

**For discussion on  
23 February 2017**

**Legislative Council Panel on Constitutional Affairs**

**Review of Objection Mechanism  
in Relation to Voter Registration System**

**Introduction**

This paper (a) briefs Members on how objections against registration of electors are handled under the voter registration (“VR”) system in Hong Kong and overseas; and (b) invites Members’ views on the proposals to improve the VR objection mechanism as a follow-up to the recommendations made in the Consultation Report on Enhancement of VR System (“Consultation Report”) issued in early 2016.

**Public Consultation on Enhancement of VR System**

2. In view of the concerns expressed by members of the public on matters relating to VR in the 2015 VR cycle, the Government embarked on a review of the existing VR system and the relevant arrangements, and conducted a public consultation on enhancement of VR system between 26 November 2015 and 8 January 2016. The Government also sought the views of the Legislative Council (“LegCo”) Members at the meeting of the LegCo Panel on Constitutional Affairs on 21 December 2015. Members’ views were in general supportive of taking necessary measures to enhance the VR system. The Government published the Consultation Report on 21 January 2016. The following recommendations have already been implemented in the 2016 VR cycle –

- (a) advancing the statutory deadline for change of registration particulars and aligning it with the statutory deadline for new registrations;
- (b) changing to use surface mail for all inquiries and notifications;

- (c) further strengthening verification of address information with other Government departments;
- (d) increasing the use of other means to communicate with electors and enhance public education and publicity on VR; and
- (e) uploading information on the objection and claim cases to the Registration and Electoral Office's ("REO") website.

3. As regards the other proposed measures that may involve amendments to various pieces of electoral legislation, including review of the VR objection mechanism, raising the penalties on offences relating to VR and introducing requirement of submitting address proofs by electors, they would be taken forward in the longer term and this paper would focus on the proposals to improve the VR objection mechanism.

### **Existing Mechanism for Making Objections and Claims**

4. Every year before the publication of the final registers ("FR"), the REO will make available the provisional registers ("PR") and the omissions lists ("OL") for public inspection. The public may lodge claims or objections against the entries in the PR or the OL before the statutory deadlines. A claimant or an objector has to submit to the Electoral Registration Officer ("ERO") a notice of claim or objection which sets out the grounds in support his/her claim or objection, as well as any evidence or documentary proof to support the claim or objection. In accordance with the law, all claims and objections shall be referred to an independent Revising Officer<sup>1</sup> for hearing and ruling. The ERO will correct, add or delete entries in compiling the FR according to the rulings by the Revising Officer.

5. According to the electoral laws, the Revising Officer will inform the objector and the elector being objected to of the date, time and place for holding a hearing. They may choose whether they would:

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<sup>1</sup> According to section 77 of the Legislative Council Ordinance (Cap. 542), the Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap. 87), to be a Revising Officer. If no appointment is made, the Registrar of the High Court is taken to be a Revising Officer.

- (a) appear at the hearing in person and make representations, or
- (b) be represented at the hearing by a legal practitioner or any other person authorised by him/her, who may make representations on his/her behalf, or
- (c) make written representations to the Revising Officer before the date of the hearing.

6. As a matter of general legal principle, under the standard of proof based on “balance of probabilities”, a claimant or an objector is required to submit proof in respect of his/her claim or objection. While the objector has the responsibility to explain at the hearing why the person being objected to is not qualified as an elector, there is no need for the ERO to prove beyond reasonable doubt the eligibility of that person in respect of the objection raised. However, as the ERO is responsible for preparing the registers of electors and in order to facilitate the Revising Officer to make a ruling, the REO will, if time and circumstances allow, gather the relevant facts (including cross-matching the relevant records with the relevant departments such as the Housing Department and the Buildings Department) and render assistance to the Revising Officer as far as possible in terms of making clarifications and verifications of the relevant registration particulars.

