2021

GFA ELECTORAL CODE

GUAM FOOTBALL ASSOCIATION

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GENERAL PROVISIONS

1. Scope of Application

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

2. General Principles

2.1 The democratic principles of separation of powers, transparency and publication of GFA electoral processes must be observed without exception.

2.2 The Electoral Code, rules, and guidelines shall be made available by GFA in a clear and unambiguous manner within the relevant timeframe provided for in the Statutes of GFA.

2.3 Pursuant to Article 3 of the GFA Statutes, the following points shall be abided by:

2.3.1 GFA is neutral in matters of politics and religion.

2.3.2 The Members of GFA shall also be neutral in matters of politics and religion and shall ensure that their own members remain neutral.

2.4 Discrimination of any kind against a country, private person or group of people on account of race, skin color, ethnicity, national or social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason is strictly prohibited and punishable by suspension or expulsion and/or disciplinary measures.

2.4.1 GFA shall remain independent and shall avoid any form of undue political interference. GFA shall manage its affairs independently and shall ensure that its own affairs are not influenced by any third parties.

2.5 The GFA shall inform FIFA, and the AFC:

2.5.1 The commencement of the elections to its elected bodies;

2.5.2 The announcement of the elections and its electoral rules;

2.5.3 The duration of the elections and of the mandates; and

2.5.4 Any third party interference in the electoral process.

2.6 The elected members of the GFA Executive Committee shall continue to exercise their function until the completion of the electoral process.

ELECTORAL COMMITTEE

3. Basic principles

3.1 The Electoral Committee shall supervise the electoral process in accordance with the relevant provisions of the GFA Statutes and of this Electoral Code.

3.2 The members of the Electoral Committee shall not be a member of any other body of GFA or its Members.

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

3.3.1 They are an immediate family member of one of the candidates running for any of the positions to be filled;

3.4 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 provision of Article 4 par. 3 of this Electoral Code.

3.5 The members of the Electoral Committee shall be elected by the Congress of GFA, in accordance with the provisions of the GFA Statutes, for a mandate of six (6) years.

3.6 The members of the Electoral Committee may be re-elected.

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

3.8 Members of the Electoral Committee shall be expected to officially declare their candidature for GFA election or has to step down as member of the Electoral Committee for any reason, he/she in such a way as to allow the replacement process to be carried out without any time pressure prejudicial to any GFA Election.

3.9 The Electoral Committee may be assisted by the GFA General Secretariat at any time provided that such individuals are not candidates for any GFA election and have no identifiable conflict of interest.

4. Composition

4.1 The Electoral Committee organizes, supervises, and makes all decisions relating to the GFA elections unless stipulated otherwise in this Code and the GFA Statutes.

4.2 The Electoral Committee shall comprise of:

4.2.1 1 Chairperson;

4.2.2 1 Deputy Chairperson;

4.2.3 1 member;

4.2.4 2 substitutes.

4.3 If the chairperson is absent or unavailable, the deputy-chairperson shall deputize, and if he too is absent or unavailable, then an ordinary member shall deputize. Any ordinary member who is absent or unavailable shall be replaced by a substitute.

4.4 At least one of the member of the Electoral Committee shall be qualified to practice law.

4.5 The GFA Congress shall elect the Chairperson, Deputy Chairperson and the member of the Electoral Committee upon proposals from the Executive Committee. The GFA Congress shall also elect the substitutes, upon proposals from the Executive Committee.

4.6 The Electoral Committee shall appoint a secretary from among its members, who shall be responsible for the related logistical matters and who shall take care of administrative matters. He may call upon the General Secretariat of GFA to assist him in his duties.

4.7 The GFA Legal Counsel serves as the counsel to the Electoral Committee. He/she takes part in the activities of the Committee in a consultative capacity.

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

4.8.1 Submits a candidature for a GFA election; or

4.8.2 Is a relative, whether by birth or marriage, of one of the candidates; or

4.8.3 Has an identifiable conflict of interest (e.g. business relationship with a candidate or of same member club as a candidate within the last one year);

A member may be considered ineligible to sit on the Electoral Committee for matters where there are serious grounds for questioning their impartiality. In such case, the member in question may be replaced by a substitute.

5. Terms

5.1 The Electoral Committee shall serve a term of six (6) years. The appointment shall in principle be conducted on a non-election Congress year.

5.2 The terms and seats shall be realigned for 2021 to ensure continuity of knowledge and governance from one term to the next as shown in Article 39.3 of GFA Statutes.

