

Legislative Council Panel on Constitutional Affairs

**Launching a Pilot Scheme of Advance Polling in
the 2020 Legislative Council General Election**

PURPOSE

This paper seeks Members' views on launching a pilot scheme of advance polling in the 2020 Legislative Council General Election.

BACKGROUND

2. The Registration and Electoral Office ("REO") has always encouraged polling staff who are registered electors to vote at their designated polling stations on the polling day. Presiding Officers ("PROs") of polling stations are advised that they should, as far as possible, make arrangement for polling staff who intend to vote on the polling day to do so without disrupting the operation of their polling stations. To avoid having a large number of polling staff voting at a particular period of time, thus affecting the normal operation of polling stations, the REO has endeavoured to assign polling staff to work at polling stations close to their homes, and has also recommended to PROs some flexible arrangements, such as allowing polling staff to vote on the polling day before assuming duties at polling stations, or arranging for them to vote during their lunch / dinner breaks.

3. As the voter turnout rate has been rising over the years, there is a substantial increase in workload for polling staff on the polling day. In its Report on the 2018 Legislative Council (LegCo) By-election, the Electoral Affairs Commission ("EAC") recommended the Government to proactively consider adopting appropriate measures in future elections to facilitate voting by polling staff, including studying whether arrangements can be made for polling staff to vote in advance.

4. The Government published in November 2017 the Consultation Paper on Review of Electoral Arrangements to consult the public on a number of electoral arrangements. During the consultation period, we received proposals from political parties and LegCo Members on arranging advance polling for civil servants who serve as polling staff and who are on shift on the polling day.

THE PROPOSAL

5. To evaluate the effectiveness and identify potential problems of advance polling, after consulting the EAC, we **propose** to conduct a pilot scheme of advance polling in the 2020 LegCo General Election. Under the pilot scheme, advance polling will be available to government employees (including civil servants and non-civil service contract (“NCSC”) staff) who are required to perform election-related duties on the polling day that will prevent them from voting. The gist of the proposal for the pilot scheme is summarised as below.

(i) Advance polling date

6. We propose that the date of pilot advance polling be seven days before the main polling day (“D-7 advance polling day”) that also falls on a Sunday. This will allow REO staff to concentrate on the preparatory work in the run up to the main polling day, including the setup of the central counting station (“CCS”) and over 600 polling stations. This will also provide more relevant and useful experience for the REO in the long run, if advance polling is implemented on a larger scale on the “D-7 advance polling day”.

(ii) Eligibility for advance polling

7. We propose that under the pilot scheme, the eligibility for advance polling be limited to government employees (including civil servants and NCSC staff) who need to perform election-related duties on the polling day that will prevent them from voting. The total number of eligible staff members is expected to be around 30 000, including approximately 21 000 polling staff and up to 9 000 other government employees from various bureaux / departments. The exact number will be ascertained after further discussion with the relevant bureaux / departments. The relevant Heads of Bureaux / Departments will be invited to identify the staff concerned, and the REO will notify eligible staff of the advance polling arrangements.

(iii) Number of polling stations and polling hours

8. Taking into account the size of staff eligible for the scheme, we propose that one to two polling stations be set up for each of the

18 districts¹. As regards polling hours, since the number of eligible electors for advance polling would be significantly smaller than that of eligible electors on the main polling day, shorter polling hours for advance polling, say from 9:00 am to 4:00 pm, should suffice.

(iv) Election-related materials and counting arrangements

9. To guard against repeated voting and to uphold the integrity of the election, measures will have to be put in place to safeguard the marked poll registers used on the advance polling day, together with marked ballot papers and unused ballot papers, between the advance polling day and the main polling day. For security considerations, we propose that ballot boxes, ballot papers, marked poll registers and other election-related materials of the advance polling day should be transported to one or several central locations for storage before the main polling day. The REO will work out the necessary security measures and enlist support of the Hong Kong Police Force for safeguarding the electoral materials. To increase transparency, subject to practicability, candidates or their agents will be invited to observe the process, similar to the existing arrangement for transporting of ballot boxes from polling stations to the CCS.

10. As regards the counting arrangements, to ensure secrecy of ballot and fairness to all candidates, we propose that the votes cast on the advance polling day should be counted together with the votes cast on the main polling day. In practice, reference could be made to the treatment of votes cast at dedicated polling stations (“DPSs”) set up in police stations and penal institutions, i.e., the ballot boxes will be transferred to main counting stations / the CCS, and the votes cast in a polling station on advance polling day will be mixed with the votes cast in a main counting station / the CCS and counted together.

(v) Exit poll and surveys

11. The EAC has promulgated guidelines in relation to the conduct, publication and broadcast of exit polls conducted within no canvassing zones to avoid unfair interference with the election process by unduly influencing electors. Since the 2015 DC Ordinary Election, the EAC has required applicants conducting exit polls to make a statutory declaration to abide by the relevant terms and the guidelines on the

¹ There may be a need to arrange more than one polling station in certain districts, such as the Islands District, due to geographical characteristics of the districts.

conduct of exit poll, including not to announce the results of the exit polls or to make remarks or predictions on the performance of individual candidates before close of poll.

12. As mentioned in paragraph 7 above, under the pilot scheme, only government employees who are required to perform election-related duties on the polling day that will prevent them from voting would be eligible for advance polling. Taking into account the scale and scope of the pilot scheme, the outcome of any exit poll conducted on the advance polling day would virtually disclose the voting preference of a single category of electors, i.e., Government employees, even if the results are only disclosed after the main polling day. Therefore, for the proposed pilot scheme, we do not recommend allowing the conduct of exit poll on the advance polling day.

(vi) Appointment of agents

13. As regards the appointment of agents, a candidate / list of candidates may, under current law, appoint the following agents to assist him / her / them in an election:

- (a) one election agent;
- (b) any number of election expense agents;
- (c) not more than two polling agents for each polling station other than a DPS situated in a prison; and
- (d) one polling agent for each DPS situated in a prison other than a maximum security prison.

14. As polling stations used on the advance polling day will operate as polling stations independent from those on the main polling day, it is proposed that a candidate / list of candidates be allowed to appoint not more than two polling agents for each such polling station on the advance polling day. Other existing requirements about the appointment of polling agents, e.g. the deadline for appointment, would be similarly applicable to polling agents appointed for the advance polling day.

ADVICE SOUGHT

15. Members are invited to express views on the proposed pilot scheme of advance polling in the 2020 Legislative Council General Election as proposed above. Subject to Members' views, we plan to introduce the required legislative amendments into the LegCo within 2019.

**Constitutional and Mainland Affairs Bureau
Registration and Electoral Office
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