

LINGNAN UNIVERSITY STATUTES

Schedule 2 to Statute 5

Regulations Governing the Election of Members of the Senate from among its Members for Appointment to the Court or 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) or 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 or 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 “Ballot” shall mean the casting of votes in secret.
- 2.3 “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.
- 2.4 “Election” shall mean the whole process by which a member is elected to the Court or the Council.
- 2.5 “Elector” shall mean a member of the Senate who has the right to vote in accordance with the provisions of these Regulations.
- 2.6 “Member of the Senate” shall mean a member who has full voting power on the Senate.
- 2.7 “Member” shall mean a person properly elected to become a member of the Court or the Council under the provisions of these Regulations.

- 2.8 “Nominee” shall mean a person who is proposed and seconded to stand for election to the Court or the Council.
- 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 elected by the Senate from among its members and appointed as a member in accordance with these Regulations shall serve on the Court/Council for three years, or such lesser period as determined by the Council at least one month before the announcement of the election. If such determination cannot be made one month before the announcement of the election, the period shall be determined by Council at least one week before the announcement of the election together with reasons for the delayed determination. 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. In the event an elected member of staff may not assume office on such day following expiration of his/her predecessor’s term of office, the seat concerned shall be left vacant and the filling of such vacancy shall be subject to paragraph 3.3.
- 3.3 In the event of a vacancy at the Court or Council coming into existence as referred to in paragraph 3.2, the Council shall determine the date and time to hold the election for appointment to fill the vacancy and the time limit for appointment of an elected member of staff on a case-by-case basis, in accordance with section 9(9) or section 12(10) of the Ordinance. A member of the Senate duly elected as a result of such election shall serve for the remaining period of office of his/her predecessor, unless otherwise determined by the Council.
- 3.4 Notwithstanding the provisions under paragraphs 3.1 and 3.3, 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.
- 3.5 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.

- 3.6 A member of staff's period of office shall terminate immediately in accordance with section 9(8) or section 12(9) of the Ordinance.

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 or Council under these Regulations and, unless stated otherwise, shall be responsible for the interpretation and enforcement of these Regulations and for the proper conduct of the 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 Returning Officers for the elections.

5. Timetable

- 5.1 The following summary timetable shall apply to the elections under these Regulations.
- 5.2 The electoral roll shall be prepared at least one month before the expiration of office of the incumbent member(s) concerned.
- 5.3 A nomination period of 14 days shall be effected, during which nominations shall be called and the election timetable shall be announced together with the announcement of the election in accordance with paragraph 7.1. 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 as determined by the Election Officer, shall be implemented if no nominations were made during the normal nomination period.
- 5.5 Not more than 2 days after closing of the normal nomination period, nominees may withdraw their candidature in accordance with paragraph 8.11.
- 5.6 Not later than 3 days after the closing of the nomination period, all the nominations shall be announced.
- 5.7 The normal polling period shall be 2 days.
- 5.8 Complaints may be lodged against the whole or part of the election not later than 2 days after the announcement of election results.
- 5.9 If no complaints are lodged, the election results shall be announced as soon as possible but not later than 3 days after polling.

6. Electoral Roll

- 6.1 The Election Officer shall be responsible for ensuring that the electoral roll is prepared by the appointed time as stipulated in paragraph 5.2. His/her decision on the eligibility of electors for inclusion on the roll is final.
- 6.2 The electoral roll shall comprise all members of the Senate as defined in paragraph 2.6 above.

7. Notification of Election

- 7.1 On the date of the announcement of the election, 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 office; and
 - (c) the timetable for specific stages of the election process (i.e., nominations, voting, announcement of results, complaints (if any) and confirmation of results).
- 7.2 The Election Officer shall on the date of the announcement of election by the Council, announce that each nominee may:
- (a) submit for publication such autobiographical details as deemed appropriate by the Election Officer; and
 - (b) where the Council considers appropriate, organize an election forum for the purpose of addressing the electors and answering their questions.
- 7.3 The Election Officer shall on the date of the announcement of the election by the Council, place a copy of the announcement of election, together with a copy of these Regulations, on official University notice-boards and at the election and announcement section of the University website (the URL/link of which shall be made available on the announcement of election).

8. Nominations

- 8.1 Only electors may put forward nominations. Each elector may participate as proposer or seconder in putting forward one nomination for each vacant seat contested.
- 8.2 Nominees must sign and complete the declaration form available from the Election Officer before the nomination is accepted. In the event that a nominee has declared that he/she has been subject to and/or committed and/or is under investigation of any one of the acts as specified in the declaration form, the Election Officer shall forthwith bring the matter before the Election Affairs Committee of the Council (the "Committee"). The Committee shall then decide whether or not the nominee is eligible for nomination. The terms of

reference, composition and membership of the Committee shall be determined by resolution of the Council.