### **Review of the VR Objection Mechanism**

7. During the 2015 VR cycle (District Council election year), 49 notices of objection, involving a total of 2 001 electors, were received by the REO. Subsequently, as 6 objectors withdrew their objections to 550 electors after lodging their notices, the total number of electors being objected to is 1 451. The number of claims or objections received and the number of electors involved in the VR cycles from 2011 to 2016 are given below:

| VR Cycle | Claims          |                             | Objections      |                             |
|----------|-----------------|-----------------------------|-----------------|-----------------------------|
|          | Number of cases | Number of electors involved | Number of cases | Number of electors involved |
| 2011*    | 0               | 0                           | 3               | 86                          |
| 2012#    | 8               | 8                           | 1               | 1                           |
| 2013     | 1               | 1                           | 0               | 0                           |
| 2014     | 0               | 0                           | 0               | 0                           |
| 2015*    | 0               | 0                           | 49              | 1 451                       |
| 2016#    | 2               | 2                           | 1               | 1                           |

\* : DC election year

# : LegCo election year

8. The significant surge of the number of objection cases compared with past years has aroused public concerns on whether the existing objection mechanism may be susceptible to abuse. For example, an objector may indiscriminately raise objection(s) without any necessary justification and he/she is not required to attend the hearing to explain his/her case. In addition, a hearing will still be conducted even if the case involves only clerical errors in an elector's particulars, or even after the elector being objected to has already updated or corrected his/her particulars. There are views that this arrangement would bring unnecessary annoyance or inconvenience to the electors being objected to.

9. Having considered the views received during the public consultation conducted in late 2015, it is recommended in the Consultation Report to -

- (a) specify in the law that the burden of proof rests on the objectors and that the objector be required to appear at the hearings; and
- (b) empower the REO to process indubitable objection cases.

As regards the proposal of extending the time limit for the REO to process objection cases and the Revising Officer to conduct hearings, as mentioned in the Consultation Report, this proposal may require further advancing the deadline for VR/updating of registration particulars. So, we need to carefully examine the implications of the proposal on the VR deadlines, especially the updatedness of the information in the registers of electors as well as the legislative amendments involved, together with

other proposals on objection mechanism to decide whether it is appropriate to extend the time limit for processing objection cases and conducting hearing by the Revising Officer.

10. To take forward the review, we have studied how objections are handled under the VR system in the United Kingdom (“UK”), Canada, Australia and New Zealand. The relevant information is as set out at **Annex** for Members’ reference.

11. In reviewing the objection mechanism, we need to take into account the claim process in parallel because both are parts and parcels of the VR system. In line with the present arrangement, similar approach and benchmark should be adopted in handling claim or objection cases.

12. With reference to the practice of handling VR objections overseas, the issues that need to be considered in formulating the detailed proposals to improve the VR objection/ claim mechanism are set out in the ensuing paragraphs.

### **(A) Responsibility to Substantiate the Case**

#### ***Overseas Practices***

13. In UK and Australia, the objector is required to provide the reason(s) for the objection. In New Zealand, every objection shall specify sufficient particulars to inform the person objected to of the ground for the objection and the reason(s) supporting the ground for objection. In Canada, it is expressed in the law that the onus is on the objector to establish that the name of the person objected to should be deleted.

#### ***Issues to be Considered***

14. We need to consider how to specify the responsibility of an objector or a claimant to substantiate his/ her objection/ claim case(s) in the law. We suggest that while an objector or a claimant is not required to prove beyond doubt of the objection/ claim case(s), it should be set out

in the law that he/ she has the responsibility to provide sufficient information and grounds to substantiate his/ her cases.

## **(B) Attendance at the Hearings**

### ***Overseas practices***

15. It is not a mandatory requirement in UK and Canada that an objector must attend a hearing, instead, similar to the present arrangement in Hong Kong, an objector has an option to (i) attend a hearing in person, or (ii) be represented at a hearing, or (iii) make written representations before the date of the hearing. For Australia and New Zealand, there is no requirement for the relevant electoral authority to conduct a hearing of an objection.

### ***Issues to be Considered***

16. In examining whether we should make it mandatory for the objector (or claimant) to appear at the hearing, we should consider whether the requirement is proportionate and may deter the public from raising objections (or claims), and whether attendance of the objector (or claimant) at the hearing would affect the merit of the case or not. For example, if the objection only provides limited information in the notice of objection, the Revising Officer may need to seek clarifications from the objector at the hearing. On the other hand, if the grounds of an objection as set out in the notice of objection are sufficiently clear and valid (e.g. an elector's address does not exist), and the REO is satisfied that the elector should be removed after examining the case (e.g. the elector being objected to cannot be contacted as he/she has not provided the REO with other contact information except the address and the REO has checked that the elector's address does not exist as mentioned in the notice of objection), striking out the objection case solely owing to the absence of the objector at the hearing would mean that an ineligible elector or incorrect registration particulars may be retained in the register.

