

LINGNAN UNIVERSITY STATUTES

Schedule 3 to Statute 5

Regulations Governing the Election of Eligible Students from among themselves for Appointment to the Court or the Council

1. Statutory Provisions

- 1.1 The following sections of the Ordinance provide for certain categories of membership of the Court or the Council to be filled by election:
 - (a) According to section 9(1)(h) and (ha) of the Ordinance, the Court shall include “1 full-time student elected by and from the undergraduate students in accordance with statutes and appointed by the Council” and “1 full-time student elected by and from the postgraduate students in accordance with statutes and appointed by the Council”,
 - (b) According to section 12(1)(h) and (i) of the Ordinance, the Council shall include “1 full-time student elected by and from the undergraduate students in accordance with statutes and appointed by the Council” and “1 full-time student elected by and from the postgraduate students in accordance with statutes and appointed by the Council”.
- 1.2 These Regulations shall govern the elections of students for appointment by the Council to the Court or the Council and related matters.

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 “Ballot” shall mean the casting of votes in secret.
- 2.3 “Candidate” shall mean a full-time student who, having been nominated for election to the Court or the Council from among its respective category (i.e., undergraduate students or postgraduate students), has indicated his/her willingness to be nominated, and, if elected his/her willingness to serve as a member of the Court or the Council.
- 2.4 “Election” shall mean the whole process by which a member is elected to the Court or the Council.
- 2.5 “Election Affairs Committee” shall mean the Election Affairs Committee created and appointed by the Council pursuant to the Ordinance.

- 2.6 “Elector” shall mean a student who has the right to vote in accordance with this statute.
- 2.7 “Full-time Student” shall mean a person who is a full-time student in accordance with academic regulations of the University.
- 2.8 “Member” shall mean a full-time student elected to become a member of the Court or the Council, who may be appointed by the Council as a member of the Court or the Council, as the case may be.
- 2.9 “Nominee” shall mean a full-time student who is proposed and seconded to stand for election to the Court or the Council.
- 2.10 “Postgraduate Student” as used in the Ordinance shall mean a person who is a student admitted to an approved postgraduate programme of study of the University.
- 2.11 “Undergraduate Student” as used in the Ordinance shall mean a person who is a student admitted to an approved undergraduate programme of study of the University.
- 2.12 “Votes” shall mean the expression of choice for a candidate, made in accordance with these Regulations.

3. Membership

- 3.1 A student who is elected by and from either the undergraduate students or the postgraduate students and appointed as a member in accordance with these Regulations shall serve on the Court or the Council for a period that is 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.
- 3.2 The elected student shall assume office on the day following appointment to the Court or Council and thereafter, every elected student 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 student 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 student on a case-by-case basis, in accordance with section 9(9) or section 12(10) of the Ordinance.

- 3.4 A student member's period of office shall terminate immediately in accordance with section 9(8) or section 12(9) of the Ordinance.
- 3.5 A student 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 Registrar shall be the Election Officer for elections to the Court or the Council and may be assisted by the Office of Student Affairs, and, unless otherwise stated, 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 employees of the University 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 for the respective category (i.e., undergraduate students or postgraduate students) at least one month before the first announcement of the election and thereafter, 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 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 nomination was made for the electoral roll prepared for the respective category (i.e., undergraduate students or postgraduate students) during the normal nomination period.
- 5.5 The format of the election (i.e., in person, by the electronic voting system, or by hybrid mode of both in person and by the electronic voting system) shall be determined by the Council at least one month before the announcement of the election.
- 5.6 Not more than 2 days after closing of the nomination period, nominees may withdraw their candidature in accordance with paragraph 8.11.

- 5.7 Not later than 3 days after the closing of the nomination period all the nominations shall be announced.
- 5.8 The normal polling period shall be 2 days.
- 5.9 Any complaints against the whole or part of the election must be lodged as soon as practicable after the complainant becomes aware of the issue(s) giving rise to the complaint but in any event no later than 2 days after the announcement of election results.
- 5.10 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. The Election Officer's decision on the eligibility of electors for inclusion on the roll is final.
- 6.2 The two sets of electoral rolls shall comprise all student members of their respective category (i.e., undergraduate students or postgraduate students) as defined in paragraphs 1.1, 2.7, 2.10 and 2.11.

7. General Notification of Election

- 7.1 On the date of the announcement of election by the Council, the Election Officer shall issue to each elector a copy of the announcement stating:
 - (a) the reason for the election;
 - (b) the period of office as determined by the Council;
 - (c) the timetable for specific stages of the election (i.e., nominations, voting, announcement of results, complaints (if any) and confirmation of results); and
 - (d) the format of the election (i.e., in person, by the electronic voting system, or by hybrid mode of both in person and by the electronic voting system) as determined by the Council.
- 7.2 The Election Affairs Committee of the Council (the "Committee") shall have the power to make and amend rules and guidelines from time to time on the authorized promotion channel(s) which the candidates may use and any election forum which the candidates may participate in any election. The Election Officer shall enforce the rules and guidelines on authorized promotion channel(s). No candidate may use or allow to be used any other promotion channels or take part in any election forum not so authorized, and the Election Officer may disqualify such candidate for any material breach of this provision. 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 election by the Council, place a copy of the announcement of election, together with a copy of these Regulations, and the University's guidelines and procedures for electronic voting (if applicable) on the 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 in the election as proposer or seconder in putting forward one nomination for each vacant seat contested.
- 8.2 A nominee must obtain and submit his/her certificate of good academic standing issued by the University for each respective category to the Election Officer before a nomination is accepted.
- 8.3 Nominees must complete and sign a declaration form issued by the Election Officer before submitting the nomination. The Committee shall have the power to request further information from the nominees, and to request any nominee to attend interview(s) as it considers necessary. The Committee shall decide what is in the best interests of the University and whether to accept a nomination in such interest of the University. The Committee shall have the discretion to determine not to accept the nomination if in the opinion of the Committee the nomination is not in the overall best interests of the University and such determination shall be final. The terms of reference, composition and membership of the Committee shall be determined by resolution of the Council.
- 8.4 If the format of the election is determined to be in person:
 - (a) Nominations will only be accepted on nomination forms available from the Election Officer. Each nomination form shall enclose the certificate of good academic standing issued by the University and shall be signed by the proposer and at least 10 seconders (both the proposer and the seconders shall be electors) from each of their respective categories (i.e., undergraduate students or postgraduate students), and by the nominee, who shall indicate his/her willingness to stand before the nomination is accepted. The Election Officer shall verify the validity of each nominated full-time student in accordance with the academic regulations of the University.
 - (b) 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.