- 8.3 Nominations will only be accepted on nomination forms available from the Election Officer. Each nomination shall be signed by the proposer and the seconder (both the proposer and the seconder shall be electors), and by the nominee, who shall indicate his/her willingness to stand before the nomination is accepted.
- 8.4 If the nominee is outside Hong Kong during the nomination period, the proposer shall obtain his/her written consent to the nomination (by email or by fax) and the Election Officer shall confirm that such written consent has been obtained before the nomination is accepted.
- 8.5 Nominations must include the nomination form and the declaration form and 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.
- 8.6 If no nomination or fewer nominations than the number of vacant seats available are received to stand for election to the Court or the Council respectively after the normal nomination period, a second nomination period shall be declared open in accordance with paragraph 5.4.
- 8.7 In the event of a further failure to receive nominations, the nomination procedures (i.e., as provided in paragraphs 8.1 – 8.6) shall be repeated with a new electoral roll after six months of the close of the second nomination period has elapsed.
- 8.8 If all vacant seats available receive their respective exact number of requisite nominations to stand for election to the Court or the Council respectively, the nominees shall be deemed to have been elected *ipso facto* and, notwithstanding the provisions under paragraph 5, their names shall be published within 4 days after the day appointed for the closing of nominations.
- 8.9 In all other cases, the Election Officer shall publish on University notice-boards and the University website 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 nomination period has ended.
- 8.10 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.
- 8.11 Any nominee if he/she so wishes may withdraw from nomination by serving a written notice on the Election Officer no more than 2 days after the closing of the 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 – 8.11 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 one vote for each vacancy, and may only vote for one candidate for each vacancy.
- 9.3 On any one of the appointed polling days, each elector shall attend the Polling Station, and cast his/her vote in person by presenting his/her staff ID card at the Polling Station(s) 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 On the ballot form where the names of all the candidates concerned are printed in alphabetical order, 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.
- 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. 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 ballot form recording votes in excess of the number of seats available; and
- (b) A ballot 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 other staff members of the Senate to represent them.
- 11.2 At the appointed date and 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 but separately by the Returning Officers.
- 11.5 Those candidates (not exceeding the number of vacancies 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 (or the presence of their representative(s)) 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 reveal a result, all the ballot forms collected from the ballot box, whether valid, invalid or spoiled shall be returned by the Returning Officers to the Election Officer in a sealed box. 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 All the ballot forms shall be destroyed by the Election Officer one month after the results are approved 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.
- 11.9 If complaints are received in accordance with paragraph 5.8, no announcement of the election results shall be made until all complaints have been solved in accordance with paragraph 12. Following which, the Election Officer shall announce the election results as per paragraph 11.10.
- 11.10 If no complaints are received before then, the result of the election concerned shall be announced as soon as possible but not later than 3 days after polling.
- 11.11 The Election Officer shall in accordance with paragraphs 5.9 and 11.10 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 University notice-boards and the University website. Each candidate shall receive a copy of such announcement.

12. Confirmation of Results

- 12.1 Any complaint concerning the whole or part of the election shall be lodged with the Election Officer within 2 days after the announcement of election results in accordance with paragraph 5.8. 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 the complaint(s) so lodged, he/she shall report to the Senate within 3 days after the election that the election concerned has been properly conducted and the election results shall be announced.
- 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 within 2 days after the announcement of election results in accordance with paragraph 5.8, 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 whole or part of the election concerned:
- (a) when it is found that complaints other than those against himself/herself are not substantiated, the Election Officer shall rule that the election results already announced as confirmed;
 - (b) when it is found that complaints are substantiated, 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 substantiated 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; or
 - (iv) that any other course of action deemed appropriate be undertaken.

13. Appointment

- 13.1 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.

- 13.2 The Council shall, subject to paragraph 12 and upon consideration of the complaints received (if any), at its discretion approve or otherwise the appointments of the elected candidates or any further course of action as they deem appropriate.
- 13.3 Upon the Council approving the appointments of the elected candidates, the Secretary of the Council shall inform the elected candidates and the Court accordingly.

14. Revision of Regulations

- 14.1 If a particular election cannot be held due to natural causes (e.g., typhoon 8 signal or black rain) or technological issues outside of the reasonable control of the Election Officer, and an exact application of the Regulations be deemed impracticable, the Election Officer may, subject to approval by the Council, authorize a departure from the Regulations to address such event granted such departure is not in conflict with the underlying principles of the Regulations.
- 14.2 In the event of the above situation, the Council may at its absolute discretion from time to time decide to alter these Regulations to accommodate such matters for the purpose of a particular election to ensure that the election may be held granted such alteration is not in conflict with the underlying principles of the Regulations.