

Electoral Legislation (Miscellaneous Amendments) Bill 2018
Debate and voting arrangements

- Object of the Bill :** To amend certain electoral legislation in relation to the elections of the Legislative Council, District Councils, Chief Executive (“CE”), Election Committee (“EC”) Subsectors and Rural Representatives to:
- (a) increase the maximum penalties for certain offences relating to registration of electors or voters;
 - (b) streamline the mechanism for appeals, claims and objections relating to registration of electors or voters;
 - (c) introduce an exemption from criminal liability for incurring election expenses for publishing election advertisements on the Internet;
 - (d) replace the stamping requirement for certain ballot papers;
 - (e) improve the counting process;
 - (f) clarify who may instruct the Director of Accounting Services to return or forfeit election deposits;
 - (g) broaden the eligibility criteria of Revising Officers; and
 - (h) make other minor amendments that do not affect the substance of the electoral systems.

First debate	: Clauses with no amendment	– Clauses 1 to 9, 11, 13 to 18, 20 to 55, 57 to 60, 62, 63, 64 and 66 to 84
Voting	: To vote on the above clauses standing part of the Bill	
Second debate	: Clauses with amendments, and new clauses and new heading proposed by the Secretary for Constitutional and Mainland Affairs (“SCMA”)	– Clauses 10, 12, 19, 56, 61 and 65, new clauses 56A, 56B, 61A, 62A, 62B and 80A, and new subdivision heading before new clause 80A
Joint debate on the original clauses and the amendments thereto, and the new clauses		
Debate theme	: Amendments to various matters	
<u>SCMA’s first group of amendments (which cover all the clauses with amendments but exclude the new clauses and new heading)</u>		
Clause 10		
- To amend clause 10(5) to beef up the proposed new section 32(4) and (5) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) in order to clarify that the scope of the proposed new section 32(6) and (7) on processing incontrovertible claim and objection cases by written submissions is confined to notices of claim/objection received in respect of a functional constituencies provisional register or a subsector provisional register.		

Clauses 12 and 19

- To amend clauses 12(2) and (3) as well as 19(2) and (3) to correct certain references and add appropriate references to the relevant provisions of the electoral ordinances.

Clauses 56 and 61

- To amend clauses 56 and 61 to respectively repeal section 78(7) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) and section 51(6) and (7) of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J), and add the following new clauses 56A and 61A, which are related to ballot papers that are not counted.

Clause 65

- To amend clause 65(2) to clarify the meaning of the term “sub-subsector” in the proposed section 2(2) of the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569C).

SCMA’s second group of amendments (to add the new clauses and new heading)**New clauses 56A and 61A**

- To better reflect the existing arrangement that in the EC Subsector Elections and the CE Election, the Returning Officer is to prepare a statement of ballot papers that are not counted, irrespective of whether the ballot papers concerned are questionable or clearly invalid.

New clauses 56B, 62A and 62B

- In view of new clauses 56A and 61A, to make consequential amendments to update the relevant references to the electoral ordinances.

New clause 80A and new heading

- To amend section 31(10) of Cap. 541B to remove the obsolete reference to a provision which has been repealed.

Order of voting	Remarks
SCMA’s first group of amendments	If SCMA’s first group of amendments are <u>negatived</u> , SCMA <u>may not move</u> his second group of amendment.
If SCMA’s first group of amendments are passed , vote on his second group of amendments	New clauses and new heading be read the second time and added to the Bill.

SCMA’s amendments

(set out in LC Paper No. CB(3) 296/18-19 issued on 9 January 2019)