6. General duties of the Electoral Committee

6.1 The Electoral Committee is responsible for all tasks relating to the organization,

running and supervision of an elective GFA Congress, including without limitation:

6.1.1 Strictly enforcing the relevant Statutes, Directives and Regulations of FIFA, AFC and GFA;

6.1.2 Strictly enforcing the Electoral Code;

6.1.3 Strictly enforcing the statutory deadlines for elections;

6.1.4 Providing information to the GFA Member, FIFA, the AFC, the media and public;

6.1.5 Managing relations with government bodies (where necessary);

6.1.6 Adopting and strictly enforcing electoral rules for elections to the GFA Executive Committee;

6.1.7 The candidature procedure (launch, distribution of information, evaluation, publication of official list, examination, etc.);

6.1.8 Organizing the elective activities of any GFA Congress;

6.1.9 Drawing up the list of voters (delegates), assisted by the general secretariat of GFA, in accordance with Article 28.3 of the GFA Statutes;

6.1.10 The electoral and voting procedure; and

6.1.11 All other tasks necessary to ensure the smooth running of the electoral process.

7. Meetings, quorum and decisions

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

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

7.3 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.

7.4 The decisions taken shall be recorded in minutes signed by the chairperson and by the secretary of the Electoral Committee.

CANDIDATURES

8. Eligibility criteria

8.1 The eligibility criteria for candidatures for the positions to be filled within the relevant bodies of the GFA are defined within the relevant provisions of the GFA Statutes.

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

8.3 The Electoral Committee shall publish the full list of eligibility criteria (with reference to the relevant provisions of the GFA Statutes) as well as the documents to be provided for each of the position within the deadline stipulated in the GFA Statutes.

9. Submission and examination of candidatures for the Executive Committee

9.1 Candidatures for any of the positions of the Executive Committee shall be sent by registered post, by email with delivery notification, or delivered by hand, in exchange for confirmation of receipt to the GFA General Secretariat at least forty-five (45) days before the date of the elective Congress, in accordance with the GFA Statutes Article 41 par 1.c.

9.2 Candidature for any of the positions of the Executive Committee shall be sent by registered mail, by email with delivery notification, or delivered by hand in exchange for

confirmation of receipt, to the GFA General Secretariat at least forty-five (45) days before the relevant elective Congress. Candidatures received by the general secretariat shall immediately be forwarded to the secretary of the Electoral Committee.

9.3 Within seven (7) calendar 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 seven (7) calendar days to complete their applications. If the relevant candidates fail to complete their applications within the prescribed deadline, their candidatures shall be declared invalid.

9.4 The candidatures for the Executive Committee shall be examined by the Electoral Committee within fifteen (15) calendar days of the deadline for submission of candidacy and the GFA General Secretariat and the candidates shall be informed of the decision of the Electoral Committee within the same period.

9.5 The official list of candidates shall be provided to the GFA Member Clubs at least fifteen (15) days before the date of the elective Congress in accordance with the GFA Statutes Article 32.11, Article 33.3, and Article 41.6. It shall also be published on the GFA Website and media.

10. Appeal procedure for candidates for the Executive Committee

10.1 Appeals against decisions of the Electoral Committee may be lodged only with the GFA Appeal Committee, thereby precluding the possibility of appealing said decisions before any other body, including a government body and/or ordinary courts.

10.2 Any appeal, duly motivate, shall be sent by registered mail, by email with delivery notification, or delivered by hand, in exchange for confirmation of receipt to the GFA General Secretariat, within five (5) days of receipt of the decision of the Electoral Committee. Appeals received by the GFA General Secretariat shall immediately be

forwarded to the members of the GFA Appeal Committee.

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

10.4 Appeals shall be considered by the GFA Appeal Committee within five (5) days of their receipt and communicated to the candidates within the same period. A copy of the decision shall be filed with the General Secretariat as per Article 26.

10.5 The decisions of the GFA Appeal Committee shall be final and binding.

11. Procedure for candidates for other bodies

11.1 Candidatures for any of the positions of all other bodies such as Electoral Committee, Disciplinary and Ethics Committee and Appeal Committee shall be sent by the Executive Committee, Members, and eligible candidates to the General Secretariat of GFA at least forty-five (45) days before the relevant elective Congress.

11.2 Within ten (10) 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 and Members shall propose additional candidatures for the relevant positions.

11.3 The official list of candidates for all other bodies shall be sent to Members of GFA at least fifteen (15) days before the Congress.

11.4 Elections of the members of such other bodies may be conducted en bloc. At the start of the elective congress, the delegates shall be provided with the relevant ballot papers containing the list of the candidates for the bodies in questions.

11.4.1 The delegates will notate the position of the chairperson, deputy chairperson,

members, and substitutes to the candidate of choice.

