

## **Statute 13: Election Rules**

### **13(C): Rules Governing the Election of Staff Members to the University Council**

#### 1. Preamble

- 1.1. The Council of the University includes two members of staff elected from among their number and appointed by the Council.
- 1.2. All elections of staff to the Council shall be governed by these Rules.

#### 2. Interpretation

- 2.1. The following terms used in these Rules shall have the meanings ascribed to them in the City University of Hong Kong Ordinance: "University", "Council" and "Ordinance".
- 2.2. "Candidate" shall mean a person who, having been properly nominated for membership of the Council, has signified his willingness to be nominated.
- 2.3. "Elector" shall mean a person who has the right to vote in accordance with the provisions of the Ordinance.
- 2.4. "Ballot" shall mean the casting of votes in secret.
- 2.5. "Vote" shall mean the formal expression of choice for a candidate, made in accordance with the provision of these Rules.

#### 3. Election Officer

- 3.1. The Secretary to Council shall be the Election Officer for elections to the Council and, unless stated otherwise, shall be responsible for the implementation and interpretation of these Rules and for the proper conduct of the elections.
- 3.2. The Secretary to Council may delegate any or all of his duties or functions under these Rules to a senior member of staff of the University if he considers fit.
- 3.3. In order to maintain his impartiality as Election Officer, the Secretary to Council or his delegated person as set out in Section 3.2 shall not be included in the electoral roll.

#### 4. Timetable

- 4.1. Elections shall be held in accordance with the following timetable.
  - 4.1.1. Preparation of Electoral Roll : at least one month prior to the date on which a normal vacancy is expected to occur.
  - 4.1.2. Nomination Period : 14 days, after the announcement of an election.
  - 4.1.3. Second Nomination Period : not earlier than seven days, and not later than 10 days, after the conclusion of the Nomination Period.
  - 4.1.4. Period for Withdrawal : not more than two days after the conclusion of the Nomination Period or the Second Nomination Period.
  - 4.1.5. Publication of Nominations : not later than three days after the conclusion of the Period for Withdrawal.
  - 4.1.6. Special Polling Period (inapplicable when the election takes place through an electronic means) (for staff who will be away from Hong Kong during the Normal Polling Period) : the period between the Publication of Nominations and the Normal Polling Period.
  - 4.1.7. Normal Polling Period : two days, commencing not earlier than four days after the Publication of Nominations.
  - 4.1.8. Publication of Results : not later than three days after the conclusion of the Polling Period.
- 4.2. By-elections shall follow a similar sequence of events.

#### 5. Electoral Roll

- 5.1. The Secretary to Council shall be responsible for ensuring that the electoral roll is prepared at the appointed time. His decision on eligibility for inclusion in the roll shall be final.
- 5.2. The electoral roll shall consist of all members of staff who are in the full time employment of the University excluding those appointed on temporary terms of service, as defined in the Statutes.

#### 6. Period of Office

- 6.1. Two members of staff shall be elected from among their number, to serve for a period of three years, or as otherwise determined by the Council.
- 6.2. The period of office of a member of staff elected and appointed as a member of the Council shall run from 1 January next following the election and appointment, unless otherwise determined by the Council.
- 6.3. A member of the Council elected and appointed as a result of a by-election shall serve for a new term, unless otherwise determined by the Council.

- 6.4. A member's period of office shall terminate immediately he ceases to be a member of the body that elected him.
  - 6.5. A member of staff elected to the Council under these Rules may resign by notice in writing to the Chairman of the Council, in accordance with section 10(3B)(c) of the Ordinance.
7. Announcement of Election
- 7.1. On the appointed day, the Secretary to Council shall issue an Announcement of the election stating the reason for the election, the period of office of the candidate(s) to be elected, and the timetable for specific stages of the election, as set out in Section 4 above.
  - 7.2. The Secretary to Council shall instruct that a copy of the Announcement, together with a copy of these Rules be placed on the University Intranet.
8. Nominations
- 8.1. Only electors may put forward nominations and each elector may participate, as proposer or seconder, in no more nominations than the number of vacancies to be filled. The candidate cannot be the proposer or seconder for his/her own nomination. Nominations will be accepted only on Nomination Forms available from the Secretary to Council, and shall be signed by the proposer and by two seconds, and by the candidate, who shall thereby confirm his willingness to stand. The Nomination Form should be in a format specified by the Secretary to Council that can be a paper form or an electronic means.
  - 8.2. If the candidate is not in Hong Kong during the Nomination Period, the proposer shall provide evidence of the candidate's consent, the validity of which shall be decided by the Secretary to Council.
  - 8.3. Nominations must be submitted in a sealed envelope or through the electronic means to be specified by the Secretary to Council, to reach the Secretary to Council by 5:00 pm on the appointed day. Late nominations will be declared invalid.
  - 8.4. After the closing of the Nomination Period, candidates will be informed of all nominations received.
  - 8.5. If no nominations, or fewer nominations than the number of vacancies, are received, a Second Nomination Period shall be declared. The length of the Second Nomination Period shall follow the timetable as stipulated in section 4.1.3 above. 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 not less than six months have elapsed.

