

Council Rules 4: Council Elections

November 2020

1.0 Authority

- 1.1 The AIBC Council Rules under 2.0 below were duly approved in January 2015. They were passed in accordance with council's general authority under Section 5 of the *Architects Act* to make rules necessary to govern the affairs of the institute and council's specific authority under AIBC Bylaw 22.0 to establish rules for the conduct of council elections.
- 1.2 These rules are intended to align with and are supplemental to existing requirements for council elections found in the *Architects Act* and bylaws.
- 1.3 Architects in good standing and honorary members constitute the eligible voters under these rules (per *Architects Act* sections 9 and 39(2)).

2.0 Rules for Electronic and Mail Ballot Voting

Voting Access

- 2.1 The institute shall provide eligible voters with notification of a council election vote ("Vote Notification") at least 15 days prior to the date set for the annual meeting. The Vote Notification shall include a ballot, the election vote closing time, and sufficient voting information and instructions to allow eligible voters to participate in the election. Any returned ballot that fails to comply with such instructions shall be declared invalid by the scrutineer and rejected.
- 2.2 The institute shall establish a "record date" on which to create the list of members in good standing eligible to receive a ballot and cast a vote in the council election. To enhance currency and maximal enfranchisement, the list should not normally be drawn up more than 14 business days before the Vote Notification is scheduled to be sent.
- 2.3 The institute must provide the Vote Notification to eligible voters electronically to the e-mail address provided by them to the AIBC and/or by regular mail.
- 2.4 Council candidate names will be listed in random order on the ballot provided to eligible voters. The procedure for determining the random order are as follows:
 - The Returning Officer, as referenced in section 3.2, will write the name of each candidate on a separate and similar piece of paper.
 - Each piece of paper will be folded and placed in a container.
 - The Returning Officer will draw each piece of paper from the container.

- The order of the names drawn will form the order of the names on the ballot from first to last.

2.5 The following information about council candidates will be included on the ballot:

The name, year of registration, place of residence, previous or present council office held, if any, the candidate's endorsement status as per the candidate review process, and any other information related to candidacy that council may direct.

2.6 To promote member awareness and knowledge with respect to the election, the institute may publish information about the election and council candidates prior to, as part of, or after the Vote Notification. This information may include, but is not limited to, candidate statements and biographical information. If such information is published, all candidates must be given opportunity to prepare and provide that information to the institute.

Electronic Voting Confidentiality and Security

2.7 The electronic voting process may consist of one or more electronic platforms determined by council, such as online voting, telephone voting and/or kiosk voting. These rules apply to any and all platforms used for an electronic council election vote.

2.8 The institute shall take steps to ensure that commercially reasonable confidentiality, non-disclosure and non-use protections, terms and conditions are in place related to any confidential information and data ("Voting Data") provided by the institute to any service provider(s) engaged for e-voting for council elections, including information about eligible voters.

2.9 The e-voting platform(s) selected by the institute for e-voting shall include industry-standard confidentiality and data management protections to ensure that eligible voters' choices remain confidential and anonymous and that the institute retains control of Voting Data at all times. All Voting Data must remain in Canada at all times.

2.10 Voting Data related to an electronic vote for council election must be retained securely and confidentially throughout the election dispute period in the *Architects Act* and for as long as necessary thereafter, including as may be required by law, in the event that a petition for questioning the election is duly filed. All Voting Data related to an electronic vote for council election must be deleted from service provider and institute servers or other storage media within 48 hours of the statutory election dispute period lapsing or longer as otherwise may be required by law.

2.11 The institute shall take reasonable steps to ensure that the e-voting platform(s) selected by the institute for electronic voting incorporate the following access, security and integrity protections at or exceeding industry standard to address concerns related to electoral fraud, breach of secrecy and error:

- Eligible voter authentication;
- Voter and voter choice anonymity;
- One vote per eligible voter confirmation;

- Ballot validity authentication;
- Ballot vote receipt for individual voters;
- Data encryption for all voting transactions;
- Server and firewall protection;
- Data redundancy measures; and
- Mobile device and cross-browser compatibility.

2.12 The electronic voting process will remain as accessible as reasonably and technically possible to eligible voters throughout the voting period. The voting process will include reasonable assistive technologies and information to allow eligible voters with disabilities to participate.

2.13 The institute shall require any e-vote service provider hired for the purposes of e-voting to provide the institute with certified results of the council election and other information and assurances as may be reasonably necessary to confirm compliance with the *Architects Act*, AIBC Bylaws and these rules.

Mail Ballot Voting

2.14 The Chief Executive Officer (CEO) shall establish ballot procedures for the secure receipt, storage, counting and disposal of mail ballots.

2.15 The ballot procedures will include procedures for the receipt and counting of each ballot, which ensure voter choice anonymity while allowing the institute to confirm voter eligibility.