- (c) Nominations must include the nomination form with the certificate of good academic standing enclosed 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.

- 8.5 If the format of the election is determined to be through the electronic voting system, nominations are required to be made in accordance with the University's guidelines and procedures for electronic voting as determined by the Council and to be published by the Election Officer from time to time.
- 8.6 If no nomination is received for each vacant seat to stand for election to the Court or the Council respectively after the normal nomination period, a second nomination period for such electoral roll (as the case may be) shall be declared open in accordance with the provisions of 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 only one nomination for each vacant seat is received 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 Each elector shall have one vote for each vacancy and may only vote for one candidate for each vacancy.

- 9.2 If the format of the election is determined to be in person and by secret ballot at the Polling Station(s), the elector shall:
- (a) attend the Polling Station(s), on any one of the appointed polling days and each elector shall cast his/her vote in person by presenting his/her student ID card at the Polling Station(s);
 - (b) 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;
 - (c) 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; and
 - (d) 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.
- 9.3 If the format of the election is determined to be through the electronic voting system, voting by the elector shall follow the University's guidelines and procedures for electronic voting as determined by the Council and to be published by the Election Officer from time to time.
- 9.4 Votes shall not be cast by proxy.
- 9.5 The preference expressed by each elector shall be secret, and no attempt shall be made to identify the elector of any completed ballot form.
- 9.6 At 5:00 p.m. on the last day of the polling period, if the format of the election is determined to be in person and by secret ballot at the Polling Station(s), the Election Officer shall seal the ballot box and if the format of the election is determined to be through the electronic voting system, the Election Officer shall stop accepting any voting through the electronic voting system.

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 ballot form recording votes in excess of the number of vacancies available;
- (b) A ballot form recording a vote or votes other than by completing the arrow(s) as instructed; and
- (c) Any vote submitted through the electronic voting system which is deemed spoiled or invalid in accordance with the University's guidelines and procedures for electronic voting as determined by the Council and to be published by the Election Officer from time to time.

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/seconder to represent them.
- 11.2 If the format of the election is determined to be in person and by secret ballot at the Polling Station(s): -
- (a) 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.
 - (b) The Election Officer shall make any final decisions on the validity of a vote.
 - (c) Ballot forms which have been declared spoiled or invalid shall still be counted but separately by the Returning Officers.
 - (d) 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.
 - (e) The Election Officer shall monitor the counting of votes and may call for a recount at the conclusion of the count.
 - (f) 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.
 - (g) 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.
- 11.3 If the format of the election is determined to be by way of the electronic voting system, all procedures governing counting of votes, collection of votes and destruction of votes shall follow the University's guidelines and procedures for electronic voting as determined by the Council and to be published by the Election Officer from time to time.
- 11.4 If complaints are received in accordance with paragraph 5.9, 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 11.6.

- 11.5 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.
- 11.6 The Election Officer shall in accordance with paragraphs 5.10 and 11.5 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 election 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 as soon as practicable after the complainant becomes or should reasonably become aware of the circumstances giving rise to the complaints but in any event no later than 2 days after the announcement of election results in accordance with paragraph 5.9. Subject to paragraph 12.2 and 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 The Election Officer shall have the power to request the complainant for an explanation as to why a complaint raised outside a reasonable period should be accepted. If the Election Officer is not satisfied with the explanation, he/she may decide not to accept the complaint, or to accept the whole or any parts of the complaints, on such terms as the Election Officer shall in the exercise of a discretion, determine, and such decision shall be final.
- 12.4 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 within 3 days after the election that the election concerned has been properly conducted and the election results shall be announced.
- 12.5 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.

12.6 Any complaint against the Election Officer shall be directly lodged with the Council as soon as practicable but in any event no later than 2 days after the announcement of the election results in accordance with paragraph 5.9. The Council shall appoint two of its members to form an Investigation Panel to investigate the complaint. The Investigation Panel shall have the power to demand explanations for any complaint raised outside a reasonable period. If the Investigation Panel is not satisfied with the explanation, it may decide not to entertain the complaint, and such decision shall be final. For complaints that are accepted, the investigation shall be conducted as soon as possible. The Council's decision on such matter shall be final.

12.7 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 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 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 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; or
 - (iv) that any other course of action deemed appropriate be undertaken.

13. Appointment

13.1 The Secretary to Council shall report to the Council the names of the successful candidates elected for appointment.

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 appointment of the elected candidate or any further course of action as they deem appropriate.

13.3 Upon approving the appointment of the elected candidate, the Secretary to Council shall inform the respective elected candidates and the Court as appropriate.

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.