Electoral Code

Kuwait Football Association (KFA)

2018 edition

Note: Terms referring to natural persons are applicable to both genders. Any term in the singular applies to the plural and vice-versa.

GENERAL REMARKS

Article 1 Scope of application

1. To the extent applicable, this Electoral Code shall apply to the election/ratification of the members of the following bodies of KFA:
   a) The Board of Directors.
   b) The Disciplinary
   c) The Ethics Committee.
   d) The Appeal Committee.
   e) The Audit and Compliance Committee.

Article 2 Principles, obligations and rights of parties, government interference

1. The democratic principles of separation of powers, transparency and publicising of the electoral processes of KFA must be observed without exception.

2. Government interference of any kind in the electoral process or composition of the elective body (the General Assembly) of KFA is not permitted. Consequently, government rules on elections shall not apply to the elected bodies of KFA and the electoral rules of KFA (as well as any outcome of a vote) shall not require the approval of any government authority.

3. KFA shall inform FIFA and AFC of the commencement of the elections of its elected bodies, the announcement of the elections and its electoral rules at one month's notice. It shall likewise inform FIFA and AFC of the duration of the elections and of the mandates. KFA shall be obliged to immediately inform FIFA and AFC of any government interference in the electoral process.

4. Unless this Electoral Code and/or the KFA Statutes state otherwise, the elected bodies of KFA shall continue to exercise their functions until the completion of the electoral process.

I. ELECTORAL COMMITTEE

Article 3 Basic principles

1. The Electoral Committee ("Electoral Committee") shall consist of a first instance ("electoral committee") and a second instance ("electoral appeal committee") with specific duties assigned to each of them.

2. The members of the Electoral Committee must under no circumstances be members of the Board of Directors or members of any other bodies of KFA, except in the case of the normalisation committee appointed by FIFA and

entrusted with the responsibilities of the electoral committee. They shall not have previously been found guilty of any criminal offence incompatible with their position and shall be of impeccable reputation.

4. The members of the Electoral Committee must immediately decline to give an opinion and withdraw from the matter in progress if they are (or become):

   a) a candidate for an elected post;

   b) a relative, whether by birth or marriage, of one of the candidates for an elected post;

   c) a government official of any kind.

5. In the event that a member of the Electoral Committee does not fulfil the above requirements, the member in question shall immediately leave his position and be replaced by a substitute.

Article 4 Election of the members of the Electoral Committee

1. The members of the Electoral Committee are elected, in accordance with the provisions of this Electoral Code, by the KFA General Assembly, upon proposal of the Board of Directors, for a term of four years at a KFA General Assembly taking place before an elective KFA General Assembly. The KFA General Assembly shall also elect, upon

proposal of the Board of Directors, three substitute members for the electoral committee and two substitute members of the electoral appeal committee.

2. The members of the Electoral Committee are not permitted to serve for two consecutive terms.

3. FIFA may appoint a normalisation committee to act as an electoral committee in accordance with the provisions of the FIFA statutes.

4. The KFA General Assembly at which the Electoral Committee is elected shall take place at least six months before the elective KFA General Assembly at which the respective bodies are to be elected.

Article 5 Composition of the Electoral Committee

1. The electoral committee (first instance) shall be composed of 5 members and shall comprise:

   a) a chairman;

   b) a deputy chairman;

   c) 3 members.

2. The electoral appeal committee (second instance) shall be composed of 5 members and shall comprise:

   a) a chairman;

   b) a deputy chairman;

   c) 3 members.

3. At least one member of the electoral committee shall have legal training and at least two members of the electoral appeal committee shall have legal training.

4. The general secretary of KFA serves as the secretary to the Electoral Committee. He shall take part in the activities of the Electoral Committee in a consultative capacity, is responsible for the related logistical matters and takes care of administrative matters.

5. Any member of the Electoral Committee that are candidates to any of the elected posts shall officially declare their candidature in such a way as to allow the replacement to be carried out harmoniously and without any time pressure that would be prejudicial to the elections of the bodies to be elected.

6. In the event that a member of the Electoral Committee is unable to carry out his duty for whatever reason, he shall resign from the Electoral Committee and be replaced by a substitute.

7. The Electoral Committee may be assisted by members of the general secretariat of KFA at anytime provided that such members of the general secretariat are not standing as candidates for elected posts.

Article 6 General duties of the Electoral Committee

1. The electoral committee is responsible for all tasks relating to the organisation, running and supervision of the elective KFA General Assembly. In particular, it is responsible for:

   a) strictly enforcing the KFA Statutes and regulations;

   b) strictly enforcing the statutes, directives and regulations of FIFA and AFC;

   c) strictly enforcing this Electoral Code;

   d) strictly enforcing the statutory deadlines for elections/ratifications;

   e) distributing information to the Members of KFA as well as to the media and the public, including the deadlines stipulated in this Electoral Code;

   f) managing relations with government bodies (where necessary);

   g) the candidature procedure (launch, distribution of information, evaluation, publication of official list etc.);

h) during the evaluation process, conducting the relevant eligibility checks and independence checks in accordance with the KFA Statutes;

i) organising, in administrative and technical terms, the elective KFA General Assembly with the assistance of the general secretariat;

j) publishing the list of delegates to the KFA General Assembly that are defined in accordance with the statutory provisions of KFA;

k) verifying the identity of the delegates under the supervision of the notary appointed for this purpose;

l) the voting procedure;

m) all other tasks necessary to ensure the smooth running of the electoral process.