3.0 Election Management

3.1 The voting period will end and ballots returned in accordance with the Vote Notification, on the day set for the annual meeting.

3.2 The CEO or individual designated by the CEO shall act as the Returning Officer to manage and oversee the voting process and monitor institute compliance with these rules.

3.3 The following scrutineer recruitment and appointment process shall apply:

- Scrutineers may include a combination of institute staff members, registrants, and/or the public.
- For recruitment of scrutineers who are not AIBC staff members, the institute shall issue notice inviting any person interested in serving as a scrutineer to apply to the institute. The notice shall be issued at least 15 days prior to the date set for the annual meeting and published through communications media the CEO or designate deems appropriate.
- The call for non-AIBC-staff scrutineer applications will set out a date and time before which applications will not be accepted, as well as a date and time after which applications will no longer be accepted (the application window).

- The application window shall be no more than five business days and no less than three business days, and may not fall over a weekend.
 - All applications received within the application window will be placed on a scrutineer list in the date and time order that the applications were received. The names of at least three institute staff members will be included in this list to help ensure fulfilment of the requirement for scrutineers in rule 2.13.
- 3.4 The registrar shall appoint three scrutineers from among the list to assist the Returning Officer, which assistance may include addressing any concerns arising regarding the eligibility of any voter, the validity of any ballot cast or other matters related to election management.
- 3.5 Whether conducted as an electronic vote or by mail ballot, election results will be provided to the Returning Officer, who will review the results with the scrutineers as soon as possible after the election has closed. The Returning Officer and scrutineers shall prepare a certificate (the “Certificate”) for presentation to the AIBC Registrar for signature.
- 3.5.1 For an electronic vote, the Certificate shall report:
- The total number of ballots cast;
 - The number of invalid or ‘spoiled’ ballots, if any;
 - The total number of valid ballots cast and counted in the election;
 - An alphabetical list of the names of each candidate and the number of votes received by each candidate, with an asterisk beside the names of each candidate elected, based on the highest number of ballots received (per *Architects Act* section 10(1)); and
 - The signature of the Returning Officer and each scrutineer with a statement verifying that the contents of the certificate are accurate and complete to the best of their knowledge.
- 3.5.2 For a mail ballot vote, the Certificate shall report:
- The number of outer envelopes received.
 - The number of outer envelopes declared spoiled and the reasons for such declaration.
 - The number of inner envelopes received.
 - The number of inner envelopes declared spoiled and the reasons for such declaration. (For clarity, a ballot paper that was not placed in an inner envelope is counted as a spoiled inner envelope).
 - The total number of ballots cast.
 - The number of ballot papers declared spoiled and the reasons for such declaration.
 - The total number of valid ballot papers received.
 - The number of candidates running for election.
 - The number of seats available for election.

- An alphabetical list of the names of each candidate and the number of votes received by each candidate, with an asterisk beside the names of each candidate elected, based on the highest number of ballots received (per *Architects Act* section 10(1)); and
- The signature of each of the scrutineers along with a statement verifying that the scrutineers observed the ballot count and can verify that the ballots were counted in accordance with these procedures.

- 3.6 Once the registrar has certified the elected members of council, notice of the election results will be announced as part of the business agenda of the annual meeting. If an annual meeting does not take place on the day set, the announcement of the election results will be made electronically by way of the AIBC website and by way of regular registrant electronic notification means. The Certificate shall be retained by the institute as the formal record of the election results and is not considered confidential data.
- 3.7 The rules shall be interpreted and applied so as to enhance the integrity, confidentiality and security of the voting process for council elections.

4.0 Dispute Resolution

Nominations Process

- 4.1 Any dispute related to the council nomination process in AIBC Bylaw 21.0 shall be resolved by referring the matter to the CEO and Registrar to jointly address. The CEO and Registrar may take such legal and other advice deemed necessary to make a decision as promptly as possible.

The CEO and Registrar must prepare a brief written summary of the decision and provide a copy to the party or parties involved in the dispute. There is no appeal from this decision, but a party may have recourse to a judicial review of the decision at that party's expense.

Voting Process

- 4.2 Any dispute related to the council election process shall be referred for resolution to an *ad hoc* panel consisting of the CEO and two lieutenant governor-appointed councillors appointed by the president. The panel shall meet and take such legal and other advice as it seems necessary to make a decision as promptly as possible. The panel must prepare a brief written summary of the decision and provide a copy to the party or parties involved in the dispute. There is no appeal from the panel's decision. However, this dispute resolution process does not abridge or replace the certificate of election dispute process established in the *Architects Act*, and a party may have recourse to a judicial review of the panel's decision at that party's expense.

Rules Amendment History (2015 – 2020):

First Approved: January 2015

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