

## Statute 13: Election Rules

### 13(A): Rules Governing the Election of Undergraduate Student Member to the University Council

#### 1. Preamble

- 1.1. Pursuant to section 10(1)(j) of the City University of Hong Kong Ordinance (Cap. 1132) (“Ordinance”), the Council shall include 1 undergraduate student as a member. This student shall be elected in accordance with statutes from among undergraduate students and appointed by the Council.
- 1.2. These Rules are made by the Council as a statute under section 21A of the Ordinance. They govern the election of an undergraduate student to be appointed by the Council as the Undergraduate Student Member, and related matters.

#### 2. Interpretation

- 2.1. The following terms used in these Rules shall have the meanings ascribed to them in the Ordinance: "**University**", "**Council**", "**Senate**" and "**statutes**". Other emboldened terms and expressions used in these Rules have the meanings ascribed to them in the relevant Rules.
- 2.2. "**Candidate**" means an Undergraduate Student nominated for Election to the Council from among Undergraduate Students, who has indicated a willingness to be so nominated and run in the Election and whose nomination has been validated by the Election Affairs Committee in accordance with paragraph 8.6.
- 2.3. "**Election**" means the whole process by which an Undergraduate Student is elected for appointment by the Council as an Undergraduate Student Member of the Council. This includes a by-election for the same purpose.
- 2.4. "**Elector**" means an Undergraduate Student whose name appears on the current Electoral Roll.
- 2.5. "**Election Affairs Committee**" means a group appointed by the Election Officer, consisting of Associate Provost (Student Life), Director of Internal Audit, and Head of an academic department of the University, that is responsible for carrying out the functions assigned to it under these Rules. For the avoidance of doubt, no serving member of the Council shall be appointed as a member of the Election Affairs Committee.

- 2.6. “**Undergraduate Student**” means a student of the University for the time being admitted to studies for an undergraduate degree in accordance with the University’s Academic Regulations for Undergraduate Degrees, who is not an incoming exchange student, a visiting student nor a student of the City University of Hong Kong (Dongguan).
- 2.7. “**Undergraduate Student Member**” means the Candidate elected in accordance with these Rules and appointed by the Council to serve as a member of the Council.
- 2.8. “**vote**” means the expression of choice for a Candidate, made in accordance with these Rules.
- 2.9. “**working day**” means any weekday other than a Saturday, a Sunday and a general holiday for the purpose of the General Holidays Ordinance (Cap. 149).
3. **Election Officer**
- 3.1. The Dean of Students shall be the **Election Officer** for Elections to the Council. Unless otherwise provided, the Election Officer shall be responsible for the interpretation and enforcement of these Rules and for the proper conduct of the Elections in a fair and just manner.
- 3.2. The Election Officer may appoint the Director of Student Development Services to assist him/her in the performance of the Election Officer’s duties or functions under these Rules.
4. **Timetable**
- 4.1. Elections shall be held in accordance with the following timetable:
- 4.1.1. Preparation of the Electoral Roll: The Electoral Roll shall be prepared at least 1 month prior to the announcement of the first Election and thereafter, at least 1 month prior to the date on which a vacancy of the Undergraduate Student Member is expected to occur (insofar as such vacancy is foreseeable) or within 1 month after the date on which a vacancy of the Undergraduate Student Member has occurred (insofar as such vacancy is not foreseeable) .
- 4.1.2. **Nomination Period:** A period of 10 working days following the announcement of an Election.
- 4.1.3. **Second Nomination Period:** A period of 5 working days commencing no earlier than 5 working days after the conclusion of the Nomination Period.
- 4.1.4. **Period for Withdrawal:** A period of no more than 2 working days after the conclusion of the Nomination Period or the Second Nomination Period (as the case may be).

- 4.1.5. **Confirmation of Nominations:** Nominations shall be confirmed no later than 2 working days after the conclusion of the Period of Withdrawal.
- 4.1.6. **Publication of Nominations:** The list of nominations shall be published no later than 2 working days after the Confirmation of Nominations.
- 4.1.7. **Polling Period:** A period of no fewer than 4 working days commencing no earlier than 4 working days after the Publication of Nominations.
- 4.1.8. **Second Polling Period:** A period lasting no more than 2 working days commencing no earlier than 5 working days after the determination of polling results with an equality of the highest number of votes between two or more Candidates.
- 4.1.9. **Publication of Polling Results:** The polling results shall be published no later than 3 working days after the conclusion of the Polling Period or the Second Polling Period (as the case may be).
- 4.2. By-elections shall follow the same sequence of events and timetable as outlined under paragraph 4.1.

## 5. **Electoral Roll**

- 5.1. **Electoral Roll:** There shall be a single electoral roll that consists of all Undergraduate Students.
- 5.2. The Election Officer shall ensure that the Electoral Roll is prepared before expiry of the time period calculated in accordance with paragraph 4.1.1. The Election Officer's decision regarding the eligibility of a person for inclusion on the Electoral Roll shall be final.

