



AFC Electoral Code

Edition 2022





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DEFINITIONS

In interpreting this AFC Electoral Code (Code), all terms defined within the Definitions section of the most recently adopted AFC Statutes and all terms whose meaning can be derived within the context of the AFC Statutes shall have the same meaning within this Code.

For the purposes of this Code, and provided the context so permits:

- (a) the singular shall include the plural and vice-versa;
- (b) the feminine gender shall include the masculine and vice-versa;
- (c) references to natural persons shall include any legal person or corporation; and
- (d) all defined terms unless otherwise stated herein shall bear the same meaning as ascribed in the AFC Statutes, unless the context indicates otherwise.

PRELIMINARY CHAPTER

1. Scope of Application

This Code is applicable to the elections to the AFC Executive Committee pursuant to Article 25.1 of the AFC Statutes.

In addition, the FIFA Statutes, the FIFA Governance Regulations and any other FIFA regulations and directives are applicable to the elections to the FIFA Council.

2. General Principles

- 2.1. The democratic principles of separation of powers, transparency and publication of AFC electoral processes must be observed at all times and without exception.
- 2.2 In accordance with Articles 3.2 and 3.6 of the AFC Statutes, the AFC is neutral in matters of politics and shall manage its affairs independently and with no influence from third parties. Accordingly, interference of any kind by any government of any Member Association in the AFC electoral process is not permitted. For the avoidance of doubt, local and national government rules in any territory regarding elections shall not apply to the AFC electoral process.
- 2.3 The Electoral Committee shall adopt and approve electoral rules for elections to the AFC Executive Committee in accordance with this Code and pertinent FIFA regulations and directives.
- 2.4 The AFC shall inform FIFA of:
 - 2.4.1 the commencement of the elections to its elected bodies;
 - 2.4.2 the announcement of the elections and its electoral rules;
 - 2.4.3 the duration of the elections and of the mandates; and
 - 2.4.4 any government interference in the electoral process.
- 2.5 The elected members of the AFC Executive Committee shall continue to exercise their functions until the completion of the electoral process.

CHAPTER ONE: ELECTORAL COMMITTEE

3. Composition

- 3.1 The members of the Electoral Committee shall be the Chairperson of the AFC Disciplinary and Ethics Committee, Chairperson of the AFC Appeal Committee and Chairperson of the AFC Audit and Compliance Committee as at the date of the convocation of the election.
 - 3.1.1 In the event that a member is ineligible or unwilling to carry out their duties, they shall be replaced by the Deputy of the Committee which they chair.
 - 3.1.2 In the event that the replacement is ineligible or unwilling to carry out their duties, they shall be replaced by the most senior member (by time served) of the Committee for which they are Deputy.
 - 3.1.3 In the event that the replacement is ineligible or unwilling to carry out their duties, they shall be replaced by the next most senior member (by time served) of the Committee from which they were appointed. This process shall be continued until no eligible members exist on a specific Committee.
 - 3.1.4 If no eligible members exist on a specific Committee, the AFC Executive Committee shall appoint an eligible member from the other Committees.
- 3.2 The Electoral Committee shall comprise of:
 - 3.2.1 a Chairperson; and
 - 3.2.2 two (2) Deputy Chairpersons.
- 3.3 The Chairperson shall be selected by the members of the Electoral Committee.
- 3.4 The AFC Director of Legal Affairs serves as the Secretary to the Electoral Committee. He takes part in the activities of the Electoral Committee in a consultative capacity and is responsible for related logistical and administrative matters. The Electoral Committee may be assisted by the AFC General Secretariat at any time provided that the individuals providing the assistance are not candidates for any AFC election and have no identifiable conflict of interest.

3.5 In the event that any member of the Electoral Committee:

- 3.5.1 submits a candidature for an AFC election; or
- 3.5.2 is a relative, whether by birth or marriage, of one of the candidates; or
- 3.5.3 has an identifiable conflict of interest (e.g. business relationship with a candidate or is of the same nationality as a candidate),

they are ineligible to sit on the Electoral Committee for matters where there are serious grounds for questioning their impartiality and shall be replaced in accordance with Articles 3.1.1 to 3.1.4 of this Code.

If there is any doubt as to the eligibility of a member of the Electoral Committee under this provision, the Chairperson (or, in the event that the Chairperson's eligibility is in question, a Deputy Chairperson) shall take a decision on the eligibility of the relevant member. Such decisions shall be final and binding and not appealable.

- 3.6 Members of the Electoral Committee shall be expected to officially declare their candidature for an AFC election in such a way as to allow the replacement process to be carried out without any time pressure prejudicial to any AFC election.

