

LINGNAN UNIVERSITY STATUTES

Schedule 1 to Statute 5

Regulations Governing the Election of Eligible Staff from among themselves for Appointment to the Court and the Council

1. Statutory Provisions

- 1.1 The following sections of the Ordinance provide for certain categories of membership of the Court and the Council to be filled by election:
- (a) According to section 9(1)(d) of the Ordinance, the Court shall include “2 members elected by the eligible staff from among themselves in accordance with statutes and appointed by the Council” and,
 - (b) According to section 12(1)(d) of the Ordinance, the Council shall include “3 members elected by the eligible staff from among themselves in accordance with statutes and appointed by the Council”.
- 1.2 These Regulations shall govern the elections of staff members for appointment by the Council to both the Court and the Council.

2. Interpretation

- 2.1 The following terms used in these Regulations shall have the meanings ascribed to them in the Ordinance: “University”, “Court”, “Council”, “Ordinance”.
- 2.2 “Eligible Staff” as used in the Ordinance shall be determined as the long term full-time academic and non-academic staff of the University who include all the ranks of long-term full-time staff being employed in the University.
- 2.3 “Member” shall mean a person properly elected to become a member of the Court or the Council under the provisions of these Regulations.
- 2.4 “Elector” shall mean a person who has the right to vote in accordance with the statutes of the Ordinance.
- 2.5 “Election” shall mean the whole process by which a member is elected to the Court or the Council.
- 2.6 “Nominee” shall mean a person who is formally proposed and seconded to stand for election to the Court or the Council.
- 2.7 “Candidate” shall mean a person who, having been formally nominated for election to the Court or the Council, has indicated his/her willingness to be nominated and to contest the said Election.

- 2.8 “Ballot” shall mean the casting of votes in secret.
- 2.9 “Votes” shall mean the formal expression of choice for a candidate, made in accordance with the provisions of these Regulations.
- 2.10 “Chief Executive” shall mean the Chief Executive of the Hong Kong Special Administrative Region.

3. Membership

- 3.1 An eligible member of staff who is formally elected and appointed as a member in accordance with the provisions of the Regulations shall serve on the Court or the Council for three years, or as otherwise determined by the Council.
- 3.2 The elected member shall assume office on the day following expiration of his/her predecessor’s term of office, unless otherwise determined by the Council.
- 3.3 An eligible member of staff duly elected and appointed to the Court or the Council as a result of a by-election shall serve for the remaining period of office of his/her predecessor unless otherwise determined by the Council.
- 3.4 A member’s period of office shall terminate immediately in accordance with section 9(8) or section 12(9) of the Ordinance.
- 3.5 An eligible member of staff elected and appointed to the Court or the Council under these Regulations may resign by notice in writing to the Chairman of the Council, in accordance with section 9(7) or section 12(8) of the Ordinance.

4. Election Officer and Returning Officers

- 4.1 The Secretary to the Council shall be the Election Officer for elections to the Court and the Council and, unless otherwise stated, shall be responsible for the interpretation and enforcement of these Regulations and for the proper conduct of the said elections in a fair and just manner.
- 4.2 The Election Officer shall designate employees of the University to act as independent Returning Officers for the said elections. The names of the Returning Officers shall not be announced.

5. Timetable

- 5.1 The following summary timetable shall apply to the said elections under the provisions of these Regulations.
- 5.2 The electoral roll shall be prepared at least one month before the expiration of office of current member(s) concerned.
- 5.3 A nomination period of 14 days shall be effected, during which the election

timetable shall be announced and nominations shall be called for together with statements on reason for election. The nomination period may be adjusted by the Election Officer but should not be less than 10 days.

- 5.4 A second nomination period of 7 days, or otherwise determined by the Election Officer, shall be implemented if not enough nominations were made during the first nomination period.
- 5.5 Not more than 2 days after the closing of the normal nomination period or the second nomination period, nominees may withdraw their candidature.
- 5.6 Not later than 3 days after the end of the nomination process, all the confirmed nominations shall be announced.
- 5.7 The normal polling period shall be 2 days.
- 5.8 The result of the election concerned shall be announced as soon as possible but not later than 3 days after polling.
- 5.9 A period of 2 days immediately after the announcement of election results is allowed for lodging complaints against whole or part of the election.

6. Electoral Roll

- 6.1 The Election Officer shall be responsible for ensuring that the electoral roll is prepared by the appointed time. The Election Officer's decision on the eligibility of electors for inclusion on the roll is final.
- 6.2 The electoral roll shall comprise all staff as defined in paragraph 2.2.

7. General Notification of Election

- 7.1 On the appointed day, the Election Officer shall issue to each elector a copy of announcement of the election concerned stating:
 - (a) the reason for the election;
 - (b) the period of membership;
 - (c) the timetable for specific stages of the election process.
- 7.2 The Election Officer shall at the same time announce that each nominee may:
 - (a) submit for publication such autobiographical details as deemed appropriate by the Election Officer; and/or
 - (b) organize an election forum for the purpose of addressing the electors and answering their questions.
- 7.3 The Election Officer shall also at the same time place a copy of the

announcement of election, together with a copy of these Regulations, on official University notice-boards.

