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Northern Mariana Islands Football Association (NMIFA)

Electoral Code

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CONTENTS

Article		Page
DEFINITIONS		**3**
I. GENERAL PROVISIONS		**4**
1	Scope of application	4
2	Principles and obligations	4
II. ELECTORAL COMMITTEE		**5**
3	Basic principles	5
4	Composition	5
5	General duties of the Electoral Committee	6
6	Meetings, quorum and decisions	6
III. CANDIDATURES		**7**
7	Eligibility criteria	7
8	Submission and examination of candidatures for the Executive Committee	7
9	Appeal procedure for candidates for the Executive Committee	7
10	Procedure for candidates for other bodies of NMIFA	8
11	Official list of candidates	8
IV. VOTING PROCEDURE		**9**
12	Convocation of the elective Congress	9
13	Duties of the Electoral Committee during the elective Congress	9
14	Ballot papers	9
15	Ballot box	9
16	Casting of ballots	10
V. COUNT		**11**
17	General principles	11
18	Invalid ballot papers	11
19	Spelling mistakes	11
20	Count and declaration of results	11
VI. FINAL PROVISIONS		**13**
21	Archiving of documents and confidentiality	13
22	Minutes	13
23	Matters not provided for	13
24	Enforcement	13
ACKNOWLEDGEMENTS		14

DEFINITIONS

Whenever relevant, the terminology used in this Electoral Code shall refer to the terms defined in the Definitions section of the Statutes of NMIFA.

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

I. GENERAL PROVISIONS

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Article 1 Scope of application

1 This NMIFA Electoral Code (Electoral Code) is applicable to the elections of the members of the Executive Committee and of the Independent Committees as defined in the Statutes of NMIFA.

2 This Electoral Code is also applicable to the elections of the members of the relevant bodies of the Members of NMIFA, if their statutes specifically stipulate this. The statutes of the members of NMIFA shall define the exact scope of application of this Electoral Code and in particular if the Electoral Committee of NMIFA shall supervise the relevant electoral process.

Article 2 Principles and obligations

1 General good governance principles, such as separation of powers, independence, transparency, obligation to avoid situations of conflicts of interest shall be observed without exception throughout the entire electoral process.

2 The electoral rules and guidelines shall be made available by NMIFA in a clear and unambiguous manner within the relevant timeframe provided for in the Statutes of NMIFA.

3 Undue influence from third parties of any kind in the electoral process shall not be permitted.

4 NMIFA shall ensure that any electoral rules and guidelines of its bodies are in line with the provisions of this Electoral Code, the Statutes of NMIFA as well as the Statutes, regulations, directives and decisions of FIFA.

5 NMIFA shall, at least 30 days before the date of the relevant elections, inform the AFC about the nature of the elections (i.e. number of members to be elected, duration of mandates and reason for the elections, etc.) and provide the AFC with a copy of its valid Electoral Code and, if applicable, any other electoral rules and guidelines.

6 NMIFA shall immediately inform the AFC of any undue influence from third parties in the electoral process.

7 Unless stated otherwise in the Statutes and regulations of NMIFA, the members of the relevant bodies of NMIFA shall continue to exercise their functions until the completion of the electoral process.

Article 3 Basic principles

[1] The Electoral Committee organizes, supervises, and makes all decisions relating to NMIFA elections unless stipulated otherwise in this Electoral Code or the AFC Statutes and AFC Governance Regulations.

[2] The members of the Electoral Committee shall not be members of any other body of NMIFA and may not hold any executive position in any government body. Members of the Electoral Committee may not be candidate for any of the positions to be filled within NMIFA as long as they are still under mandate.

[3] The members of the Electoral Committee shall immediately withdraw from the matter in progress and refrain from taking any decision if:

a) they are an immediate family member of one of the candidates running for any of the positions to be filled;

b) there is a risk or possibility of a conflict of interest as defined in the Disciplinary and Ethics Code of NMIFA.

[4] In the event that a member of the Electoral Committee does not fulfil any of the above requirements and/or has to step down as member of the Electoral Committee for any reason, he shall be replaced in accordance with the provisions of art. 4 par. 3 of this Electoral Code.

[5] The members of the Electoral Committee shall be elected by the Congress of NMIFA, in accordance with the provisions of the Statutes of NMIFA, for a mandate of four years.

[6] No member of the Electoral Committee shall serve for more than two terms of office, whether consecutive or not.

[7] The members of the Electoral Committee shall act in good faith at all times and observe the utmost impartiality when carrying out their duties.

