

# Council Rules 4: Electronic Voting and Council Elections

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 24.3 to establish rules for the conduct of council elections by electronic means.
- 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. They reflect, to the extent possible given the electronic voting platform, existing procedures in bylaw and council election balloting procedures for traditional 'paper' elections for council.

## 2.0 Rules

### Voting Access

- 2.1 Members in good standing and honorary members constitute the Eligible Voters under these rules (per *Architects Act* sections 9 and 39(2)).
- 2.2 The institute shall provide Eligible Voters with notification of an electronic council election vote ("E-Vote Notification") at least 15 days prior to the annual meeting. The E-Vote Notification shall include an electronic ballot and sufficient voting information and instructions to allow Eligible Voters to participate in the election.
- 2.3 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 process. To enhance currency and maximal enfranchisement, the list should not normally 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.
- 2.5 Council candidate names will be listed in alphabetical order on the electronic ballot provided to Eligible Voters. The following information about council candidates will be included on the electronic ballot:

The name, year of registration, place of residence and previous or present office in council held by the candidate, if any.

- 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 E-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.
- 2.7 The voting period will end on the day of the annual meeting at a time communicated to Eligible Voters in the E-Vote Notification.
- 2.8 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.
- 2.9 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.

#### **Confidentiality**

- 2.10 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.
- 2.11 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.
- 2.12 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.

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

- 2.13 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. In keeping with Bylaw 24.1, the President shall appoint three scrutineers to attend the annual meeting to observe and to assist the Returning Officer, including addressing any concerns arising

regarding the eligibility of any voter, the validity of any ballot cast or other matters related to election management.

2.14 The following scrutineer recruitment and appointment process shall apply:

- Scrutineers may include a combination of institute staff members, architects, associates 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 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 Bylaw 24.1.
- The names of all applicants will be provided to the president at the annual meeting. The president shall then appoint three scrutineers from among the list of scrutineers.

2.15 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.

- 2.16 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.
- 2.17 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. 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.
- 2.18 Once the registrar has certified the elected members of council, the Certificate will be delivered to the President or chair of the annual meeting who shall announce the election results. The Certificate shall be retained by the institute as the formal record of the election results and is not considered confidential data.
- 2.19 The rules shall be interpreted and applied so as to enhance the integrity, confidentiality and security of the voting process for council elections.

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

First Approved: January 2015

Last Reviewed: November 2016

Last Revised: November 2016