubt. Candidates and election helpers are also required to observe the relevant legislation and the respective Guidelines on Election-related Activities issued by the Electoral Affairs Commission (EAC).

1. NOMINATION OF CANDIDATES

Bribery

- ☒ Do not engage in, or authorize another person either expressly or by implication to engage in, any of the following conduct:
 - (1) offer any advantage as an inducement or a reward for any person's standing or not standing as a candidate;
 - (2) offer any advantage as an inducement or a reward for any person having been nominated as a candidate to withdraw his nomination or not to use his best endeavours to promote his election.
- ☒ Do not solicit or accept any advantage as an inducement or a reward for any person's standing or not standing as a candidate.
- ☒ Do not solicit or accept any advantage as an inducement or a reward for any person having been nominated as a candidate to withdraw his nomination or not to use his best endeavours to promote his election.

Using or Threatening to Use Force or Duress

- ☒ Do not use or threaten to use force or duress to induce any person to stand or not to stand as a candidate, or to withdraw his candidature.
- ☒ Do not authorize another person, either expressly or by implication, to engage in the above conduct.

Engaging in Deceptive Behaviour

- ☒ Do not induce any person by deception to stand or not to stand as a candidate, or to withdraw his candidature.
- ☒ Do not authorize another person, either expressly or by implication, to engage in the above conduct.

Nomination Paper

- ☒ Do not deface or destroy a completed or partly completed nomination paper to prevent or obstruct another person from standing for an election.

2. ELECTIONEERING

Statements about a Candidate

- ☒ Do not publish any false statement that a person is or is not a candidate.
- ☒ Do not publish any false or misleading statement of fact, including (but not limited to) a statement concerning the character, qualifications or previous conduct of a candidate or candidates for the purpose of promoting or prejudicing the election of the candidate(s).

Election Advertisements

- ☒ Do not publish election advertisement that includes the name or logo of a person or an organization; or the pictorial representation of any person in such a way as to imply that the candidate concerned has the support of the person or organization, unless:
 - (1) prior written consent from the supporting person or organization has been obtained; or
 - (2) the candidate or the person who publishes the election advertisement has neither requested or directed nor authorized any other person to request or direct the inclusion of such name, logo or pictorial representation in the advertisement (e.g. the contents of the advertisement have been provided by the supporters themselves out of their own volition).

Remark: A person must obtain approval from the governing body of the organization or by a resolution of the members of the organization passed at a general meeting before giving the written consent of support of the organization.

- ☒ Do not modify, or authorize another person to modify, the name, logo or pictorial representation and any other content of an election advertisement provided by a supporting person or organization unless prior written consent has been obtained from the supporter.
- ☒ Do comply with the requirements applicable to election advertisements under the relevant EAC Regulation and the Guidelines on Election-related Activities issued by the EAC.

Remark: A document published during an election period (i.e. the period begins on the first day of the nomination period and ends on the polling day for the election) that gives details of the work done by a candidate in the capacity of a member of the Legislative Council, a member of a District Council, a member of the Heung Yee Kuk, the Chairman or Vice-Chairman or a member of the Executive Committee of a Rural Committee, or a Rural Representative, is also an election advertisement.

3. VOTING

Bribery

- ☒ Do not engage in, or authorize another person either expressly or by implication to engage in, any of the following conduct:
 - (1) offer any advantage as an inducement or a reward for any person's voting or not voting for a particular candidate or particular candidates at an election;
 - (2) offer any advantage as an inducement or a reward for any person's not voting at an election.

Providing Refreshments or Entertainment

- ☒ Do not engage in, or authorize another person either expressly or by implication to engage in, any of the following conduct:
 - (1) provide or meet all or part of the cost of providing any food, drink or entertainment as an inducement or a reward for any person's voting or not voting for a particular candidate or particular candidates at an election;
 - (2) provide or meet all or part of the cost of providing any food, drink or entertainment as an inducement or a reward for any person's not voting at an election.

Using or Threatening to Use Force or Duress

- ☒ Do not use or threaten to use, or authorize another person either expressly or by implication to use or threaten to use, force or duress against any person for the purpose of influencing his or any other person's voting decision.
- ☒ Do not prevent an elector from voting at an election by abduction.

Engaging in Deceptive Behaviour

- ☒ Do not engage in, or authorize another person either expressly or by implication to engage in, any of the following conduct:
 - (1) induce any person by deception to vote or not to vote for a particular candidate or particular candidates at an election;
 - (2) induce any person by deception not to vote at an election;
 - (3) obstruct or prevent any person by deception from voting at an election.

