



**CONSULTATION PAPER**  
**Improvement Measures of the Voter Registration System**

**Law Society's Submissions**

The Law Society has the following comments on the Consultation Paper published by the Constitutional and Mainland Affairs Bureau *Improvement Measures of the Voter Registration System*:

**(a) whether to introduce a requirement that address proof should be provided as standard supporting evidence at the same time when a person applies for registration as a GC elector or when a registered elector applies for change of his residential address (paragraphs 24, 25 and 27(a) above);**

The proposal to provide address proof does not appear to be unduly onerous. However, we note there may be problems for adult members of households who do not have utility bills, etc. or for 'cage dwellers' to provide proof of address.

The Law Society has concerns this proposal could deter new voters from registering and also existing voters from re-registering their new addresses. The proposal is not fool proof and can still be manipulated.

**(b) whether to introduce penalty for registered electors who fail to report change of addresses (paragraph 30 above) or to introduce penalty for registered electors who fail to report change of address before the statutory deadline for reporting change of registered particulars and vote in an election afterwards (paragraphs 31 and 37(d) above);**

The Law Society does not support the policy of imposing additional penalties. If a voter provides a false address in the self-declaration on the existing form, this act is already a statutory offence - one of providing false particulars.

**(c) whether the existing statutory deadlines for VR should be amended to allow sufficient time for the ERO to complete the checking and the verification processes, and for the public to inspect and to lodge claims and objections, before the publication of the final register (paragraph 37(b))**

The problems concerning the validity of the Voter Register (VR) can be addressed by enhanced administrative measures and self-policing. If the VR is closed earlier it may provide enough time for candidates to examine it before the relevant election. The Electoral Affairs Commission should be more vigilant and the candidates should be entitled to examine the VR earlier.

**(d) whether the voter register for public inspection should also set out electors in accordance with principal residential addresses so as to check the relevant electors' names in the same address, which will facilitate the public to identify irregularities in respect of residential addresses. Currently, the register format sets out the electors' names followed by their principal residential addresses only (paragraph 37(c) above);**

The system is not fool proof and can be manipulated.

**(e) whether to require an elector to produce the poll card at the polling station before he or she can cast a vote (paragraph 37(e) above). Currently, poll cards are sent by the REO to electors in order to inform the electors of the polling stations allocated to them. At the polling stations, voters are required to produce their identity cards but not their polling cards in order to cast their votes. Whilst requiring electors to produce poll cards before they can cast votes would help to prevent dishonest or fraudulent acts and would improve public confidence in the integrity of the election system, care should be taken as the proposed requirement may also at the same time have the effect that those electors who have lost their polling cards or have forgotten to bring their polling cards to the polling station would be deprived of the opportunity to exercise their right to vote; and**

This suggestion could be a trap for the unwary. A voter casting a ballot in the wrong constituency could be subject to penalties and it is impossible to anticipate every possibility in relation to the use of polling cards.

The Administration's responsibility is to prevent systematic fraud. However, administrative means should not be too onerous or impinge on a citizen's right to vote.

**(f) whether the existing offences under section 22 of Cap.541A on false declaration should be transferred to the ECICO as corrupt conduct or illegal conduct and be enforced by the ICAC (paragraph 37(f) above). If yes, whether and to what extent the existing penalty level for such offences should be raised having regard to the maximum penalties for corrupt conduct or illegal conduct under the ECICO. If not, whether and to what extent the existing penalty level for such offences should be raised under Cap.541A; and**

The Law Society is not in favour of transferring the existing offences under Cap.541A as this could deter voter registration.

**(g) whether there are any other views on the improvement of the VR system.**

The Law Society notes the standard practice at polling stations is for scrutineers to examine the voter's ID card; even if a voter has a polling card, the main identification remains the ID card. The Administration should improve the administrative arrangements and provided adequate resources to the Electoral Affairs Commission to enhance policing of the VR.

The compilation of the VR should be brought forward to enable candidates to examine the roll to identify strange clustering of names in any particular unit etc.

The Commission should have the capability to cross-reference the identity cards numbers of the electors on the VR given the existing practice of reliance by the scrutineers on the voter's identity card. It should also maintain extra vigilance over the VR in marginal seats.

**The Law Society of Hong Kong  
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