

# LINGNAN UNIVERSITY STATUTES

## Schedule 2 to Statute 5

### Regulations Governing the Elections of Members of the Senate for Appointment to the Court and the Council

#### 1. Preamble

- 1.1 In accordance with Statute 5 of the Ordinance, the Council may make regulations providing for the holding and conduct of elections for the purpose of electing candidates for appointment to the Court under section 9(1)(e) and to the Council under section 12(1)(e).
- 1.2 According to section 9(1)(e) of the Ordinance, the Court shall include “1 member elected by the Senate from among its members in accordance with statutes and appointed by the Council”. According to section 12(1)(e), the Council shall include “2 members elected by the Senate from among its members in accordance with statutes and appointed by the Council”.
- 1.3 These Regulations shall govern the elections of members of the Senate for appointment by the Council to the Court and to the Council under paragraph 1.1 above.

#### 2. Interpretation

- 2.1 The following terms used in these Regulations shall have the meanings ascribed to them in the Ordinance: “University”, “Court”, “Council”, and “Senate”.
- 2.2 “Member of the Senate” shall mean a member who has full voting power on the Senate.
- 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 member of the Senate who has the right to vote in accordance with the provisions of these Regulations.
- 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 stand for the said Election.

- 2.8 “Ballot” shall mean the casting of votes in secret.
- 2.9 “Vote” shall mean the formal expression of choice for a candidate, made in accordance with the provisions of these Regulations.

### 3. Membership

- 3.1 A member of the Senate who is formally elected and appointed as a member in accordance with the provisions of these Regulations shall serve on the Court/Council for three years, or such lesser period as determined by the Council. For a member elected as a result of a repeated process stipulated under paragraph 8.6, his/her period of office shall be shortened accordingly.
- 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 Notwithstanding the provisions under paragraphs 3.1 and 3.6, a member’s period of office shall terminate immediately when he/she ceases to be a member of the Senate under the following circumstances:
- (a) he/she resigns from his/her Senate membership, or
  - (b) he/she ceases to be an ex-officio or a co-opted member of the Senate, or
  - (c) he/she ceases to be an academic staff or a student member of the constituency from which he/she was elected to serve on the Senate, or
  - (d) he/she leaves the University on resignation or termination of employment.
- 3.4 A member of the Senate elected and appointed to the Court/Council under these Statutes may resign by notice in writing to the Secretary of the Council, who shall transmit the same to the Council, in accordance with section 9(7) or 12(8) of the Ordinance.
- 3.5 A by-election shall be conducted to fill a vacated seat arising from the circumstances as described in paragraphs 3.3 or 3.4, following the same procedures for an election.
- 3.6 A member of the Senate duly elected and appointed to the Court/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.

### 4. Election Officer and Returning Officers

- 4.1 The Registrar, as Secretary to the Senate, shall be the Election Officer for elections to the Court and Council under the provisions of these Regulations and, unless stated otherwise, 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 two staff members of the University, who shall not be members of the Senate, to act as independent Returning Officers for the elections. The names of the Returning Officers shall not be announced.

5. Timetable

5.1 The following summary timetable shall apply to the 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 the current member(s) concerned.

5.3 A nomination period of 14 days shall be effected, during which the election timetable shall be announced, nominations called for, and statements on reason for the election given. The nomination period may be adjusted by the Election Officer in view of any special circumstances such as public holidays, but the period 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 closing of the period as stated in paragraph 5.5 above, 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 Immediately after the result of the election is announced, a period of 2 days 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. His/her decision on the eligibility of electors for inclusion on the roll is final.

6.2 The electoral roll shall comprise all persons as defined in paragraph 2.2 above.

7. 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; and
- (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 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 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 by secret ballot at the Polling Station designated for the purpose by the Election Officer.



9.2 Each elector shall have a 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, 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. Before the first polling day or 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. Before the first polling day or 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 Election Officer 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 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 staff members to represent them.

- 11.2 At the appointed time, 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 then 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 and a result reveals, 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 above 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 Senate 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 Chairman of the Senate, who shall decide on a further course of action.
- 12.5 Any complaint against the Election Officer shall be directly lodged with the Chairman of the Senate, who shall investigate the matter. The Chairman'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 Chairman of the Senate, 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 election concerned 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 Election Officer shall, after reporting to the Senate, submit to the Council via its Secretary the names of the successful candidates elected for appointment to the Court or the Council. When the Council confirms the appointments, the Secretary of the Council shall inform the candidates, the Chairman of the Court as appropriate, and the Election Officer 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 Chairman of the Senate 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 these Regulations, subject to his/her reporting it to the Chairman of the Senate, 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.