

# Council Rules 3: Electronic Voting for Bylaw Amendments

November 2016

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## 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 35.4 to establish rules to allow AIBC bylaws to be amended by electronic means.
- 1.2 These rules are intended to align with and are supplemental to existing requirements for bylaw amendments found in AIBC bylaws. They reflect, to the extent possible given the electronic voting platform, existing procedures established by council rules for AIBC mail ballot procedures.

## 2.0 Rules

### Voting Access

- 2.1 Members in good standing and honorary members constitute the Eligible Voters under these rules.
- 2.2 The institute shall provide Eligible Voters with notification of an electronic bylaw amendment vote ("E-Vote Notification") at least 21 days prior to the date on which the e-voting period closes. The E-Vote Notification will include an electronic ballot and sufficient voting information and instructions to allow Eligible Voters to participate in the bylaw amendment vote.
- 2.3 The AIBC 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 for a matter referred to the membership for voting. To ensure currency and maximal enfranchisement, the list should not be drawn up more than 14 business days before the E-Vote Notification is scheduled to be sent.
- 2.4 The institute may provide the E-Vote Notification to Eligible Voters electronically to the e-mail address provided by them to the AIBC and/or by mail. To promote member awareness and knowledge of the vote, the institute may publish information about the electronic bylaw amendment proposal and vote at any time prior to or after the formal E-Vote Notification.
- 2.5 The voting period for bylaw amendment, which shall be no less than 21 days' duration, will end on the day and time indicated in the E-Vote Notification.

- 2.6 The electronic voting process will remain as accessible as reasonably and technically possible to Eligible Voters throughout the voting period. The process will include reasonable assistive technologies and information to allow Eligible Voters with disabilities to participate.
- 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 bylaw amendment vote.

#### **Confidentiality**

- 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 bylaw amendments, including information about Eligible Voters.
- 2.9 The e-voting platform(s) selected by the institute for e-voting for bylaw amendments 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 bylaw amendments must be retained securely and confidentially until the disallowance period in the *Architects Act* has lapsed, or for as long as necessary thereafter as may be required by law. All Voting Data related to an electronic vote for bylaw amendment must be deleted from service provider and institute servers or other storage media within 48 hours of the disallowance period lapsing or longer as otherwise may be required by law.

#### **Security and Election Management**

- 2.11 The Chief Executive Officer (CEO) or individual designated by the CEO shall act as the Returning Officer to manage and oversee the e-voting process and monitor institute compliance with these rules. The CEO shall appoint three scrutineers to observe and assist the Returning Officer on the day the voting period ends and results are received, including addressing any concerns arising regarding the eligibility of any voter, the validity of any ballot cast or other matters related to election management.
- 2.12 The institute shall take reasonable steps to ensure that the e-voting platform(s) selected by the institute for e-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 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.
- 2.13 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 bylaw amendment vote and other information as may be reasonably necessary to confirm compliance with the *Architects Act*, AIBC Bylaws and these rules.
- 2.14 Bylaw amendment vote results will be provided to the Returning Officer who will review them with the scrutineers as soon as possible after the vote has closed. The Returning Officer and scrutineers shall prepare a certificate (the “Certificate”) for presentation to the CEO. 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;
  - The full results of the vote, including a calculation of percentage of ballots in favour or against each bylaw amendment choice; 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.
- 2.15 The Certificate shall be retained by the institute as the formal record of the bylaw amendment vote results and is not considered confidential data.
- 2.16 In keeping with existing bylaw requirements for mail ballot amendments, the following majority approval requirements must be met in order for a bylaw amendment by e-vote to be considered approved by Eligible Voters:
- At least five per cent of the number of Eligible Voters must have cast ballots; and
  - A minimum two-thirds affirmative majority of ballots must be cast by Eligible Voters.
- 2.17 The rules shall be interpreted and applied so as to enhance the integrity, confidentiality and security of the voting process for electronic bylaw amendments.

**Rules Amendment History (2015 – 2016):**

First Approved: January 2015

Last Reviewed: November 2016

Last Revised: November 2016