



*Abide by the Rules  
Support Clean Elections*

# CHIEF EXECUTIVE ELECTION

## Reminder to Candidates on Election Return

### Questions And Answers

Q1

If a candidate accepts the assistance from his friend, who is a lawyer, in solving some legal issues relating to his election during the latter's day off, should the candidate include any costs in connection to his friend's service in his election expenses? If the candidate uses materials provided by friends or other organizations for use in his electioneering activities, should the values of these materials be counted as election expenses?

A1

- If the said lawyer renders his legal consultation service to the candidate in his own time, voluntarily, personally and free of charge, the service is regarded as "voluntary service". Therefore, the candidate is not required to include such service costs in his election expenses.
- If the materials provided by the candidate's friends or other organizations are given for the purpose of promoting the election of that candidate or prejudicing the election of other candidates, they are regarded as election donations. The same should be clearly set out by the candidate in the election return. If the value of an election donation is more than \$1,000, a candidate is required to issue a receipt to the donor specifying the name and address of the donor, and particulars of the donation. Copies of the relevant receipts must also be submitted with the election return. As the aforesaid candidate has used the said materials for his electioneering, he is also required to include the values of the materials in his election expenses and set out clearly such expenses in his election return.

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- If a candidate or other person uses election donations for a purpose other than meeting, or contributing towards meeting, the candidate's election expenses; or a purpose other than promoting the election of the candidate or prejudicing the election of another candidate, engages in corrupt conduct at an election. Hence, if the above election donations have not been used for election purpose, the candidate must ensure that the relevant election donations are given to a charitable institution or trust of a public character chosen by the candidate before the submission of his election return. He is also required to submit a copy of the receipt issued by the recipient organization together with his election return.

### Q2

**A candidate rents a unit in a commercial building as his election campaign office and acquires some computers and printers. How should he calculate the election expenses? What should the candidate do if he has not received the bills of some election expense items before the statutory deadline for lodging the election return?**

### A2

- The above candidate should include the rental and related expenses of the unit, the costs of acquiring the computers and printers, etc. in his election expenses and clearly set out the expenses in his election return. If the election expense of each item is \$500 or above, the election return must be accompanied by relevant invoice and receipt issued by the goods or service provider (e.g. property owner, suppliers) giving particulars of the expenditure (e.g. date of rental/acquisition, name of the goods or service provider, details of goods or services, payment amount as well as the company chop/signature of the goods or service provider and the date of payment so as to certify that the said payment has been received in full by the goods or service provider). The Registration and Electoral Office (REO) has provided detailed guidelines on completing the return and declaration of election expenses and election donations with some frequently asked questions. Candidates may browse the REO website for the information.
- Relevant invoices and receipts should be issued by the goods or service provider. Invoices and receipts issued by the candidate himself, the personal office of the candidate or any person purchasing the expense item on behalf of the candidate, and the receipt for topping up the value of the electronic stored value card (e.g. Octopus Card) do not meet the statutory requirements.
- If the candidate has neither received nor paid the bills of some election expense items before the deadline of lodging the election return as specified by the law, he should state the expected amount of relevant expenses, scheduled date of payment of the outstanding claims in the election return and undertake to settle the relevant claims according to the scheduled dates. He should also submit the relevant invoice and receipt for an election expense of \$500 or above to the REO within 30 days from the payment date.

### Q3

If a candidate uses the office, transportation, secretarial services and living quarters provided by his company to handle his electioneering matters, is it necessary for the candidate to include the relevant costs in his election expenses? What if the candidate's secretary provides the above assistance voluntarily during his day off? The candidate also hires dozens of helpers to canvass votes for him during the election period. How should he calculate the election expenses?

