Chinese Taipei Football Association (CTFA)

Electoral Code

2018 edition

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I. GENERAL REMARKS

Article 1 Scope of application

This code is applicable to the elections of the Executive Committee of CTFA.

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

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

2. This CTFA Electoral Code foresees a regulatory framework of the CTFA Executive Committee elections. In case there is any discrepancy between the CTFA Statutes and the present Electoral Code, the latter shall prevail.

3. Government interference of any kind in the electoral process or composition of the elective body (Congress) of CTFA is not permitted. Consequently, government rules on elections shall not apply to the elected internal bodies of CTFA and the electoral rules of CTFA shall not require the approval of any government organ. Furthermore:

   a) CTFA shall adapt and approve the electoral rules of its elected internal bodies in accordance with this code and pertinent FIFA regulations;

   b) at the very least, the CTFA Electoral Code shall include the following information: the number of affiliates and elections, if appropriate, of the Congress; deadlines, requirements, regulations and the announcement of the final lists of candidates; the voting procedure, ballot papers, urns, polling booths and the announcement of the results; verification of the procedure and appeals.

   c) CTFA should inform FIFA and AFC of the commencement of the elections to its elected internal bodies, the announcement of the elections and its electoral rules at one month's notice. It should likewise inform FIFA and AFC of the duration of the elections and of the mandates. CTFA is obliged to immediately inform FIFA and AFC of any government interference in the electoral process.

   d) unless this code states otherwise, the elected internal bodies of CTFA shall continue to exercise their functions until the completion of the electoral process.

II. ELECTORAL COMMITTEE

Article 3 Basic principles

1. The electoral committee organises and supervises the election process and takes all decisions relating to the election.

2. The members of the electoral committee must under no circumstances be members of the Executive Committee, neither members of any other body of CTFA nor delegates of a member of CTFA.

3. The members of the electoral committee shall be independent. They shall not be considered independent if, at any time during the four years preceding their terms, they or any family member (spouse, children, stepchildren, parents, siblings, domestic partner, parents of spouse/domestic partner and siblings and children of domestic partner):

   - held any paid position or material contract (directly or indirectly) with the CTFA and/or any of its Members and/or a league or a club (including any of their affiliated companies/organisations), whereas a voluntary position with a financial remuneration from the CTFA or any institution affiliated to the CTFA shall also be regarded as a paid position;
   - was employed by the CTFA's outside legal counsel or by the CTFA's auditor (and was engaged in auditing the CTFA);
   - held any paid or voluntary position with a non-profit organisation to which the CTFA and/or any Member, League or Club makes payments.

4. The members of the electoral committee must immediately decline to give an opinion and withdraw from the matter in progress if they are:

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

1. The members of the electoral committee are elected, upon proposal of the CTFA executive committee and in accordance with the provisions of the CTFA Electoral Code, by the CTFA Congress for a term of four years at the final CTFA Congress taking place before the elective CTFA Congress. The CTFA Congress also elects three substitute members of the electoral committee as well as the three members of the election appeal committee and two substitute members of the appeal committee.

2. The members of the electoral committee are not permitted to serve for two consecutive terms.

Article 5 Composition

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

a) 1 chairman;

b) 1 deputy chairman;

c) 3 members.

d) 3 substitutes.

2. The election appeal committee (second instance) shall be composed of 3 members and shall comprises:

a) 1 chairman;

b) 1 deputy chairman;

c) 1 members.

d) 2 substitutes.

3. The general secretary of CTFA serves as the secretary to the electoral committee. He takes 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.

4. In the event that one or more members of the electoral committee or the secretary to the electoral committee stand as candidates for an elected post or are unable to carry out their duties, they shall resign from their position within the electoral committee. Any member who resigns shall be replaced by a substitute.

5. The members of the electoral committee shall officially declare their candidature for elected posts in such a way as to allow the replacement process described above to be carried out harmoniously and without any time pressure that would be prejudicial to the elections of the bodies to be elected.

6. The electoral committee may be assisted by members of the general secretariat at any time provided that they are not standing as candidates for elected posts.