Other Offences in relation to Voting

- ☒ Do not invite or induce any person to vote at an election knowing that the person is not entitled to do so.
- ☒ Do not invite or induce any person to vote knowing that the person has given false or misleading information to an electoral officer.
- ☒ Do not destroy, deface, take or otherwise interfere with a ballot paper in use or that has been used at an election, without lawful authority.
- ☒ Do not destroy, remove, open or otherwise interfere with a ballot box in use at an election, without lawful authority.

4. ELECTION EXPENSES AND ELECTION DONATIONS

Election Expenses

- ☒ Do not incur election expenses more than the prescribed maximum amount for the constituency or the Election Committee subsector concerned.
- ☒ Do not incur election expenses in excess of the amount specified in the authorization if you are an election expense agent.
- ☒ Do not incur election expenses unless you are a candidate incurring election expenses solely for yourself or you are a candidate's authorized election expense agent.
- ☒ Do obtain the authorization from each candidate of the same group of candidates as their election expense agent before incurring election expenses for the group. (For a candidate who belongs to a group of candidates, do obtain the authorization from each other candidate of the group as their election expense agent before incurring election expenses for the group.)
- ☒ Do include all election expenses incurred by the candidate and his authorized election expense agent(s) in the election return, and submit invoices and receipts giving particulars of the expenditure issued by recipients of the payments for each expense of \$100 or more.

Election Donations

- ☒ Do not use election donations for a purpose:
 - (1) other than that of meeting a candidate's election expenses; or
 - (2) other than that of promoting the candidate's election or prejudicing the election of another candidate or other candidates.
- ☒ Do issue a receipt for any election donation of more than \$1,000 in value, specifying the name and address of the donor.
- ☒ Do send anonymous election donations of more than \$1,000 in value, the unused election donations and donations that exceed the prescribed maximum amount of election expenses to a charitable institution or trust of a public character chosen by the candidate before the time of lodging the election return.

Election Returns

- ☒ For Legislative Council Election, do submit an election return to the Chief Electoral Officer (CEO) not later than 60 days after the date of publication of the result of the election, or not later than 60 days after the declaration of the termination of the election proceedings or failure of the election under the relevant electoral law*.
- ☒ For Election Committee Subsector Elections, do submit an election return to the CEO not later than 30 days after the date of publication of the result of the election, or not later than 30 days after the declaration of the termination of the election proceedings or failure of the election under the relevant electoral law*.
- ☒ Do submit the election return with:
 - (1) an invoice and a receipt giving particulars of the expenditure of each election expense (except for expenses under \$100);
 - (2) a copy of the receipt issued to every donor, specifying the name and address of the donor, and particulars of the election donation concerned (except for donations of \$1,000 in value or below);
 - (3) a copy of the receipt issued by a charitable institution or trust of a public character of the candidate's choice in respect of the following items given by the candidate: (i) anonymous election donations of more than \$1,000 in value, (ii) the unused election donations and (iii) donations that exceed the prescribed maximum amount of election expenses;
 - (4) (if applicable) a written explanation setting out the reason why an election donation was not disposed of in accordance with (3) above; and
 - (5) a declaration verifying the contents of the return.
- ☒ Do lodge the election return with the CEO within the period as required by the law even if a person has withdrawn his candidature after being nominated as a candidate at the election or his nomination has been ruled invalid; or the candidate is returned uncontested, is elected or not elected or has not incurred any election expense.

Remark: A "candidate" is defined not only as a person who stands nominated as a candidate, but also a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate. In relation to a Legislative Council geographical constituency or the District Council (second) functional constituency, "candidate" also includes a person who is one of a group of candidates.

- ☒ Do not make any false or misleading statement in the election return or copy of the revised election return.

5. ELECTION PETITION

- ☒ Do not withdraw an election petition for an advantage.
- ☒ Do not offer any advantage as an inducement or a reward for any person's withdrawal of an election petition.
- ☒ Do not solicit or accept any advantage as an inducement or a reward for any person's withdrawal of an election petition.

* The provisions of the ECICO relating to this part may be amended in 2016. Candidates and election helpers should pay attention to the relevant updates.



Clean Election Enquiry Hotline: 2920 7878
24-hour Report Corruption Hotline: 25 266 366
Clean Election Website: www.icac.org.hk/en/elections