

**Administration's Responses to Points raised
on 12 June 2001 by Members of the Bills Committee
on the Chief Executive Election Bill**

(for submission to the Bills Committee meeting to be held on 19 June 2001)

Clause 22

Q1: Should a new election be held if one of the candidates or all candidates except one die, withdraw candidature or are disqualified before the polling date?

A1: Having regard to Members' views and after careful consideration, we propose that, if any candidate dies or is disqualified after the close of nominations but before the declaration of results, the CE election should be terminated and nomination be re-opened. A new polling should then be held on the first Sunday 42 days later. As regards withdrawal of candidature, Members will note that we have proposed a CSA to provide that a candidate may only withdraw his candidature before the close of nominations.

If our proposal is agreeable to Members, we will proceed to prepare the necessary Administration's CSAs which will be submitted to Members for discussion as soon as possible.

Clause 20(1)

Q2: What is the legal basis for the Administration's advice that if a candidate is disqualified during the course of polling, votes cast for him before or after the declaration will become invalid votes?

A2: This is no longer a question in the light of our proposed CSAs to deal with death or disqualification of candidates as set out in A1 above.

Constitutional Affairs Bureau
18 June 2001