4. Duties

- 4.1 The Electoral Committee organises, supervises, and makes all decisions relating to AFC elections unless stipulated otherwise in this Code and/or the FIFA Statutes and FIFA Governance Regulations.

In this regard, the Electoral Committee is responsible for all tasks relating to the organisation, running and supervision of an elective Congress, including without limitation:

- 4.1.1 strictly enforcing the AFC Statutes and AFC regulations, and where applicable, the FIFA Statutes, regulations and directives;
- 4.1.2 strictly enforcing this Code;
- 4.1.3 strictly enforcing the statutory deadlines for elections;
- 4.1.4 conducting the eligibility check on the candidates and deciding on their eligibility;

- 4.1.5 distributing information to Member Associations, Regional Associations, the media and public;
- 4.1.6 managing relations with government bodies (where necessary);
- 4.1.7 adopting and strictly enforcing electoral rules for elections to the AFC Executive Committee;
- 4.1.8 the candidature procedure;
- 4.1.9 organising the elective Congress;
- 4.1.10 drawing up the list of voters in accordance with Article 21.2 of the AFC Statutes;
- 4.1.11 the voting procedure;
- 4.1.12 taking decisions on any complaints received in accordance with Article 21 of this Code; and
- 4.1.13 all other tasks necessary to ensure the smooth running of the electoral process.

5. Convocation and Quorum

- 5.1 The Electoral Committee must be convoked validly by the Chairperson to be entitled to deliberate and pass decisions.
- 5.2 A quorum is constituted by the absolute majority of the members.
- 5.3 As a general rule, meetings of the Electoral Committee will be conducted in person. However, with the approval of the Chairperson, meetings may be held by teleconference, by videoconference or by another means of communication.

6. Decisions

- 6.1 Decisions must be passed by an absolute majority of the votes cast. If a vote is tied, the Chairperson shall have the casting vote.
- 6.2 Decisions are recorded in the minutes signed by the Chairperson and the Secretary.

CHAPTER TWO: CANDIDATURES

7. Eligibility

- 7.1 The eligibility criteria for candidatures are defined within Article 32 of the AFC Statutes and, where applicable, the FIFA Statutes.

8. Submission

- 8.1 Candidatures shall be sent by registered post or delivered by hand in exchange for confirmation of receipt to the AFC General Secretariat in accordance with Article 32.14 of the AFC Statutes.

9. Examination

- 9.1 Candidatures shall be examined and an integrity check shall be conducted by the Electoral Committee. The Electoral Committee is entitled to request the support of an external company to conduct the integrity check.
- 9.2 The Electoral Committee shall decide on the eligibility and on the integrity of the candidates and inform them accordingly.
- 9.3 The official list of candidates shall be provided to the Member Associations and Regional Associations in accordance with Article 32.19 of the AFC Statutes. It shall also be published on the AFC website.

CHAPTER THREE: AFC CONGRESS

10. Deadline for convocation

- 10.1 An elective Congress shall be convoked in accordance with the AFC Statutes.
- 10.2 Notification shall be addressed to Member Associations in accordance with the AFC Statutes.
- 10.3 The elective Congress shall be announced through the AFC website.

11. Ballot papers

- 11.1 The AFC shall produce the ballot papers under the supervision and charge of the Electoral Committee. The ballot papers shall be printed clearly and legibly. The number of ballot papers shall be checked by the Electoral Committee prior to the start of the voting.
- 11.2 The ballot papers shall be a different colour for each round of the election.

12. Urn

- 12.1 Before the start of voting, the urn for receiving votes (which shall be transparent where possible) shall be opened and presented to the Congress. It shall then be closed and placed in a visible position near the Electoral Committee.
- 12.2 During the vote, the urn shall be monitored by a member of the Electoral Committee.

13. Polling booths

- 13.1 Transparent polling booths shall be erected near the urn and polling station so that ballot papers may be completed in secret.

14. Vote

- 14.1 The Chairperson shall explain the voting procedure in detail and cite any relevant statutory or legislative provisions.

- 14.2 Each Member Association with the right to vote shall be called in turn and invited to move to the front of the hall where the election is taking place.
- 14.3 Once called, the voting delegate of the Member Association moves to the front of the hall and, after signing, receives the ballot paper.
- 14.4 The voting delegate of the Member Association completes the ballot paper in the polling booth.
- 14.5 The voting delegate of the Member Association deposits their ballot paper in the urn, signs the electoral register, and returns to their seat.

