

Election (Online Consultation Session and Polling) Ordinance 2020
The Student Union of The Chinese University of Hong Kong

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

Enacted by the Council.

Part I Preliminary

1. Short title

This Ordinance may be cited as the Election (Online Consultation Session and Polling) 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 2021.

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 consultation sessions and Polling

5. Conditions on convening online consultation sessions

Election agency is entitled to resolve that an online consultation session 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—
within 15 teaching days after the date of notification of proposed cabinet or candidate approved for candidature.

6. Conditions on convening online polling

Election agency is entitled to resolve that an online polling 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—
within 20 teaching days after the date of notification of proposed cabinet or candidate approved for candidature.

Part III Online consultation session

7. Online consultation session procedure

- (1) Election agency shall arrange live broadcast and recording of an online consultation procedure and may invite the Editorial Board of CUHK Campus Radio for arrangement.
- (2) Election agency may collect questions, supplementary questions, and comments instantaneously or in advance from the Internet; election agency may designate means of collection by a notice affixed or published in a designated location under appendix 2 of Election Ordinance.
- (3) The collection of questions, supplementary questions and comments must be collected by real-name. Questions without authentic names will not be entertained.

8. Specified provisions in Election Ordinance apply to an online consultation session

All provisions (sections 18 to 21) under Part VI (consultation session) in Election Ordinance apply to an online Polling under the provisions of this Ordinance.

9. Management and order of an online consultation session

- (1) The Chair of online consultation session has the right to expel the consultant and attendees who make interventions and against the provisions under Part VI in Election Ordinance in online consultation session after adjudicate on by the chair.
- (2) Before the adjudication of banishment, the Chair of the online consultation session must forewarn the related person.
- (3) The Chair has the absolute right of interpretation of any adjudication.

Part IV Online polling**10. Online polling period**

Election agency may designate online polling period by a notice affixed or published in a designated location under appendix 2 of Election Ordinance.

11. Voting procedure

- (1) An elector may cast online vote at an online polling station; election agency may designate any website to polling station by a notice affixed or published in a designated location under appendix 2 of Election Ordinance.
- (2) An elector is required to verify identity according to instruction of the website.
- (3) No person shall—
 - (a) capture a screen shot;
 - (b) film;
 - (c) take a photograph; or
 - (d) make any audio or video recording,in an online polling station.
- (4) A ballot number may be recorded by election agency to prevent repeated polling, but such record shall not make known to any person any information as to the choice for whom the elector has voted.
- (5) Election agency may designate any methods to setting up the polling station by a notice affixed or published in a designated location under appendix 2 of Election Ordinance.

12. Management of online polling station

- (1) Election agency may manage online polling station by self-management or commission of Information Technology Services Centre of The Chinese University of Hong Kong.
- (2) Election agency and online polling station manager shall ensure polling are held anonymously: election agency may sign non-disclosure agreement with online polling station manager to restrict access of election agency and Union body on any information as to the choice for whom any elector have voted.
- (3) Online polling station manager shall ensure online polling station be accessible by student.

- (4) Election agency shall submit a report on management of online polling station to the Council within 30 days after the end of online polling period.

13. Specified provisions in Election Ordinance apply to an online Polling

The following provisions in Election Ordinance apply to an online Polling under the provisions of this Ordinance—

- (1) Section 24 (ballots);
- (2) Section 25 (campaigning in polling period); and
- (3) All provisions (sections 26 to 28) under Part VIII (vote counting).

Part V Interpretation and Amendment

14. Right of Ordinance Interpretation

The right of final interpretation of the ordinance shall belong to the judiciary stipulated in the Constitution of the Union.

15. Conflict with the Election-Ordinance

If there is any conflict between this Ordinance and Election Ordinance, the latter shall prevail.

Part VI Saving provisions

16. Expiry

This Ordinance expires at 1 July 2021.