

Election (Online Nomination, Online Consultation Session and Polling on By-elections) Ordinance 2020
The Student Union of The Chinese University of Hong Kong

An ordinance to provide transitional provisions for online nominations not stipulated in Election Ordinance and Student Members to the Senate Ordinance, and to apply provisions for online consultation sessions and polling arrangements on by-elections; to regulate online nominations before a comprehensive review on bills in relation to elections.

Preamble

WHEREAS—

- (1) A coronavirus outbreak was observed in Wuhan, China in November 2019 and have spread to different countries in early 2020;
- (2) the University authority announced on 31 January 2020 to conduct online teaching from 17 February;
- (3) The Registrar announced on 19 March 2020 to conduct online teaching in the rest of Term 2, 2019/20;
- (4) The Election (Online Consultation Session and Polling) Ordinance has been enacted at the 7th General Meeting of the Council, 49th Session on 18 February 2020 to organize online consultation session and polling for the 2020 General Elections; and
- (5) in view of the vacancy of Executive Committee and part of Faculties Members of the University Senate after the 2020 General Elections, it is expedient that transitional provisions for online nominations and applications of online consultation session and polling for by-elections be provided by this Ordinance.

NOW, THEREFORE, it is enacted by the Council as follows—

Part I Preliminary

1. Short title

This Ordinance may be cited as the Election (Online Nomination) Ordinance 2020.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

- by-election* (補選) has the meaning assigned to it by section 2 of the Election Ordinance;
- election* (選舉) has the meaning assigned to it by section 2 of the Election Ordinance;
- election agency* (選舉執行機構) has the meaning assigned to it by section 2 of the Election Ordinance;
- general election* (換屆選舉) has the meaning assigned to it by section 2 of the Election Ordinance;
- online polling* (網上投票) means properly submit ballot in designated online voting period and online polling station;

online polling station (網上投票站) means Website or websites to apply for ballot, cast for vote, and submit ballot through Internet; and

Union (本會) means the Student Union of The Chinese University of Hong Kong.

3. Application

This Ordinance applies to—

- (a) general election and by-election of Executive Committee;
 - (b) general election and by-election of Elected Members of Publication Committee of CUHK Student Press;
 - (c) general election and by-election of Elected Members of Editorial Board of CUHK Campus Radio;
 - (d) general election and by-election of Faculties Members of the University Senate; and
 - (e) general election and by-election of Elected Members of delegation to the Hong Kong Federation of Students
- of year 2020.

4. Commencement

This Ordinance comes into operation on a notice published by the Secretary-General of the Council to the full basic membership of the Union in accordance to enactments of the Union.

Part II Convention of online nomination

5. Conditions on convening online nomination

Election agency is entitled to resolve that an online nomination is to be held for election or elections, in the case of the University authority—

- (a) cease to conduct on campus teaching; and
 - (b) provide teaching in any form other than on campus teaching—
- in not less than 14 days within the nomination period of such election or elections.

Part III Online nomination

6. Interpretation of Part 3

In this Part—

CUSIS means Chinese University Student Information System.

election of candidacy (個人制選舉) includes elections of Faculties Members of the University Senate and Elected Members of delegation to the Hong Kong Federation of Students

election of cabinet (內閣制選舉) includes elections of Executive Committee, Elected Members of Publication Committee of CUHK Student Press, and Elected Members of Editorial Board of CUHK Campus Radio

nominee (獲推薦人) means a person whose name is included in a nomination list as a candidate;

subscribe (推薦) includes proposer, secondment or countersign; and

subscriber (推薦人) includes proposer, seconder and countersigner.

7. Nomination lists

- (1) The nomination of candidates or proposed cabinets for election is to be by a list submitted to the election agency containing—
 - (a) for the purposes of any election of candidacy—
 - (i) the contesting election;
 - (ii) for the purposes of Faculties Members of the University Senate election, the contesting seat;
 - (iii) the name, student identification, affiliated college or graduate school, major and year of study as shown on CUSIS;
 - (iv) mobile telephone number and email address—
of a person contesting that election as a single candidate; or
 - (b) for the purposes of any election of cabinet—
 - (i) the contesting election;
 - (ii) the name, student identification, affiliated college or graduate school, major and year of study as shown on CUSIS;
 - (iii) mobile telephone number and email address;
 - (iv) contesting position and acting position(s) (if any); and
 - (v) name of proposed cabinet—
of 2 or more persons contesting the election for that constituency as a group.
- (2) A nomination list must—
 - (a) be submitted—
 - (i) by a nominee on the nomination list concerned;
 - (ii) within the nomination period; and
 - (iii) in the manner prescribed by those regulations; and
 - (b) be accompanied by the written consent, made on the nomination form, of each nominee on the nomination list.
- (3) The nomination list must contain a declaration by each candidate to the effect that such candidate—
 - (a) is eligible to be nominated as a candidate for the contesting election;
 - (b) is not disqualified from being so nominated;
 - (c) consents to being so nominated; and
 - (d) in the case of an election of cabinet, consents to the contesting position and acting position(s) in which the names of candidates appear on the nomination list.
- (4) The nomination list must be submitted to the election agency within the nomination period at the specified address.
- (5) After a nomination list has been submitted to the election agency—
 - (a) the contesting position and acting position(s) in which names of nominees appear in the list cannot be altered;
 - (b) the names of other persons cannot be added to the list; and
 - (c) the names of persons already on the list cannot be deleted.