Article 6 Duties

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

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

c) strictly enforcing the CTFA Electoral Code;

d) strictly enforcing the regulatory deadlines for elections;

e) distributing information to the affiliates of CTFA Congress as well as to the media and the public;

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

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

h) organising, in administrative and technical terms, the elective CTFA Congress;

i) drawing up the list of voters in accordance with the statutory provisions of CTFA;

j) verifying the identity of the voters under the supervision of the bailiff appointed for this purpose;

k) the voting procedure;

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

2. Logistical matters shall be taken care of by CTFA.

Article 7 Convoking the electoral committee and quorum

1. Only if the electoral committee is convoked validly by its chairman is it entitled to deliberate and pass decisions.

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 may be lodged only with the election appeal committee of the CTFA, to the exclusion of the possibility of appealing said decisions before any other organ, particularly a government organ.

III. CANDIDATURES

Article 9 Criteria

The eligibility criteria are defined by this code and the CTFA statutes.

Article 10 Submission of candidatures

Candidatures shall be sent by recorded post or delivered in exchange for confirmation of receipt to the general secretariat of CTFA at least 15 days before the CTFA Congress is held.

Article 11 Examination of candidatures

1. The candidatures shall be examined by the electoral committee within 3 days of the deadline for their submission.

2. The list of candidates shall be published, and the candidates shall be informed of the decision of the electoral committee's examination not later than 1 day after the end of the period set in the previous paragraph".

Article 12 Appeal procedure

1. The election appeal committee is constituted of three members and two substitutes appointed by the CTFA Congress, upon proposal of the CTFA Executive Committee, at the same time as the members of the electoral committee. One of these members shall have legal training.

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 CTFA within 3 days of receipt of the electoral committee's decision.

3. Appeals shall be considered by the election appeal committee within 2 days of their receipt by the general secretariat of the CTFA and the candidates shall be informed of the decision of the election appeal committee within the same aforementioned deadline.

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

Article 13 Distribution of the final official list

The final official lists of candidates shall be sent to all the affiliates of the CTFA Congress and, where necessary, to the relevant government bodies no less than 5 days before the elective CTFA Congress is held. It shall also be published in the press.

IV. VOTING PROCEDURE

Article 14 Deadline for convoking an elective Congress

An elective CTFA Congress shall be convened within the requisite number of days before it takes place as stipulated in the CTFA Statutes and this Code. Notification shall be addressed to all the affiliates of CTFA and, where necessary, to the relevant government bodies. The elective CTFA Congress shall be announced through the media.

Article 15 Duties of the electoral committee

The duties of the electoral committee during and after the relevant elections are as follows:

a) to monitor the voting procedure during the elective CTFA Congress 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 CTFA Congress;

e) to draft official minutes of the election and distribute them to the affiliates of CTFA;

f) to declare the official results;

g) to organise a media conference, where necessary.

Article 16 Ballot papers

1. The general secretariat of CTFA shall produce the ballot papers under the supervision and charge 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 affiliates of CTFA Congress. 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 affiliates of CTFA Congress 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 affiliate of CTFA Congress 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 affiliate of CTFA Congress moves to the front of the hall and, after signing, he receives his ballot paper.

4. The affiliate of the CTFA Congress then completes his ballot paper in the polling booth designated for this purpose.

5. The affiliate of the CTFA Congress 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 affiliates of CTFA Congress 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 affiliates of the CTFA 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 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 affiliates of the CTFA Congress.

4. If a second (or subsequent) round of voting is required, the voting procedure shall be repeated in accordance with the above articles. The affiliates of the CTFA 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).

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 affiliates of the CTFA Congress. 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 affiliates of the CTFA Congress and, where necessary, to government bodies. They shall be entered in the record of the deliberations of the CTFA Congress.

Article 25 Verification of procedure

A notary or other person of equivalent legal status recognised by the courts shall attend the elective CTFA Congress and draw up minutes. He is specifically responsible for verifying the identity of the voters and ensuring compliance with the voting procedure.

VI. FINAL PROVISIONS

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

1. Failure by CTFA to apply the principles of this 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 CTFA, 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 CTFA Congress that are not covered by this 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

This CTFA Electoral Code was approved by the CTFA Congress when it convened in XXX on XXX and comes into force immediately.

XX.XX.XXXX

FOR THE CHINESE TAIPEI FOOTBALL ASSOCIATION

President:
[Name]

General Secretary:
[Name]