Article 4 Composition

[1] The members of the Electoral Committee shall be the Chairperson of the NMIFA Disciplinary and Ethics Committee, Chairperson of the NMIFA Appeal Committee and Chairperson of the NMIFA Audit and Compliance Committee as at the date of the convocation of the election.

[2] The Electoral Committee shall be composed as follows:

a) a chairperson;

b) two (2) deputy chairpersons;

The chairperson shall be selected by the members of the Electoral Committee

[3] Three substitutes shall also be elected by the Congress of NMIFA.

[4] If the chairperson is absent or unavailable, his/her position shall be filled by the deputy chairperson. if the deputy chairperson is also absent or unavailable, the NMIFA Executive Committee shall appoint an eligible member from the other Committees.

[5] The Chairperson of the Electoral Committee may call upon the general secretariat of NMIFA to assist in its administrative duties.

[6] The chairperson of the Electoral Committee shall be qualified to practice law.

Article 5 General duties of the Electoral Committee

The Electoral Committee shall be responsible for all tasks relating to the organisation, running and supervision of the elections to take place during a Congress. In particular, the Electoral Committee is responsible for:

a) strictly enforcing the Statutes and regulations of NMIFA as well as this Electoral Code;

b) ensuring that the electoral rules and guidelines of the bodies of NMIFA are in line with the provisions of this Electoral Code and the Statutes of NMIFA as well as the Statutes, regulations, directives and decisions of the AFC;

c) strictly enforcing the statutory deadlines for elections;

d) providing information to the Members of NMIFA as well as to relevant government authorities (where necessary), the media and the public;

e) where necessary, managing relations with the relevant government authorities;

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

j) drawing up the list of voters (delegates), assisted by the general secretariat of NMIFA, in accordance with the statutory provisions of NMIFA;

h) verifying the identity of the voters (delegates) pursuant to the provisions of the statutes of NMIFA;

i) the electoral and voting procedures;

j) any and all other tasks to ensure the smooth running of the electoral process.

Article 6 Meetings, quorum and decisions

[1] The chairperson shall convene the meetings of the Electoral Committee. Only an Electoral Committee that has been duly convened has the authority to deliberate and pass decisions.

[2] The Electoral Committee shall not engage in valid debate unless a majority (more than 50%) of its members are present.

[3] The Electoral Committee shall reach its decisions by a majority (more than 50%) of the valid votes cast. Voting by proxy or by letter is not permitted. In the event of a tied vote, the chairperson shall have the casting vote.

[4] The decisions taken shall be recorded in minutes signed by the chairperson and by the NMIFA general secretary.

III. CANDIDATURES

Article 7 Eligibility criteria

[1] The eligibility criteria for the positions to be filled within the relevant bodies of NMIFA are defined in the relevant provisions of the Statutes of NMIFA.

[2] The Electoral Committee shall not impose any eligibility criteria that are not provided for in the Statutes of NMIFA or impose any other formal requirements that are not provided for in this Electoral Code or in the Statues of NMIFA. The Electoral Committee shall only request the documents that help establish whether the relevant eligibility criteria have been fulfilled.

[3] The Electoral Committee shall publish the full list of eligibility criteria (with reference to the relevant provisions of the Statutes of NMIFA) as well as the documents to be provided for each of the position within the deadlines stipulated in the Statutes of NMIFA.

Article 8 Submission and examination of candidatures for the Executive Committee

[1] No fees or charges of any sort shall be requested from any of the candidates at any point during the entire electoral procedure, unless they have previously been approved by the Congress of NMIFA. In any event, any fees or charges agreed upon shall remain reasonable and shall only serve to cover the costs of the relevant administrative burden.

[2] Candidatures for any of the positions of the Executive Committee shall be sent by recorded post, by email with delivery notification, or delivered by hand in exchange for confirmation of receipt, to the general secretariat of NMIFA at least forty five (45) days before the relevant elective Congress. Candidatures received by the general secretariat shall immediately be forwarded to the Electoral Committee as well as to the Audit and Compliance Committee for the relevant integrity checks to be carried out

[3] Within two days of the deadline for their submission, the Electoral Committee shall inform in writing candidates who have failed to provide all the relevant documents in support of their candidatures and grant them another three days to complete their applications. If the relevant candidates fail to complete their applications within the prescribed deadline, their candidatures shall be declared invalid.

[4] The candidatures for the Executive Committee shall be examined by the Electoral Committee within nine days of the deadline for their submission and the candidates shall be informed of the decision of the Electoral Committee within the same period.