### A3

- If the candidate uses the resources and services provided by his company, such as the secretarial service rendered by his secretary during office hours for the purpose of promoting the election of the candidate, any costs so incurred should be counted towards his election expenses. The candidate should estimate the relevant resources and services, such as working time spent by his secretary in assisting the candidate's electioneering matters and calculate the salary of his secretary, being an election assistant, on a pro rata basis as an election expense, and clearly set it out in his election return.
- If the value of relevant resources and services, such as apportioned salary of his secretary in assisting the candidate's electioneering matters, is \$500 or above, the candidate has to make sure that his election return is accompanied by an invoice and a receipt giving particulars of the expenditure (e.g. name and salary of the secretary, and signature of the secretary to certify receipt of the relevant payment).
- If the secretary handles the electioneering matters for the candidate in his own time, voluntarily, personally and free of charge, the service he rendered is regarded as "voluntary service", which is not regarded as an election expense and an election donation. Therefore, the candidate is not required to include such service cost as his election expense or to set it out in his election return.
- The candidate has to include other relevant costs incurred incidental to the electioneering service so arranged by the secretary mentioned above, such as costs of buying publicity materials, postage of mailing election advertisements, etc. in his election expenses and clearly set out such costs, which do not fall within the definition of "voluntary service", in his election return. The candidate must ensure that the election return is accompanied by an invoice and a receipt of each election expense of \$500 or more. They should be issued by the goods or service provider (e.g. supplier of publicity materials or supplier of postage service) giving particulars of the expense (e.g. date of purchase, name of goods or service provider, details of goods or services, payment amount as well as the company chop/signature of the goods or service provider and the date of payment so as to certify that the said payment has been received in full by the goods or service provider).

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- The expenses involved in hiring the helpers to canvass votes should be clearly set out in the election return of the candidate concerned. If the salary given to each helper is \$500 or above, the candidate must provide invoices and receipts showing the names of the helpers, dates and time of the services, amounts of salaries, etc. with the signature of each helper to confirm the receipt of the relevant payment in full.

### Q4

**Is a person required to submit an election return if he has withdrawn his candidature after being nominated as a candidate at the election or his nomination has been ruled invalid? What about if he is returned uncontested, not elected or has not incurred any election expenses?**

### A4

- A “candidate” is defined not only as a person who stands nominated as a candidate at an election, 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 at the election. A person has to submit his election return to the Chief Electoral Officer within the period as required by law even if he has withdrawn his nomination after being nominated as a candidate at the election or his nomination has been ruled invalid, or he is returned uncontested, or not elected, or has not incurred any election expenses.

### Gist of Law

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap.554) (“the Ordinance”), enforced by the ICAC, aims to uphold clean and fair elections.

#### According to the Ordinance

1. A candidate has to lodge with the Chief Electoral Officer (CEO) an election return setting out the election expenses and all election donations received at the election by the statutory deadline as required.
2. A candidate has to lodge the election return with:
  - (a) an invoice and a receipt for each election expense of \$500 or above;
  - (b) 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);
  - (c) 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 election donations given by the candidate (including anonymous election donations of more than \$1,000 in value, unused election donations and donations that exceed the prescribed maximum amount of election expenses);
  - (d) (if applicable) a written explanation setting out the reason why an election donation was not disposed of in accordance with (c) above; and
  - (e) a declaration verifying the contents of the election return.
3. A “candidate” means not only a person who stands nominated as a candidate at an election, but also means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election. A candidate has to lodge with the CEO an election return within the period as required by the Ordinance even if he has withdrawn his nomination after being nominated as a candidate at the election or his nomination has been ruled invalid. The same applies to any candidate who is returned uncontested, not elected or has not incurred any election expense.
4. A candidate must not make any materially false or misleading statement in the election return or copy of the revised election return.

*Explanations of the legal requirements offered in this leaflet are general and in summary form. Candidates and their election helpers are advised to refer to the text of the legislation and seek their own independent legal advice in case of doubt.*

*Throughout this leaflet, the “male” pronoun is used to cover references to both the male and female. No gender preference is intended.*