17. We need to consider whether the objector (or claimant) should be required to attend the hearing for every case, and if so, whether the case should be struck out if the objector (or claimant) fails to attend the hearing.

Alternatively, we may consider setting out in the law that the Revising Officer may strike out (rather than “shall strike out”) an objection (or a claim) if the objector (or the claimant) does not appear at a hearing for avoidance of any possible abuse of the system.

### **(C) Empowering the REO to Process Indubitable Objection Cases**

#### ***Overseas practices***

18. In Australia, objections are determined by the Divisional Returning Officer who is appointed by the Australian Electoral Commission in accordance with the law and is responsible for the electoral administration within each electoral division. If the Divisional Returning Officer is satisfied that an objection is frivolous or vexatious, he may dismiss the objection without giving notice to the elector being objected to. In UK, the Electoral Registration Officers who are appointed by the local authorities for compiling and updating the electoral register of their respective registration area can disallow an objection without the need for a hearing if the objection is “clearly without merit”.

#### ***Issues to be Considered***

19. In the 2015 VR cycle, in light of the unprecedented large number of objections that had to be dealt with and heard by the Revising Officer within a very tight timeframe, there were views that the Government should formulate measures to prevent the possible abuse of the objection mechanism and reduce the nuisance caused to the electors by requiring them to attend the hearings, e.g. streamlining and simplifying the process (e.g. without the need of a hearing, if possible) so as to relieve the burden on the Revising Officer, and lessen the impact on the electors concerned. As set out in the Consultation Report, we have proposed to empower the REO to process indubitable objection cases, i.e., seeking the Revising Officer’s determination of the case in writing without the need for a hearing.

20. We need to consider how to clearly define the circumstances and the types of objection cases for which hearings by the Revising Officer would not be needed, the criteria for classification of cases and specific

operation arrangements, so as to ensure that the proposal is practicable in actual operation. For example, we may consider specifying in the law that the REO may first screen whether the claims/ objections received are frivolous or vexatious<sup>2</sup>, or involving clerical errors in the elector(s)' particulars. If so, the REO may seek the Revising Officer's approval to retain, add, delete or correct the relevant entries in the registers by written submissions in lieu of hearings. In any event, these cases will still be determined by the Revising Officer by way of written submissions, based on the grounds and facts in support of the claims/ objections. Under the existing mechanism, the objector (or claimant) may request a review if he is not satisfied with the Revising Officer's decision. It is also worth highlighting that the role of the Revising Officer is to determine any appeals against the decisions of the Electoral Registration Officer in the compilation of the electoral registers, i.e. the VR eligibility of the electors being objected to or the claimants. If any suspected offences relating to VR (e.g. provision of false VR information) are identified in processing the objections or claims, the REO would refer these cases to the law enforcement agents for investigation in accordance with the established mechanism no matter hearing of the objections (or claims) is needed or not.

#### **(D) Extending the Time Limit for Processing and Hearing Objection and Claim Cases**

21. While there was a significant upsurge in the number of objections to 1 451 in the 2015 VR cycle (which was a DC election year), the total number of claim/ objection cases dropped to 3 in the 2016 VR cycle (which is a LegCo election year). According to the statistics, it appears that the upsurge of objection cases in the 2015 VR cycle is exceptional and should not be taken as a norm, especially in view that the number of cases in election years was typically slightly more than that in non-election years in the past. For example, in 2011 and 2012 which are DC election year and LegCo election year, the total number of electors involved in the claim/ objection cases was just 86 and 9 respectively. Meanwhile, there does not seem to be not a very strong case for advancing the VR deadlines so as to extend the time limit for processing objection

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<sup>2</sup> As an example of frivolous or vexatious objection, in the 2015 VR cycle, an objector raised an objection against an elector merely because the elector concerned had a foreign name.



cases and conducting hearings, as this would widen the time gap between the deadline for registration and the election day, and in view of the impact this measure might have on the eagerness of the eligible persons to register and the possible reduction in the number of claims/ objections that would require hearings after the implementation of the other proposals in this paper.

### **Views Sought**

22. Members' views are sought regarding the issues set out in paragraphs 13 to 21 above. Subject to Members' views, we will formulate the proposals for improving the objection mechanism and prepare for the necessary legislative proposals.

Constitutional and Mainland Affairs Bureau  
February 2017

## **Overseas Practices of Handling VR Objections**

The practices of handling objections against electors under the voter registration (“VR”) system in the United Kingdom (“UK”), Canada, Australia and New Zealand are out in the ensuing paragraphs.