15. Count

- 15.1 The counting procedure begins once all ballot papers have been deposited in the urn. The Chairperson opens the urn and tips out the ballot papers.
- 15.2 Only the Electoral Committee, the Secretary, and members of the AFC General Secretariat approved by the Chairperson may take part in the count. All operations shall be carried out in a way that can be followed clearly by the Congress.
- 15.3 Once the urn has been opened, the Electoral Committee shall count out loud the number of ballot papers and verify their validity. If the number of ballot papers is equal to or less than the number of ballot papers issued, the ballot is valid. If it exceeds the number of ballot papers issued, the ballot shall be declared void and a re-vote shall occur immediately in accordance with the procedure described above.
- 15.4 After the number of ballot papers has been verified, the Electoral Committee shall count the number of votes cast for each candidate.

16. Invalid ballot papers

- 16.1 The following ballot papers are considered spoiled:
 - 16.1.1 ballot papers that do not bear the official distinctive marks defined by the Electoral Committee;
 - 16.1.2 ballot papers that bear any words other than the names of the candidates;

- 16.1.3 ballot papers that are illegible or have been defaced; and
- 16.1.4 ballot papers that bear identifying marks.
- 16.2 Spelling mistakes shall result in the invalidity of a vote only if it is not possible to identify with certainty any of the official candidates.
- 16.3 The Chairperson shall write on the back of any invalid ballot paper (in red) the reasons for its invalidity and confirm with a signature.

17. Declaration of results

- 17.1 Once the count has been completed and verified, the Chairperson shall officially declare the results to the Congress.
- 17.2 If a second (or subsequent) round of voting is required in accordance with Article 25 of the AFC Statutes, the procedure set out in Articles 14-17 of this Code shall be repeated.

18. Minutes

- 18.1 The official minutes of the Congress shall be drafted and approved in accordance with Article 30 of the AFC Statutes. The Chairperson shall additionally sign the minutes.
- 18.2 The official minutes shall be distributed to the Member Associations and FIFA.

19. Verification of voters

- 19.1 The Electoral Committee shall designate an appropriate number of persons from the AFC General Secretariat to be responsible for verifying the identity of the voting delegates and ensuring compliance with the voting procedure.

CHAPTER FOUR: FINAL PROVISIONS

20. Archiving of documents

- 20.1 The Electoral Committee shall provide all the official documents relating to the elections to the AFC, which is responsible for passing them on to the relevant bodies, where required, and for archiving them in accordance with Article 7 of the Standing Orders of the Congress of the AFC Statutes.

21. Complaints

- 21.1 For the purposes of this Code, a complaint is an objection of any kind related to the conduct of any elections to the AFC Executive Committee, including any alleged violation(s) of the AFC Statutes, this Code and/or any electoral rules for elections to the AFC Executive Committee approved by the Electoral Committee.
- 21.2 To be valid, a complaint must comply with the following requirements:
- 21.2.1 it must be submitted in writing to the Secretary to the Electoral Committee no later than twenty-one (21) days after the date of the relevant elections;
 - 21.2.2 the complainant must demonstrate that he/she has a legally protected interest in the outcome of the relevant elections and that the Electoral Committee has jurisdiction to decide on his complaint;
 - 21.2.3 the complainant must clearly identify all third parties that are directly affected by the complaint; and
 - 21.2.4 the complaint must include a full written report, including an explanation of the facts giving rise to the complaint and the legal basis for the complaint, as well as copies of any supporting documents, witness statements and other evidence on which the complainant seeks to rely.
- 21.3. If any of the formal requirements set out in Article 21.2 of this Code is not met, the relevant complaint shall be declared inadmissible. Such decisions on admissibility are final and binding and not appealable.
- 21.4. The Electoral Committee shall make all decisions on complaints (including decisions on admissibility).

- 21.5 The Electoral Committee may transfer or refer a case to the AFC Disciplinary and Ethics Committee if it is deemed to be disciplinary in nature.
- 21.6 All disciplinary measures shall be undertaken in accordance with the AFC Statutes and the AFC Disciplinary and Ethics Code.

22. Appeal

- 22.1 Subject to Article 21.3 of this Code, appeals against decisions of the Electoral Committee may be lodged exclusively with the Court of Arbitration for Sport (CAS) in accordance with Article 66 of the AFC Statutes and/or any entry forms submitted to the Electoral Committee. Appeals shall be subject to the following conditions:
- 22.1.1 the appeal shall be heard by three (3) arbitrators;
- 22.1.2 the language of arbitration shall be English; and
- 22.1.3 any hearings (if required) shall be undertaken at the CAS Alternate Hearing Centre in Kuala Lumpur, Malaysia.

23. Matters not provided for

- 23.1 All matters relating to any AFC election not covered by this Code and/or the AFC Statutes shall be ruled upon by the Electoral Committee.

24. Enforcement

- 24.1 This Code was ratified by the AFC Executive Committee on 13 July 2022 and comes into force immediately.
- 24.2 This Code shall be issued in English. If this Code is translated into another language, the English version issued by the AFC shall prevail.

For the AFC Executive Committee

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