## 6. **Period of Office**

- 6.1. The Undergraduate Student Member shall be elected from among Undergraduate Students for appointment by the Council, to serve as a member of the Council for a period of 1 year or as otherwise determined by the Council.
- 6.2. The period of office of the Undergraduate Student Member shall run for 12 months, commencing on 1 January following the Council's appointment, unless otherwise determined by the Council.
- 6.3. The Undergraduate Student Member of the Council elected and appointed as a result of a by-election shall serve for the unexpired period of office of the previous Undergraduate Student Member, unless otherwise determined by the Council.

- 6.4. Pursuant to section 10(3B)(b)(ii) of the Ordinance, the period of office of the Undergraduate Student Member shall terminate when he/she ceases to be an Undergraduate Student.
- 6.5. Pursuant to section 10(3B)(c) of the Ordinance, an Undergraduate Student Member may at any time by notice in writing to the Chairman of the Council resign from the Council.

## 7. **Announcement of Election**

- 7.1. On the date decided by the Council for the announcement of an Election (“**Announcement**”), the Election Officer shall publish the Announcement. The Announcement shall include the reason for the Election, the period of office of the Undergraduate Student Member, the timetable for specific stages of the Election as outlined in paragraph 4, and the polling arrangements as determined by the Election Officer.
- 7.2. The Election Officer shall send a copy of the Announcement, along with a copy of these Rules, to each Elector’s email address as provided by the University. Both the Announcement and these Rules shall be posted on the election website of the University.

## 8. **Nominations**

- 8.1. Only Electors are entitled to put forward nominations. Each Elector may participate in the Election as either the proposer or a seconder for one nomination. The nominee cannot act as proposer or seconder for his/her own nomination.
- 8.2. Nominations will be accepted only on nomination forms (each a “**Nomination Form**”) provided by the Election Officer. Each form must be signed by one proposer, ten seconders, and the nominee, who shall confirm his/her consent to be nominated and willingness to run in the Election.
- 8.3. In addition to meeting the requirements provided in paragraph 8.2, a nomination is not valid unless the nominee fulfils the following requirements:
  - 8.3.1. The nominee’s academic standing must not have been subject to Academic Suspension (as defined in the University’s Academic Regulations for Undergraduate Degrees) as at the date of the Nomination Form;
  - 8.3.2. The nominee must declare that he/she will abide by the laws of Hong Kong, including laws that safeguard national security, and comply with the University’s policies, rules and regulations; and
  - 8.3.3. The nominee must declare that he/she has not been convicted of any criminal offence, including offences endangering national security.

- 8.4. Nomination Forms must be submitted either by hand or through the electronic means specified by the Election Officer. The Nomination Form so submitted must reach the Election Officer c/o the General Office of Student Development Services by 5:00 pm on the date when the Nomination Period or the Second Nomination Period (as the case may be) expires.
- 8.5. If the nominee is not in Hong Kong when the Nomination Form is submitted, the proposer shall provide evidence of the nominee's consent to be nominated to the satisfaction of the Election Officer.
- 8.6. The validity or otherwise of a nomination shall be decided by the Election Affairs Committee and reported to the Election Officer within 2 working days following expiry of the Period of Withdrawal. Before the Election Affairs Committee considers any nomination to be invalid, it should invite the nominee on the relevant Nomination Form to make representation on the validity of the nomination within 2 working days. The Election Affairs Committee may also consult an external Council member designated by the Chairman of the Council on the validity of such nomination if considered appropriate. All such decisions of the Election Affairs Committee are final.
- 8.7. If there is no nomination received by the expiry of the Nomination Period or if the Election Affairs Committee decided that there is no valid nomination before the end of 2 working days following the expiry of the Period of Withdrawal, a Second Nomination Period shall be declared by the Election Officer, who shall determine the duration of the period in accordance with paragraph 4.1.3. If no nomination is received during the Second Nomination Period, the nomination process shall be repeated with a new Electoral Roll after a period of at least 6 months has elapsed.
- 8.8. If only 1 valid nomination is received, the Candidate nominated shall be deemed to have been duly elected in accordance with these Rules. Notwithstanding paragraph 4.1.6, the Candidate's name shall be published no later than 2 working days after the Confirmation of Nominations.
- 8.9. In all other cases, the Election Officer shall publish an announcement on the election website of the University in accordance with paragraph 4.1.6. This announcement shall include the names of Candidates nominated, along with the names of proposers and seconders, and details of voting procedures specified in accordance with paragraph 4.1.7. The Election Officer may also publish the nominee information contained in Part C of the Nomination Form of each Candidate.

- 8.10. Where more than one Nomination Form is received for the same Candidate, the first Nomination Form received by the Election Officer shall be regarded as the operative nomination. If the Nomination Forms are received at the same time, the Election Officer will determine which is the operative nomination by drawing lots.

## 9. **Election Campaign Guidelines**

- 9.1. The Election Officer may issue guidelines for the Election (“**Election Campaign Guidelines**”) from time to time for governing campaigning activities conducted by Candidates. The Election Campaign Guidelines shall be published on the election website of the University.