### ***UK***

2. In UK, Electoral Registration Officers appointed by the local authorities are responsible for compiling and updating the electoral register of their respective registration area<sup>3</sup>. A person can register to vote<sup>4</sup> if he/she is:

- (a) 16 or over in England and Wales (but cannot vote until the person is 18); or is 14 or over in Scotland (but cannot vote in local elections and elections to the Scottish Parliament until the person is 16 or elections to the UK and European Parliaments until the person is 18);
- (b) not subject to any legal incapacity to vote (except for age);
- (c) either a qualifying Commonwealth citizens or a citizen of the Republic of Ireland; and
- (d) a resident in a constituency or part of it on the relevant date<sup>5</sup>.

3. An elector registered in the area of the local authority may make an objection at any time to a person’s registration<sup>6</sup>. The objector must be in the same local authority area but not necessarily in the same ward.

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<sup>3</sup> Section 8 of the Representation of the People Act 1983.  
(<http://www.legislation.gov.uk/ukpga/1983/2/section/8>).

<sup>4</sup> Section 4 of the Representation of the People Act 1983.

<sup>5</sup> The UK registration system looks at whether a person is a resident at a particular address on the relevant date (i.e., rolling registration).

<sup>6</sup> Sections 27 to 32 of the Representation of the People (England and Wales) Regulations 2001.  
([http://www.legislation.gov.uk/uksi/2001/341/pdfs/uksi\\_20010341\\_en.pdf](http://www.legislation.gov.uk/uksi/2001/341/pdfs/uksi_20010341_en.pdf)  
<http://www.aea-elections.co.uk/wp-content/uploads/2014/10/keeling-schedule-2001-regs-120314.pdf>)

The grounds for objection are that the person does not meet one or all of the requirements for registration, namely the age, nationality and residence qualifications, or the person has a legal disqualification to registering.

4. Objections must be made in writing and be signed and dated by the objector including the name, address and electoral number of the objector. Objector should give the name, qualifying address and electoral number of the elector who is objected to, or, if the person in question is not yet registered, their name and address as in the application and provide the reason for the objection. Objections are open for inspection until they have been determined.

5. In UK, unless an objection is disallowed, the Electoral Registration Officer<sup>7</sup> must hold a hearing to determine an objection. The objector and the elector being objected to are entitled to attend a hearing. The objector and the elector may do so in person, or alternatively they may make a written representation or have someone else appear on their behalf. If either of them fails to appear, the Electoral Registration Officer may still continue to have the hearing and determine the application at the hearing or consider rearranging the hearing to an alternative time within the allowed period at the agreed time for both parties.

6. The Electoral Registration Officers can disallow an objection without the need for a hearing<sup>8</sup>, where:

- (a) the objector is not entitled to object, i.e., he/she is not a registered elector;
- (b) the objection is “clearly without merit”. Objections would be ‘clearly without merit’ when the reason given obviously would not enable the objection to succeed. Examples of “clearly without merit” objection include: (i) objections based on the nationality of a person when the alleged nationality is an eligible nationality and the same as that given by the person, or (ii) where

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<sup>7</sup> Hearings are quasi-judicial proceedings and have to be conducted by the Electoral Registration Officer or an appointed Deputy Electoral Registration Officer.

<sup>8</sup> Sections 29(5), (5A) and (6) of the Representation of the People (England and Wales) Regulations 2001.

the objector believes that the elector does not own the property they live in and should therefore not be registered<sup>9</sup>;

(c) the matter has already been settled by a court; or

(d) the particulars given in the objection do not entitle the objector to succeed.

7. If the Electoral Registration Officer disallows an objection without a hearing, he must send to the objector a notice stating that the application has been disallowed on that basis and the grounds for his opinion. An objector may require the objection to be heard by giving notice to the Electoral Registration Officer within three days from the date of the notice given by the Electoral Registration Officer. If the Electoral Registration Officer does not receive such request from the objector by the deadline, he may disallow the objection.

8. Where a hearing is held and a determination is made in the hearing, the objector, applicant or elector retains the right to appeal. They have 14 calendar days beginning from the date of the decision to issue a notice of appeal. The notice of appeal must be submitted to the Electoral Registration Officer, together with the grounds of appeal. The Electoral Registration Officer must then forward the notice to the county court, which should be accompanied by a statement of the facts of the case as well as the Electoral Registration Officer's decision and on any point specified as a ground of appeal<sup>10</sup>.