11.5 During the elections of such members, the delegates shall cast their votes into the ballot box. If any member of the Electoral Committee is in contention for the said election, the member shall refrain from assisting in this short segment until the election of the newly appointed electoral committee have been completed.

11.6 Once all the delegates have deposited their ballot papers in the ballot box, the Electoral Committee shall proceed with the count in front of the delegates and the results shall be announced to the Members of the Congress.

12. Official list of candidates

12.1 The official list of candidates shall be sent to the Members of GFA at least fifteen (15) days before the date of the elective Congress in accordance with the GFA Statutes Article 32.11, Article 33.3, and Article 41.6. It shall also be published on the GFA Website and media.

VOTING PROCEDURES

13. Convocation of the elective Congress

13.1 An elective GFA Congress shall be convoked in accordance with the GFA Statutes.

13.2 Notification shall be addressed to GFA Members in accordance with the GFA Statutes. Notification of election shall be addressed to FIFA, the AFC and EAFF.

13.3 The elective GFA Congress shall be announced through the GFA website and media.

14. Duties of the Electoral Committee during the elective Congress

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

14.1.1 Verify the identity of the voters (delegates);

14.1.2 Monitor the electoral procedure during the Congress;

14.1.3 Count the ballot papers;

14.1.4 Take any decision regarding the validity or invalidity of ballot papers;

14.1.5 Pass a definitive decision on any matters relating to the electoral procedure during the electoral Congress;

14.1.6 Declare the official results;

15. Ballot papers

15.1 The general secretariat shall produce the ballot papers under the supervision of the Electoral Committee. The ballot papers shall be printed clearly and legibly.

15.2 The ballot papers shall be a different color for each round of the election.

16. Ballot box

16.1 Before the start of voting procedure, the ballot box (which shall be transparent where possible) shall be opened and presented to the delegates of the Congress. The ballot box shall then be closed and placed in a visible position near the Electoral Committee.

16.2 During the entire voting process, the ballot box shall be monitored by one of the member of the Electoral Committee.

17. Polling Booth

17.1 Polling booth shall be placed in a visible spot, but still allow the delegates to cast his vote secretly in accordance with the GFA Statutes.

18. Casting of ballots

18.1 Before the delegates are requested to cast their vote, the Chairperson of the Electoral Committee 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.

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

18.3 Once called, the relevant voting delegate moves to the front of the Congress hall and, after signing for the receipt of the ballot form, receives the ballot paper.

18.4 The voting delegate then completes the ballot paper in the polling booth designated for this purpose.

18.5 The voting delegate must fold the ballot paper before depositing the ballot paper in the ballot box.

18.6 The voting delegate then deposits the ballot paper in the ballot box, signs the electoral register, and returns to their seat.

18.7 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.

18.8 The count then commences.

COUNT

19. General principles

19.1 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.

19.2 In the event of a dispute regarding the validity or invalidity of a ballot paper, the validity or

the 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.

20. Invalid ballot papers

20.1 The following ballot papers are considered invalid if:

20.1.1 Ballot papers that do not bear the official distinctive marks defined by the Electoral Committee **(e.g. "X" or "√")**;

20.1.2 Ballot papers that bear any words other than the names of the candidates;

20.1.3 Ballot papers that are illegible or have been defaced;

20.1.4 Ballot papers that bear identifying marks.

20.2 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.

21. 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.

22. Count and declaration of results

22.1 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 a re-vote shall occur immediately in accordance with the procedure described above. 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.

22.2 After the number of ballot papers have 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.

22.3 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.)

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

22.5 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 retained with the general secretariat.

23. Minutes

23.1 The official minutes of the GFA Congress shall be drafted and approved in accordance with the GFA Statutes. The Chairperson of the Electoral Committee shall additionally sign the minutes of the GFA Congress with election.

23.2 The official minutes shall be distributed to the GFA Members, FIFA, and the AFC.

24. Verification of Voters

24.1 The members of the GFA General Secretariat are specifically responsible for verifying the identity of the voting delegates and ensuring compliance with the voting procedure.

25. Special Provisions: National Emergency or Government declaration of public health restriction

25.1 In the event of national emergency or government declaration of public health restriction, refer to Article 83 of the GFA Statutes for conducting any Congress by means of electronic operation which provisions shall supersede any Article of the GFA Statutes which conflicts with, impedes or interferes with the operation of Article 83, and Article 83 shall supersede any other Code, Rule, Regulation or other authoritative source.