8. Nominations

- 8.1 Only electors may put forward nominations. Each elector may participate in the election, as proposer or seconder, in putting forward a number of nominations no greater than the number of seats contested.
- 8.2 Nominations will only be accepted on nomination forms available from the Election Officer. Each nomination shall be signed by the proposer and the seconder, and by the nominee, who shall indicate his/her willingness to stand.
- 8.3 If the nominee is outside Hong Kong during the nomination period, the proposer shall obtain his/her written consent, the validity of which shall be decided by the Election Officer.
- 8.4 Nominations shall be required to reach the Election Officer by 5:00 p.m. on the appointed day in a sealed envelope. Late nominations will be declared invalid.
- 8.5 If no nominations, or fewer nominations than the number of seats available, are received after the normal nomination period, a second nomination period shall be declared open in accordance with the provisions of paragraph 5.4.
- 8.6 In the event of a further failure to receive the necessary number of nominations, the nomination process shall be repeated with a new electoral roll after six months.
- 8.7 If the number of nominations is equal to the number of seats, the nominees shall be deemed to have been elected *ipso facto* and, notwithstanding the provisions under section 5, their names shall be published within 4 days after the day appointed for the closing of nominations.
- 8.8 In all other cases, the Election Officer shall publish on official University notice-boards a list of nominations, together with the names of all the proposers and seconders and details of the voting procedures not later than 3 days after the normal nomination period (or the second or subsequent nomination period if necessary) has ended.
- 8.9 In case more than one nomination is made for the same candidate, the first nomination form received by the Election Officer shall be the nomination for procedural use.
- 8.10 Any nominee if he/she so wishes may withdraw from nomination by serving a written notice to the Election Officer no more than 2 days after the closing of the normal or second or subsequent nomination period. In the event that all nominees withdraw their nominations, the Election Officer shall announce that the nomination be reopened and the provisions under paragraphs 8.1 - 8.9 shall again apply.

9. Voting Procedures

- 9.1 Elections shall be secret ballot at the Polling Station(s) designated for the purpose by the Election Officer.
- 9.2 Each elector shall have the number of votes which is equal to the number of vacancies, and may only vote for one candidate for each vacancy.
- 9.3 On any one of the appointed polling days, each elector will go to the Polling Station(s), identify himself/herself and obtain a ballot form from a Returning Officer, who shall make a mark on the electoral roll concerned to indicate that the elector has obtained a ballot form.
- 9.4 Votes shall not be cast by proxy.
- 9.5 If an elector is not in Hong Kong or is hospitalized on polling day, he/she may if he/she so wishes cast his/her vote on the ballot form by fax or by email via his/her Lingnan webmail account.
- 9.6 For voting by fax, the elector concerned should make a formal request for voting by fax to the Election Officer on or before the first polling day. He/She should provide the Election Officer with the fax number for the purpose. Within the first hour of the polling period or as early as practicable, the Election Officer will send by fax a special ballot form for the purpose of voting by fax with a serial number to each elector who has made such a request. The elector will cast his/her vote by completing only the special ballot form thus received and returning it, together with a separate sheet showing his/her identification for authentication purposes, by fax to the Election Officer by the polling deadline. The elector concerned is required to contact the Election Officer as soon as possible after faxing to confirm whether the intended ballot form has been received. The Election Officer will sign on each valid ballot form received for confirmation purposes and place such ballot form in the ballot box for the elector concerned. Any ballot form sent by fax to the Election Officer without going through the above procedure will be regarded as invalid. The Election Officer will make a clear record of those who have voted by fax, and any unconfirmed or invalid ballot forms.
- 9.7 For voting by email, the elector concerned should make a formal request to the Election Officer on or before the first polling day. Within the first hour of the polling period or as early as practicable, the Election Officer will email a special ballot form for the purpose of voting by email with a serial number to each elector who has made such request. The elector will cast his/her vote by completing only the special ballot form thus received and returning it via the elector's Lingnan webmail account for authentication purposes, to the Election Officer by the polling deadline. The Election Officer will send an acknowledgement by email as early as possible to confirm the receipt of the intended ballot form. The Election Officer will sign on each valid ballot form received for confirmation purposes and place such ballot form in the ballot box for the elector concerned. Any ballot form sent by email to the Election

Officer without going through the above procedure will be regarded as invalid. The Election Officer will make a clear record of those who have voted by email, and any unconfirmed or invalid ballot forms.