## ***Australia***

9. The Australian Electoral Commission ("AEC") is an independent statutory authority established in 1984. State and Territory Electoral Authorities are set up under AEC to process the voter registration and conduct elections. Voter registration is compulsory in Australia. A

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<sup>9</sup> Guidance for Electoral Registration Officers, Part 4 – Maintaining the register throughout the year (see paragraphs 10.29 to 10.32; 10.44 to 10.47) ([http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0011/162578/Part-4-Maintaining-the-register-throughout-the-year.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/162578/Part-4-Maintaining-the-register-throughout-the-year.pdf))

<sup>10</sup> Section 32 of the Representation of the People (England and Wales) Regulations 2001.

person is eligible to enroll<sup>11</sup> if he/she:

- (a) is an Australian citizen, or eligible British subject (i.e., those who were enrolled for a federal electoral division in Australia immediately before 26 January 1984),
- (b) is aged 18 years and over, and
- (c) has lived at an address for at least one month.

A person can enroll at 16 but cannot vote until one becomes 18.

10. A person must be enrolled in the same division if object to a person's enrolment except making objections to a person by reason of being of unsound mind, is incapable of understanding the nature and significance of enrolment and voting<sup>12</sup>.

11. A person may make an objection to another person's enrolment if he/she believes that the person being objected to:

- (a) is of unsound mind and incapable of understanding the nature and significance of enrolment and voting. Any objection for this reason must be accompanied by a medical certificate completed by a registered medical practitioner;
- (b) does not live at the address shown on the roll and has not lived at that address for the last month;
- (c) is not yet 16 years of age;
- (d) is not an Australian citizen, or a British subject who was enrolled on 25 January 1984;
- (e) is enrolled more than once; or
- (f) has been convicted of treason or treachery and not pardoned.

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<sup>11</sup> Sections 93, 99(1) and 100 of the Commonwealth Electoral Act 1918.

([http://www.austlii.edu.au/au/legis/cth/consol\\_act/cea1918233/](http://www.austlii.edu.au/au/legis/cth/consol_act/cea1918233/))

<sup>12</sup> Section 114 of the Commonwealth Electoral Act 1918.

12. Objectors have to complete an objection form which contains the details of the objector, the elector being objected to and the reasons of the objection, and lodge it with the Divisional Returning Officer for the division for which the person named in the objection is enrolled<sup>13</sup>. Divisional Returning Officer is responsible for electoral administration within that division, including the maintenance of the electoral roll.

13. When an objection is received, the Divisional Returning Officer will determine the objection<sup>14</sup> and there is no requirement to hold a hearing for an objection case. Before determining an objection, the Divisional Returning Officer may make any inquiries he considers necessary to ascertain the facts in relation to the objection. The officer will write to the person who is named notifying him/her of the objection and stating the reason the objector has given. The person will be advised of the objector's name and address. The person will be allowed 20 days to provide information to confirm their right to remain enrolled. However, if the Divisional Returning Officer is satisfied that an objection is **frivolous or vexatious**, he may dismiss the objection without giving notice to the elector being objected to. If the elector being objected to is unable to provide information to confirm his/her right to remain enrolled, or if they do not respond within 20 days, his/her name will be removed from the electoral roll and the deposit of \$2 of an objection<sup>15</sup> will be refunded to the objector.

### *New Zealand*

14. The Electoral Commission is an independent body responsible for the administration of parliamentary elections and referenda, including electoral enrolment services for both parliamentary and local elections. Each electoral district must have a Registrar of Electors to be appointed by the Electoral Commission who would compile and maintain the electoral roll for that electorate and also handle objections to registration of

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<sup>13</sup> [http://www.aec.gov.au/FAQs/Electoral\\_Roll.htm](http://www.aec.gov.au/FAQs/Electoral_Roll.htm)

<sup>14</sup> Reference: Sections 113 to 116 and 118 of the Commonwealth Electoral Act 1918.  
([http://www.austlii.edu.au/au/legis/cth/consol\\_act/cea1918233/](http://www.austlii.edu.au/au/legis/cth/consol_act/cea1918233/))

<sup>15</sup> A deposit of \$2.00 must be paid for each objection, unless the reason for objection is that the person is of unsound mind in which case no deposit is required.

electors<sup>16</sup>.