- (6) The election agency must determine, for each nominee whose name appears on the nomination list, whether or not the nominee is validly nominated.
- (7) If—
 - (a) the election agency determines that a nominee is not validly nominated; or
 - (b) a nominee's nomination is withdrawn; or
 - (c) a nominee dies,
that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly.
- (8) If, before the date of the election, proof is given to the satisfaction of the election agency that a candidate whose name appears on a list of candidates has died or is disqualified from being nominated as a candidate, the election agency must strike out the name of that candidate from the list.
- (9) If, after striking out names from a nomination list in accordance with subsection (6), (7) or (8), no name remains on the list, the election agency must reject the list.

8. How to nominate a candidate or proposed cabinet

- (1) A person may nominate a candidate or proposed cabinet (as applicable) by submitting to the election agency a nomination form containing a nominee in a nomination list which complies with—
 - (a) for the purposes of election of Executive Committee, section 68(b) or (d) of the Union Constitution (as applicable);
 - (b) for the purposes of election of Elected Members of Publication Committee of CUHK Student Press, section 69(b) of the Union Constitution;
 - (c) for the purposes of election of Elected Members of Editorial Board of CUHK Campus Radio, section 70(b) of the Union Constitution; or
 - (d) for the purposes of election of Faculties Members of the University Senate, sections 13 (Who is eligible to be nominated as a Faculty Member candidate) and 15 (Method of nomination) of the Student Members of the University Senate Ordinance—
and this section.
- (2) The nomination form for the purposes of subsection (2) must be submitted in accordance with this section.
- (3) The nomination form must be in the specified form and—
 - (a) subscribed; or
 - (b) verified by other means.
- (4) The nomination form must contain—
 - (a) the subscription as a proposition, secondment or countersign
 - (b) the name, student identification, affiliated college or graduate school, major and year of study of subscriber as shown on CUSIS;
 - (c) mobile telephone number and email address of subscriber;
 - (d) the contesting election of nominee;
 - (e) for the purposes of Faculties Members of the University Senate election, the contesting seat of nominee;
 - (f) for the purpose of election of cabinet, the name of proposed cabinet, contesting position and acting position(s) (if any); and

- (g) the name, affiliated college or graduate school, major and year of study of nominee as shown on CUSIS.
- (5) The nomination form must contain other particulars (if any) required to be furnished on that form.
- (6) The nomination form must be submitted to the election agency within the nomination period at the specified address.
- (7) The nomination form must be submitted by the subscriber in person.

9. Election agency to decide whether candidates or proposed cabinets are validly nominated

- (1) The election agency must, within 3 days after the end of each nomination period, decide whether a candidate or proposed cabinet is validly nominated as soon as practicable.
- (2) If section 7 or 8 are complied with, the candidate stands validly nominated unless—
 - (a) the election agency decides that the nomination form is invalid; or
 - (b) the candidate withdraws the candidature.
- (3) Without prejudice to section 72 (Concurrent offices) of the Union Constitution and section 10 (Eligibility of candidate, proposer, seconder and countersigner) of the Election Ordinance, the election agency may decide that a nomination is invalid if and only if—
 - (a) nomination forms have not been signed by the prescribed number of subscribers qualified to propose, second or countersign under section 10 (Eligibility of candidate, proposer, seconder and countersigner) of the Election Ordinance;
 - (b) the nomination form has not been completed or signed as required under this Ordinance;
 - (c) the election agency is satisfied that the candidate is not eligible to be or is disqualified from being nominated as a candidate under the enactments of the Union;
 - (d) the candidate has been nominated for another proposed cabinet (in the case of election of cabinet) or another Faculty (in the case of Faculties Members of the University Senate election) in the same election and the election agency is satisfied that the other candidature has not been withdrawn;
 - (e) the candidate (in the case of election of candidacy) or proposed cabinet (in the case of election of cabinet) has not lodged the appropriate deposit; or
 - (f) the election agency is satisfied that the candidate is dead.
- (4) In this section, prescribed number (訂明數目) means the number of subscribers required to subscribe to the nomination form under
 - (a) for the purposes of election of Executive Committee, section 68(b) or (d) of the Union Constitution (as applicable);
 - (b) for the purposes of election of Elected Members of Publication Committee of CUHK Student Press, section 69(b) of the Union Constitution;
 - (c) for the purposes of election of Elected Members of Editorial Board of CUHK Campus Radio, section 70(b) of the Union Constitution; or
 - (d) for the purposes of election of Faculties Members of the University Senate, section 15 (Method of nomination) of the Student Members of the University Senate Ordinance, having regard to which constituency for which the nomination form is submitted.

10. Election agency to specify forms

- (1) The election agency may specify forms for the purposes of this Ordinance.
- (2) The election agency may make the forms specified under subsection (1) available by a notice affixed or published in a designated location under appendix 2 of Election Ordinance.

11. Specified provisions in Election Ordinance does not apply to an online nomination

The following provisions in Election Ordinance does not apply to an online nomination under the provisions of this Ordinance—

- (1) Section 12 (Submission of nomination form);
- (2) Section 13 (Election agency to process nomination form); and
- (3) Appendices 1A to 1E (Nomination forms).

Part IV Online consultation session and polling applies to by-election

12. Election (Online Consultation Session and Polling) Ordinance 2020 amended

The Election (Online Consultation Session and Polling) Ordinance 2020 is amended as set out in this Part.

13. Section 3 amended (Application)

Section 3, after “general election” (wherever appearing)—

Add

“and by-election”.

14. Section 4 repealed (This Ordinance shall not apply to by-elections)

Section 4—

Repeal the section.

Part V Saving provisions

15. Expiry

This Ordinance expires at 1 September 2020.