Article 9 Appeal procedure for candidates for the Executive Committee

[1] Appeals against decisions of the Electoral Committee may be lodged only with the Electoral Appeal Committee, to the exclusion of the possibility of appealing said decisions before any other body, particularly a government body.

[2] Any appeal, duly motivated, shall be sent by recorded post, or delivered in exchange for confirmation of receipt, to the general secretariat of NMIFA within four days of receipt of the decision of the Electoral Committee. Appeals received by the general secretariat shall immediately be forwarded to the members of the Electoral Appeal Committee.

[3] The Electoral Appeal Committee may decide to accept fresh evidence and documents that were not provided by the relevant candidate together with the initial candidature.

[4] Appeals shall be considered by the Electoral Appeal Committee within four days of their receipt and communicated to the candidates within the same period.

[5] The Electoral Appeal Committee shall be composed of a chairperson and two ordinary members who shall be elected by the Congress of NMIFA. Two substitutes shall also be elected by the Congress at the same time as the members of the Electoral Appeal Committee. The chairperson shall be qualified to practice law.

[6] The decisions of the Electoral Appeal Committee shall be final and binding.

Article 10 Procedure for candidates for other bodies of NMIFA

[1] Candidatures for any of the positions of all other bodies of NMIFA (Audit and Compliance Committee, electoral committees, electoral appeal committee and judicial bodies) shall be sent by the Executive Committee to the general secretariat of NMIFA at least fourty-five (45) days before the relevant elective Congress.

[2] Within fifteen days of receipt of the candidatures, the Electoral Committee shall confirm to the general secretariat whether the formal requirements for the relevant positions are fulfilled. In the event that one or more candidates cannot be validated, the Executive Committee shall propose additional candidatures for the relevant positions.

[3] Elections of the members of such other bodies may be conducted en bloc and by acclamation if there is only one candidate for each position. However, at the request of the majority of the members, a separate vote for a specific candidate shall take place.

Article 11 Official list of candidates

[1] The official list of candidates for the positions of the Executive Committee shall be sent to the Members of NMIFA at least 30 days before the elective Congress while the official candidates for any of the positions of the independent committees shall be sent to the Members of NMIFA at least 45 days before the elective Congress.

[2] The official list of candidates shall also be published in the press or the NMIFA website and, where necessary, shall be sent to the relevant government authorities for information.

IV. VOTING PROCEDURE

Article 12 Convocation of the elective Congress

The elective Congress of NMIFA shall be convened according to the provisions of the Statutes of NMIFA. The relevant deadlines in relation to the elective Congress shall be published in the press or the NMIFA website and, where necessary, communicated to the relevant government authorities.

Article 13 Duties of the Electoral Committee during the elective Congress

During the elective Congress, the duties of the Electoral Committee shall be as follows:

a) verify the identity of the voters (delegates);

b) monitor the electoral procedure during the Congress;

c) count the ballot papers;

d) take any decision regarding the validity or invalidity of ballot papers;

e) pass a definitive decision on any matters relating to the electoral procedure during the electoral Congress;

f) declare the official results;

g) organise and hold a media conference, where necessary.

Article 14 Ballot papers

[1] The general secretariat shall produce the ballot papers under the supervision 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 15 Ballot box

[1] Before the start of the voting procedure, the ballot box – which shall be transparent if possible – shall be opened and presented to the delegates of the Congress. The ballot box shall then be closed and placed in a visible spot close to the members of the Electoral Committee.

[2] During the entire voting process, the ballot box shall be monitored by one of the members of the Electoral Committee.

Article 16 Casting of ballots

1 Before the delegates are requested to cast their vote, the chairperson of the Electoral Committee or his/her designee shall explain in detail the electoral procedure (ballot box, ballot papers, valid and invalid ballot papers, count, required majorities, results, etc.) and refer to the relevant statutory provisions.

2 The chairperson of the Electoral Committee shall call in turn each delegate of the Members present and eligible to vote to move to the front of the Congress hall where the election is taking place.

3 Once called, the relevant delegate moves to the front of the Congress hall and, after signing the receipt of ballot paper form, receives his/her ballot paper.

4 The delegate then completes his/her ballot paper in the polling booth designated for this purpose. The polling booth shall be placed in a visible spot, but still allow the delegate to cast his/her vote secretly. No cell phones, cameras or any other recording devices shall be allowed at the polling booth.