15. Voter registration is compulsory in New Zealand. A person is eligible to enroll<sup>17</sup> if he/she:

- (a) is aged 18 years or older;
- (b) is a New Zealand citizen or permanent resident; and
- (c) has lived in New Zealand for one year or more continuously at some point.

16. Any elector may at any time object to the name of any person being on the roll for any district on the ground that that person is not qualified to be registered as an elector of that district<sup>18</sup>. Every such objection shall be made in writing to the Registrar for the district and shall specify the name of the objector and sufficient particulars to inform the person objected to of the ground for the objection and the reason(s) supporting the ground for objection.

17. Where the Registrar considers that the particulars included in an objection are insufficient to inform the person objected to of the ground for the objection or the reason or reasons supporting that ground, the Registrar shall by written notice require the objector to provide within 14 days of the giving of the notice such further particulars as the Registrar thinks fit.

18. The Registrar shall, on receipt of an objection, serve on the person objected to a notice in writing of the objection which should include both the name of the objector and the particulars specified by the objector to support his/her objection. The notice issued by the Registrar shall also inform the person objected to that he or she may forward to the Registrar a statement signed by him or her giving reasons why his or her name should be retained on the roll. If he or she provides the evidence that satisfies the Registrar, his or her name can be retained on the roll.

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<sup>16</sup> Section 22 of the Electoral Act 1993.

(<http://www.legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html>)

<sup>17</sup> Sections 74 and 82 of the Electoral Act 1993.

<sup>18</sup> Sections 95 to 97 of the Electoral Act 1993.

However, if the person objected to fails to forward a statement to the Registrar within 14 days after the day on which that notice is served on, the Registrar will remove from the roll the name of the person objected to.

19. If the Registrar is unable, after making at least two attempts, to serve the notice of objection on that person personally, the Registrar shall remove the name of that person from the roll and include the name in the dormant roll.

20. The Registrar is empowered to decide on objection cases, and remove or retain the name of the person objected to from the roll without a hearing. On the other hand, if the Registrar considers it appropriate or any party is dissatisfied with a decision of the Registrar, the Registrar shall refer the case to a District Court. The Registrar of Electors shall make any additions, deletions, and alterations to the roll that may be necessary to give effect to the order of the court.

### *Canada*

21. Elections Canada is an independent, non-partisan agency of Parliament which is responsible for conducting federal elections, including the maintenance of the national register of electors. After an election is called, Elections Canada sets up local offices in every electoral district and returning officer is the election officer responsible for organising an electoral event in an electoral district. Elections Canada produces preliminary lists of electors for federal elections, by-elections and referendums, using information from the national register of electors. Returning officers then update the lists for each electoral district during the revision period.

22. Voter registration is voluntary in Canada. A person who is a Canadian citizen at least 18 years old on the election day is eligible<sup>19</sup> to register as an elector. Qualified elector is entitled to have his/ her name included in the list of electors for the polling division in which he or she is ordinarily resident.

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<sup>19</sup> Sections 3 and 6, Canada Elections Act  
(<http://laws-lois.justice.gc.ca/eng/acts/E-2.01/FullText.html>)



23. An elector may file an objection against another, disputing the right of that person to be on the lists of electors for the electoral district. The objector must file an affidavit of objection with the returning officer between the issue of the writs<sup>20</sup> and the 14th day before election day. The returning officer then formally notifies the person against whom the objection has been filed, and the candidates in the electoral district, and convenes a hearing. The person objected to, his or her representatives, the objector and candidates' representatives may attend. Alternatively, the person objected to may send the returning officer any documentation that the person considers appropriate.

24. The returning officer may examine on oath the elector who made the objection and the person objected to, and make a decision on the basis of the information obtained. The onus is on the objector to establish that the name of the person objected to should be deleted. Whether the person objected to attends or not, their name may be deleted only if the elector making the objection proves, on a balance of probabilities, that the elector should be removed from the list. It is prescribed in the law that the non-attendance before the returning officer at the time an objection is dealt with, or the failure of the person against whom the objection is made to send proof that he or she is entitled to vote in the electoral district, does not relieve the elector who makes the objection from proving, to the returning officer on a balance of probabilities, that the name of the person objected to should not appear on the list of electors<sup>21</sup>.

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<sup>20</sup> The writ is the legal document issued by the Chief Electoral Officer instructing the returning officer, to hold an election in the electoral district to which the returning officer has been appointed.

<sup>21</sup> Section 104 of Canada Elections Act.