- 9.8 The names of all the candidates concerned are printed in alphabetical order on the ballot form. The elector shall put a horizontal line across the box to complete the arrow, i.e. from  to , in the space provided against the candidate so preferred. The number of arrows completed shall not exceed the number of vacancies. A ballot form which records votes exceeding this number shall be regarded as invalid.
- 9.9 Having completed the ballot form, the elector shall place it in the ballot box provided for the purpose and leave the Polling Station. Electors shall not take away from the Polling Station any ballot forms, whether blank or completed.
- 9.10 The preference(s) expressed by each elector shall be secret, and no attempt shall be made to identify the completed ballot forms.
- 9.11 The Election Officer shall be responsible for the security of the ballot box.
- 9.12 At 5:00 p.m. sharp on the last day of the polling period, the Election Officer shall seal the ballot box.

10. Spoiled or Invalid Votes

The following shall be regarded by the Returning Officers as constituting cases of a spoiled or invalid vote:

- (a) A form recording votes in excess of the number of seats available;
- (b) A form recording a vote or votes other than by completing the arrow(s) as instructed.

11. Determination and Announcement

- 11.1 The Election Officer shall inform all the candidates of the appointed time and date for counting the votes. These candidates shall have the right to be present at the counting or to nominate their proposer to represent them.
- 11.2 On the appointed time and date, the Election Officer shall unseal the ballot box in the presence of the Returning Officers and those who have the right to be present. The Returning Officers shall proceed to count the votes.
- 11.3 The Election Officer shall make any final decisions on the validity of a vote.
- 11.4 Ballot forms which have been declared spoiled or invalid shall still be counted by the Returning Officers.
- 11.5 Those candidates (not exceeding the number of seats available) who receive the most valid votes shall be deemed elected. If two or more candidates each

receive the same number of votes and only one of them can be elected, the Election Officer shall draw lots in their presence to determine who shall be elected.

- 11.6 The Election Officer shall monitor the counting of votes and may call for a recount at the conclusion of the count.
- 11.7 After the count or counts can reveal a result, all the ballot forms, whether valid, invalid or spoiled shall be returned by the Returning Officers to the Election Officer in a sealed envelope. The Returning Officers shall also list the number in each of the categories of ballot forms and sign their names to the list.
- 11.8 The Election Officer shall in accordance with paragraph 5.8 publish an announcement of the election results, giving the following information:
 - (a) the name(s) of the successful candidate(s);
 - (b) the number of votes cast for each candidate;
 - (c) the number of valid votes;
 - (d) the number of votes declared invalid or spoiled, if any; and
 - (e) the period of office of each successful candidate.

The announcement shall be placed on official University notice-boards. Each candidate shall receive a copy of such announcement.

12. Confirmation of Results

- 12.1 Any complaint concerning the conduct of the election shall be lodged with the Election Officer. Except in the case of a complaint against himself/herself, the Election Officer shall investigate the complaint and his/her decision on the matter shall be final.
- 12.2 The complaint must be signed by the person(s) lodging the complaint, but it shall be treated in strict confidence.
- 12.3 If no complaint is received, or if the Election Officer is satisfied with the result of any investigation into complaint(s) so lodged, he/she shall report to the Council in due course that the election concerned has been properly conducted.
- 12.4 If the Election Officer is not satisfied with the result of investigation into any such complaints, he/she shall immediately report and refer the matter to the Council which shall decide on a further course of action.
- 12.5 Any complaint against the Election Officer shall be directly lodged with the Council which shall appoint two of its members to investigate the matter. The Council's decision on such matter shall be final.

12.6 The following decisions are considered as final on complaints concerning the conduct of the election concerned:

- (a) when it is found that complaints other than those against himself/herself are not justified, the Election Officer shall rule that the election results already announced as confirmed;
- (b) when it is found that complaints are justified on reasonable grounds, the Election Officer or the Council, depending on the circumstances, may choose the following courses of action without an obligation to reveal the reasons for such:
 - (i) that the candidate against whom a complaint has been received and found justified be disqualified, and the person who has received the next highest number of valid votes be declared elected instead;
 - (ii) that the polling of the concerned election be declared null and void and that a new polling exercise be arranged as soon as possible;
 - (iii) that the whole election concerned be declared null and void, and that a new election be conducted as soon as possible;
 - (iv) that any course of action deemed appropriate be undertaken.

12.7 The Secretary to Council shall report to the Chairman of the Council the names of the successful candidates elected for appointment. When the Chairman of the Council confirms the appointments, the Secretary to Council shall inform the candidates, the Chairman of the Court as appropriate, and the Council accordingly.

12.8 All the ballot forms shall be destroyed by the Election Officer one month after the results are confirmed unless a complaint is substantiated. In the event of a substantiated complaint, the ballot forms shall be retained until the Council or the Election Officer has made a final decision and has chosen a course of action.

13. Revision of Regulations

13.1 The Election Officer may authorize a departure from the Regulations, subject to his/her reporting it to the Council, should an exact application of such Regulations be deemed impracticable in a particular situation.

13.2 The Council may at its absolute discretion decide to alter these Regulations generally or for the purpose of a particular election.