5 The delegate then deposits his/her ballot paper in the ballot box and then returns to his/her seat.

6 The counting procedure begins as soon as all of the delegates have deposited their ballot papers in the ballot box. A member of the Electoral Committee opens the ballot box and tips out the ballot papers in front of all the delegates.

7 The count then commences.

V. COUNT

Article 17 General principles

[1] Only the members of the Electoral Committee shall take part in the count of the ballot papers. All operations (opening the ballot box, counting the ballot papers, counting the votes, etc.) shall be carried out in a way that can be followed clearly by all the delegates of the Congress.

[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 decision of the Electoral Committee shall be final.

Article 18 Invalid ballot papers

[1] The following ballot papers 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 chairperson of the Electoral Committee shall write on the back of any invalid ballot paper the reason(s) for its invalidity and confirm with a signature.

Article 19 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 20 Count and declaration of results

[1] Once the ballot box has been opened, the members of the Electoral Committee shall count 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 or for each different list.

[3] If a second (or subsequent) round of voting is required, the voting procedure shall be repeated in accordance with the above articles. The Members of the Congress 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, etc.).

[4] After each round of the election, the chairperson of the Electoral Committee shall declare the results officially to the Members of the Congress.

[5] The General Secretary shall put the ballot papers that have been collected and counted into envelopes intended for this purpose. The envelopes shall then be signed by the Chairperson of the Electoral Committee and sealed. The general secretariat shall keep these envelopes and destroy them 60 days after the end of the Congress.

VI. FINAL PROVISIONS

Article 21 Archiving of documents and confidentiality

[1] The Electoral Committee and the Electoral Appeal Committee shall hand over all official documents as well as all documents provided to them during the electoral process to the general secretariat, which shall be responsible for archiving them.

[2] The members of the Electoral Committee and of the Electoral Appeal Committee shall maintain absolute confidentiality and secrecy with respect to any and all information and documents made available to them during the course of the electoral process. Such obligation shall remain for an indefinite period following the relevant electoral process. They shall not retain any documents (electronic or otherwise) supplied to them during the electoral process.

Article 22 Minutes

The official minutes of the NMIFA Congress shall be drafted and approved in accordance with Article 35 of the Statutes of NMIFA. The Chairperson shall additionally sign the minutes.

Article 23 Matters not provided for

[1] All matters relating to the administrative and technical organisation of the elective Congress that are not covered by this Electoral Code or by the Statutes and regulations of NMIFA shall be ruled upon by the Electoral Committee, whose decision shall be final.

[2] All matters relating to the running of the elections that are not covered by this Electoral Code or by the Statutes and regulations of NMIFA shall be ruled upon by the Electoral Committee, whose decision shall be final.

Article 24 Enforcement

This Electoral Code was adopted at the 11th NMIFA Ordinary Congress on October 29, 2021 and come into force immediately. Upon adoption, it will be in full force and effect until replaced by amendment, revision, or appeal.

ACKNOWLEDGMENTS

IN TESTINONY WHEREOF, I have hereunto set my signature this 17th day of NOVEMBER, 2021

JERRY TAN
NMIFA President

SAIPAN, COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS) ss.

The foregoing instrument was acknowledged before me by JERRY TAN, President of the Northern Mariana Islands Football Association, a CNMI non-profit organization, on behalf of the association.

Subscribed and sworn to before me this 17th day of NOVEMBER 2021 on Saipan, CNMI.

CHRISTY VILLAFLOR
P.O. Box 501280, SAIPAN MP, 96950
Notary Public Reg. No. 146A
BY AND FOR THE COMMONWEALTH
OF THE NORTHERN MARIANA ISLANDS U.S.A.
My Commission Expires: 8/15/2023

Notary Public

IN TESTINONY WHEREOF, I have hereunto set my signature this 17th day of NOVEMBER, 2021

ROSAURO D. ZAPANTA
NMIFA General Secretary

SAIPAN, COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS) ss.

The foregoing instrument was acknowledged before me by ROSAURO D. ZAPANTA, General Secretary of the Northern Mariana Islands Football Association, a CNMI non-profit organization, on behalf of the association.

Subscribed and sworn to before me this 17th day of NOVEMBER 2021 on Saipan, CNMI.

Notary Public

CHRISTY VILLAFLOR
P.O. Box 501280, SAIPAN MP, 96950
Notary Public Reg. No. 146A
BY AND FOR THE COMMONWEALTH
OF THE NORTHERN MARIANA ISLANDS U.S.A.
My Commission Expires: 8/15/2023