25.2 When a Congress is assembled under Article 83.2 of the GFA Statutes, Members may be assembled in a location or locations where the Member Delegates are in separate rooms or spaced apart from each other, provided that in the location where a Member Delegate is provided a room or space, the Member Delegates are able to continuously view the location of the Secretary General, President and Executive Committee from assembly of the Congress until Adjournment by audio-video transmission of the proceedings. When the Agenda of the Congress calls for election(s) or other matters for which these Statutes requires that a secret ballot be cast by the Member Delegates, the audio-video transmission must include for the duration of the activities of the Electoral Committee, that the Electoral Committee members, the secret voting booth/area and voting urn be in continuous transmission until an election or vote is complete. The area inside the secret voting booth/area shall not be transmitted to the Member Delegates. Member Delegates will be called from their separate locations by roll call to promptly enter the location of the Electoral Committee, voting booth/area, and ballot urn, to receive the ballot paper from the Electoral Committee, take the ballot paper into the voting booth/area, mark the ballot, fold the ballot in half, and deposit the ballot of the respective Member Delegate into the ballot urn before returning to their separate location. After all Member Delegates have been called to vote,

received their ballot and deposited the ballot into the ballot urn, the Electoral Committee shall tabulate the votes as provided by the Electoral Code and proceed to announce the tabulation of the votes.

25.3 The record of such Congress shall be kept for review upon any challenge to any action that may have been taken. Any objection by any Member to any action taken during the electronic Congress must be presented to the General Secretariat and all other Members within thirty (30) days after the adjournment of Congress, by a written objection specifically identifying the action which is subject of the objection. The record of any Congress and rulings on objections shall be maintained until the next succeeding Congress.

25.4 Any objection as to any matter other than an election made during the congress, shall be ruled upon and determined by a simple majority vote of the Members at the congress. Any decision of the Members shall be final and not subject to appeal. Any objection to any matter occurring during a congress but submitted to General Secretariat within thirty (30) days after adjournment of the congress, shall be determined by a majority vote of the Executive Committee at its next meeting after receiving the objection is received.

25.5 Any objection as to an election which occurred during the congress, but which objection is received within thirty (30) days after the congress by the General Secretariat, shall be resolved by a simple majority vote of the Electoral Committee, who will be presented the objection. The Electoral Committee shall vote on the objection and a majority vote shall determine whether to approve the objection or reject the objection. The meeting of the Electoral Committee for purpose of review of objections shall be held as soon as practicable after receiving the objection. The meeting of the Electoral Committee may be held electronically, if the national emergency or public health restriction does not make an

in person gathering convenient. Ruling by the Executive Committee or the Electoral Committee, as the case may be based on the objection as hereabove provided, shall be final and only subject to appeal as the Statutes of GFA may allow.

FINAL PROVISIONS

26. Archiving of documents and confidentiality

26.1 The Electoral Committee shall provide all the official documents relating to the elections to the GFA, which is responsible for passing them on to the relevant bodies, where required, and for archiving them.

26.2 The members of the Electoral Committee and the GFA 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 obligations 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.

27. Independence

27.1 The chairperson, deputy chairperson, members and substitutes of the Electoral Committee shall be independent. They shall not be considered independent if they exercise or have exercised during the twelve (12) months preceding their initial terms any executive function at GFA or member clubs, or have or have had in twelve (12) months preceding their initial term any material business relationship with GFA or member clubs.

28. Matters not provided for

28.1 All matters relating to any GFA election not covered by this Code and/or the GFA Statutes

shall be ruled upon by the Electoral Committee.

29. Enactment and Enforcement

This GFA Electoral Code was adopted at the Congress in Guam on 24 July 2021 and come into force immediately. Upon adoption and be in full force and effect until replaced by amendment, revision or repeal.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 28 day of July, 2021.

Valentino San Gil, President

)
) ss.
MUNICIPALITY OF DEDEDO)

On this 28TH day of JULY, 2021, before me a Notary Public in and for ~~DEDEDO~~ GUAM, personally appeared VALENTINO SAN GIL, whose name is subscribed to in the foregoing instrument and acknowledged to me that he/she executed the same as his/her own free act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public

DEZERAE F. MANIBUSAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **MARCH 25, 2023**
P.O. BOX 26854 BARRIGADA, GU 96921

IN TESTIMONY WHEREOF, I have hereunto set my hand this 28 day of July, 2021.

Marvin C. Iseke

)
) ss.
MUNICIPALITY OF DEDEDO)

On this 28TH day of JULY, 2021, before me a Notary Public in and for GUAM, personally appeared MARVIN C ISEKE, whose name is subscribed to in the foregoing instrument and acknowledged to me that he/she executed the same as his/her own free act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

Notary Public

DEZERAE F. MANIBUSAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **MARCH 25, 2023**
P.O. BOX 26854 BARRIGADA, GU 96921

DEZERAE E. MANNIX SAY
NOTARY PUBLIC

DEZERAE E. MANNIX SAY
NOTARY PUBLIC