## 10. **Voting Procedures**

- 10.1. Elections shall be conducted during the Polling Period in accordance with the polling arrangements determined by the Election Officer.
- 10.2. Each Elector shall have one vote and may vote for only one Candidate. The preference expressed by each Elector shall remain confidential. There shall be no disclosure made of such preference, nor any attempt made to identify such preference. Any student or staff member of the University found to have made such disclosure or attempt shall be subject to disciplinary action.
- 10.3. In the event of an equality of the highest number of votes between two or more Candidates, a second polling shall be held among Candidates with the same highest number of votes to determine the successful Candidate during the Second Polling Period.
- 10.4. Each Elector shall cast his/her own vote and no proxy vote shall be accepted.

## 11. **Determination and Publication of Polling Results**

- 11.1. For each Election, the Election Officer shall designate 2 full-time employees of the University to act as independent scrutineers of the Election (“**Scrutineers**”).
- 11.2. All Candidates shall be notified of the date and time scheduled for the counting of votes. Each Candidate shall have the right to attend the counting or may nominate their proposer or one of their seconders to attend in their place.
- 11.3. On the day appointed for vote counting, the Election Officer, with the assistance of the Scrutineers, shall proceed to counting the votes cast.
- 11.4. Decisions on the validity of a vote shall rest with the Election Officer.
- 11.5. At the conclusion of the count, the Election Officer shall confirm the total number of votes cast, the number of valid votes, and the number of invalid votes. The Election Officer shall then sign a statement to this effect.

- 11.6. The Election Officer shall publish the polling results on the election website of the University. The results shall include the number of valid and invalid votes cast for each Candidate, the identification of the Candidate who won the Election, and the respective number of valid and invalid votes.

## 12. **Confirmation of Results**

- 12.1. Any complaint concerning campaigning activities conducted by the Candidate who was identified as having won the Election under paragraph 11.6 or who has been declared elected under paragraph 12.4.1 (as the case may be) shall be lodged with the Election Officer within 2 working days immediately following the publication of polling results or the declaration (“**Complaint Period**”). Each complaint must be made in writing and signed by the person(s) lodging the complaint, with name(s) clearly stated.
- 12.2. The Election Officer shall, as soon as reasonably practicable, investigate any complaint so lodged or may request the Election Affairs Committee to conduct an investigation and report with recommendations to the Election Officer.
- 12.3. If the Election Officer finds a complaint concerning campaigning activities conducted by the Candidate who was identified as having won the Election under paragraph 11.6 to be substantiated, he/she shall report it to the Chairman of the Council via the Secretary to Council. The Chairman may, if he thinks fit, appoint an investigation committee comprising 2 members of the Council (“**Investigation Committee**”) to further investigate the complaint and to propose to the Council whether the report of the Election Officer should be endorsed as soon as reasonably practicable.
- 12.4. If the Council endorses the report of the Election Officer made under paragraph 12.3, the Council may decide one of the following:
  - 12.4.1. the Candidate who won the Election according to the polling results published under paragraph 11.6 be disqualified and the Candidate who has received the next highest number of votes according to the same polling results (and against whom no complaint was lodged or any complaint lodged against that Candidate was found by the Election Officer to be unsubstantiated) be declared elected instead; or
  - 12.4.2. the polling which has taken place be declared null and void, and that a new polling exercise be conducted; or
  - 12.4.3. the Election be declared null and void, and that a new Election be conducted.

- 12.5. If the Council does not endorse the report of the Election Officer made under paragraph 12.3, the Council may appoint the Candidate who has won the Election according to the polling results published under paragraph 11.6 as an Undergraduate Student Member.
- 12.6. The Council's decision made under paragraph 12.4 or 12.5 shall be final.
- 12.7. Any complaint against the Election Officer shall be lodged with the Council via the Secretary to Council during the Complaint Period. Each complaint must be made in writing and signed by the person(s) lodging the complaint, with name(s) clearly stated. Should the Secretary to Council consider there is a prima facie case, the Council shall appoint at least one external Council member, one member of the University senior management and the Secretary to Council to investigate the matter. The investigation shall be conducted as soon as reasonably practicable. The Council's decision made thereunder shall be final.
- 12.8. If no complaint is received upon expiry of the Complaint Period, or if the Election Officer finds that all the complaints so lodged (other than those against himself/herself) are unsubstantiated, the Election Officer shall so inform all Candidates and submit the name of the Candidate who has won the Election to the Council via the Secretary to Council for consideration of his/her appointment as the Undergraduate Student Member.
- 12.9. The polling records shall be destroyed by the Election Officer 1 month after the publication of the polling results unless a complaint is lodged. In such a case, the records shall be retained for 1 month after the Election Officer has reported his/her findings of the investigation on the complaint(s) or the Council's consideration of the Investigation Committee's proposal under paragraph 12.3, whichever is later.

### 13. **Revision of Rules**

- 13.1. The Council may, at its absolute discretion, change these Rules generally or for the purpose of a particular Election. Where such an amendment involves a matter of principle, the view of the Executive Committee of the Council shall be made known to the Council before such changes are confirmed.