2. Logistical matters shall be taken care of by the general secretariat of KFA.

Article 7 Convocation and quorum

1. The Electoral Committee shall only be entitled to deliberate and pass decisions if it has been validity convened by its chairman. If the chairman is unable to convene a meeting for whatever reason, he shall instruct the deputy chairman to convene it himself.

2. A quorum is constituted by the majority (more than 50%) of the members of the Electoral Committee.

Article 8 Decisions

All of the Electoral Committee's decisions must be passed by a majority (more than 50%) of the valid votes cast. If a vote is tied, the chairman of the Electoral Committee shall have the casting vote. Decisions are recorded in minutes signed by the chairman and the secretary of the Electoral Committee. Appeals against the electoral committee's decisions shall be lodged before the electoral appeal committee, to the exclusion of the possibility of appealing said decisions before any other body, in particular, a government body.

III. CANDIDATURES

Article 9 Criteria

The eligibility criteria and independence criteria are defined in the KFA Statutes and must comply with the statutes and regulations of FIFA. The independence criteria shall be fulfilled by the chairman and deputy chairman of the

Audit and Compliance Committee as well as by the chairmen and deputy chairmen of the judicial bodies of KFA (i.e. the Disciplinary Committee, Ethics Committee and the Appeal Committee).

Article 10 Submission of candidatures

1. Candidatures for any of the positions in the Board of Directors shall be sent by recorded post or delivered in exchange for confirmation of receipt to the general secretariat of KFA at least 35 days before the KFA elective Ordinary General Assembly is held, or 20 days before the KFA elective Extraordinary General Assembly is held.

2. Candidatures for the members of the judicial bodies of KFA and the Audit and Compliance Committee shall be communicated by the Board of Directors to the general secretariat of KFA at least 30 days before the KFA elective General Assembly is held.

Article 11 Examination of candidatures

1. The candidatures shall be examined by the electoral committee within 10 days of the deadline for their submission.

2. Following the expiry of the deadline mentioned under par. 1 above, the electoral committee shall inform the candidates of their decision (candidature accepted or rejected) within 3 days and KFA shall publish the list of all candidates that have been accepted within the same deadline.

Article 12 Appeal procedure

1. Appeals against the electoral committee's decisions shall be lodged before the electoral appeal committee, to the exclusion of the possibility of appealing said decisions before any other body, in particular, a government body. Only the relevant candidate concerned by said decision may lodge an appeal.

2. Any appeal, with its reasons, shall be sent by registered post or delivered in exchange for confirmation of receipt to the general secretariat of the KFA within 3 days of the publication of the list of candidates by the KFA (cf. art. 11 par. 2 above).

3. Appeals shall be considered by the electoral appeal committee within 5 days of their receipt by the general secretariat of KFA and the candidates shall be informed of the decision of the electoral appeal committee within 2 days.

4. The decisions of the election appeal committee are final and binding and may not be monitored by any government authority.

Article 13 Distribution of the final official list of candidates

The final official lists of candidates for the positions of all bodies of KFA to be elected or ratified shall be sent to the Members of KFA and, where necessary, to the relevant government bodies no less than 7 days before the elective KFA General Assembly is held. The final list of candidates shall also be published in the press.

IV. VOTING PROCEDURE

Article 14 Deadline for convening an elective General Assembly

An elective KFA General Assembly shall be convened in compliance with the deadlines stipulated in the KFA Statutes. Notification shall be addressed to all the Members of KFA and, where necessary, to the relevant government bodies. The elective KFA General Assembly shall also be announced through the media.

Article 15 Duties of the electoral committee during the voting procedure

1. The duties of the electoral committee during the voting procedure are as follows:

a) to monitor the voting procedure during the elective KFA General Assembly using the electoral register that it has compiled;

b) to count the votes;

c) to take any decision that is necessary regarding the validity or invalidity of ballot papers;

d) in general, to pass a definitive decision on any matters relating to the voting procedure during the elective KFA General Assembly;

e) to draft official minutes of the election and distribute them to the members of KFA;

f) to declare the official results;

g) to organise a media conference, where necessary.

2. These duties apply to elections and ratifications.

Article 16 Ballot papers

1. The general secretariat of KFA shall produce the ballot papers under the supervision and responsibility of the electoral committee. The ballot papers shall be printed clearly and legibly.

2. The ballot papers shall be of a different colour for each round of the election.

Article 17 Urn

1. Before the start of the voting procedure, the urn – which shall be transparent where possible – shall be opened and presented to the delegates of the KFA General Assembly. It shall then be closed and placed in a visible position near to the members of the electoral committee.

