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23 December 2004

Clerk to Legislative Council Panel on Constitutional Affairs
(Attn : Mrs Percy Ma)
Legislative Council
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Mrs Ma,

**LegCo Panel on Constitutional Affairs
Meeting on 20 December 2004**

This letter serves to provide the information requested by the Hon Margaret Ng at the meeting of the LegCo Panel on Constitutional Affairs held on 20 December 2004 concerning the number of “TENDERED” ballot papers issued in the 2000 and 2004 Legislative Council elections.

Under section 60 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), where a person representing himself to be a particular elector applies for a ballot paper at the issuing desk but it is shown on the register that the elector has already been issued with a ballot paper earlier, the Presiding Officer will issue to that person a ballot paper with the words “TENDERED” endorsed on the front. Such a ballot paper will be regarded as invalid at the counting of votes.

In the Final Report on the 2004 Legislative Council Election, the Electoral Affairs Commission (EAC) explains that this arrangement should continue as it is impossible for the polling staff at the ballot paper issuing desk to ascertain why the register shows that the elector has already been issued with a ballot paper earlier. The EAC considers that electors with grievances should report to the Police for investigation if they consider it necessary. Further, the EAC recommends that the Registration and Electoral Office should remind all polling staff at issuing desks that when they cross out the name and identity number of the relevant entry in the register of electors to show that the elector has been issued with a ballot paper, this should be cross-checked by another polling staff in order to avoid crossing out the entry above or below the relevant entry by mistake.

The number of “TENDERED” ballot papers issued in the 1998, 2000 and 2004 Legislative Council elections are set out below –

	Geographical Constituencies	Functional Constituencies
1998	60	5
2000	41	10
2004	123	12

I should be grateful if you would circulate this letter to Members for their reference.

Yours sincerely,

(LI Wing)
Chief Electoral Officer

c.c. PAS(CA)4
(Attn: Miss May CHAN)