- 8.6. If the number of nominations is less than or equal to the number of vacancies, the candidates nominated shall be deemed to have been elected and, notwithstanding the provision under Section 4 above, their names shall be published not later than three days after the conclusion of the period for withdrawal.
  - 8.7. In all other cases the Secretary to Council shall publish on the University Intranet an Announcement which shall include the names of candidates nominated, together with the names of proposers and seconders, and details of the Voting Procedure. Where more than one nomination forms are received for the same candidate, the first nomination form for the candidate received by the Secretary to Council shall be regarded as the operative nomination.
  - 8.8. Candidates, or their proposers, may submit for publication by the Secretary to Council such biographical data as they deem appropriate in a form to be specified by the Secretary to Council.
9. Voting Procedure
- 9.1. Elections shall take place on the appointed days at Polling Stations, other venues or through an electronic means designated for the purpose by the Secretary to Council.
  - 9.2. Each elector will have as many votes as there are vacancies to be filled, and electors may vote for one candidate only for each vacancy. The preference expressed by each elector shall be secret, and no attempt shall be made to identify the preference of other electors. Any staff member who is found to violate this rule will be subject to disciplinary action.
  - 9.3. Except when elections take place through electronic means, staff who will be away from Hong Kong during the Normal Polling Period may obtain a ballot form from the Secretary to Council and cast their vote, in person only, within the Special Polling Period. They will be required to furnish evidence that they will not be in Hong Kong during the Normal Polling Period. The completed ballot forms will then be kept in a ballot box until the appointed day for the counting of votes.
  - 9.4. Each elector shall cast his own vote and no proxy vote will be accepted.
10. Determination and Publication of Results
- 10.1. The Secretary to Council shall designate two employees of the University to act as independent Scrutineers for the election. The Scrutineers shall not participate in the election and their names shall not be published.

- 10.2. All candidates shall be notified of the day and time fixed for counting the votes, and shall have the right to attend the count or to nominate their proposer or one of their seconders to attend in their place.
  - 10.3. On the appointed day, the Secretary to Council with the assistance of the Scrutineers shall proceed to count the votes cast.
  - 10.4. Decisions on the validity of a vote, or the intention of a vote where this is not clear, shall rest with the Secretary to Council.
  - 10.5. At the conclusion of the count, the Secretary to Council shall confirm the number of votes cast and the number of invalid votes, and sign a statement to this effect.
  - 10.6. The Secretary to Council shall publish an Announcement of the names of the successful candidates, the number of votes cast for each candidate and the total number of valid and invalid votes. This Announcement shall be placed on the University Intranet.
11. Confirmation of Results
- 11.1. Any complaint concerning the conduct of an election shall be lodged with the Secretary to Council not later than 48 hours after the publication of the result. The Secretary to Council shall investigate any complaint so lodged and, if he finds it to be substantiated, shall report the same to the Chairman of the Council, who may then appoint two persons from the Council to further investigate the complaint if he thinks fit.
  - 11.2. If no complaint is received by the appointed day, the Secretary to Council shall submit the names of the elected staff to the Chairman of the Council for appointment on behalf of the Council.
  - 11.3. When the Chairman of the Council confirms the appointment, the Secretary to Council shall inform the candidates concerned accordingly.
  - 11.4. The polling records shall be destroyed by the Secretary to Council one month after the publication of the results unless any complaint is substantiated, when they shall be retained until the outcome of the investigation into the complaint has been confirmed by the Council.
12. Revision of Rules
- The Council may, at its absolute discretion, change these Rules generally or for the purpose of a particular election. Where a change 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.