2. During the vote, the urn shall be monitored by one of the members of the electoral committee.

Article 18 Polling booths

Polling booths shall be erected near to the urn and the polling station so that the delegates of the KFA General Assembly who are entitled to vote may complete their ballot paper in secret.

Article 19 Vote

1. The chairman of the electoral committee shall explain in detail the voting procedure (urn, ballot papers, valid and invalid ballot papers, count, required majorities, results etc.) and cite any relevant statutory or legislative provisions.

2. The chairman of the electoral committee calls in turn each delegate of the KFA General Assembly who has the right to vote and invites him to move to the front of the hall where the election is taking place.

3. Once called, the delegate moves to the front of the hall and, after signing, receives his ballot paper.

4. The delegate then completes his ballot paper in the polling booth designated for this purpose.

5. The delegate in question deposits his ballot paper in the urn, signs the electoral register and then returns to his seat.

6. The counting procedure begins as soon as all of the delegates of the KFA General Assembly with the right to vote have deposited their ballot papers in the urn. A member of the electoral committee opens the urn and tips out the ballot papers. The count then commences.

V. COUNT

Article 20 General principles, decisions in the event of dispute

1. Only the members of the electoral committee may take part in the count. All operations (opening the urn, counting the ballot papers, counting the votes etc.) shall be carried out in a way that can be followed clearly by the delegates of the KFA General Assembly.

2. In the event of a dispute regarding the validity or invalidity of a ballot paper, the validity or invalidity of a vote, the drafting of the minutes, the declaration of the results or any other matter relating to the counting procedure, the electoral committee's decision shall be final.

Article 21 Invalid ballot papers

1. The following are considered invalid:

   a) ballot papers that do not bear the official distinctive marks defined by the electoral committee;

   b) ballot papers that bear any words other than the names of the candidates;

   c) ballot papers that are illegible or have been defaced;

   d) ballot papers that bear identifying marks.

2. The chairman of the electoral committee shall write on the back of any invalid ballot paper (in red) the reasons for its invalidity and confirm with a signature.

3. In the event of disputes regarding the validity or invalidity of a ballot paper, the validity or invalidity of a vote, the drafting of the minutes, the declaration of the results or any other matter relating to the counting procedure, the electoral committee's decision shall be final.

Article 22 Spelling mistakes

Spelling mistakes shall result in the invalidity of a vote only if they mean that it is not possible to identify with certainty any of the official candidates.

Article 23 Count and declaration of results

1. Once the urn has been opened, the members of 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 recommence immediately in accordance with the procedure described above.

2. After the number of ballot papers has been verified, the members of the electoral committee shall proceed to count the number of votes cast for each different candidate.

3. Once the count has been completed and verified, the chairman shall officially declare the results to the delegates of the KFA General Assembly.

4. If a second (or subsequent) round of voting is required, the voting procedure shall be repeated in accordance with the above articles. The delegates of the KFA General Assembly are also to be informed of the statutory provisions

that apply for the second (and subsequent) rounds of voting (e.g. any changes to the majority required, elimination of candidates).

Article 24 Declaration of final results

1. After each round of the election, the chairman of the electoral committee shall declare the results officially to the delegates of the KFA General Assembly. The minutes are to be drafted and signed by all the members of the electoral committee.

2. The final minutes shall be distributed to the Members of the KFA General Assembly and, where necessary, to government bodies. They shall be entered in the record of the deliberations of the KFA General Assembly.

Article 25 Verification of procedure

A notary or other person of equivalent legal status recognised by the courts shall attend the elective KFA General Assembly and draw up minutes. He shall be specifically responsible for verifying the identity of the delegates and ensuring compliance with the voting procedure.

VI. FINAL PROVISIONS

Article 26 Violations, rights of FIFA, archiving of documents, omissions

1. Failure by KFA to apply the principles of this Electoral Code shall be considered a serious violation of the pertinent provisions of the FIFA Statutes and shall lead to the consequences or the disciplinary measures provided for under and described in the FIFA Statutes.

2. The electoral committee shall hand over all the official documents relating to the elections to the general secretariat of KFA, which is responsible for passing them on to the relevant bodies, where required, and for archiving them.

3. All matters relating to the administrative and technical organisation of the elective KFA General Assembly that are not covered by this Electoral Code shall be ruled upon by the electoral committee.

4. All matters relating to the running of the elections not covered by this code shall be ruled upon by the electoral committee.

5. The members of the Electoral Committee shall observe the utmost impartiality when carrying out their duties.

Article 27 Enforcement and Transitory Provisions

1. This Electoral Code was approved by the KFA Extraordinary General Assembly when it convened in ~~[~~place~~]~~Kuwait on ~~[~~date~~]~~12 April 2018 and comes into force immediately.

2. For the elections following the adoption of the KFA Statutes of 2018, the decisions of the Electoral Committee (or the Normalisation Committee, in case the latter acts as the Electoral Committee) shall be final and binding. No appeal against decisions of such an Electoral or Normalisation Committee is possible.

~~[~~place~~]~~, ~~[~~date~~]~~
Kuwait, 12 April 2018

FOR THE KFA BOARD OF DIRECTORS

President:

General Secretary:

