

**To the attention of the
Executive Committee of FIE**

12 March 2024

Dear Executive Committee,

Based on *Article 3.1 a) of the FIE Statutes* the Legal Commission brings the following **urgent proposal** to the attention of the Executive Committee:

The Legal Commission proposes the following amendment of Article 6.2.2 of the Statutes:

“-6.2.2 The commissions will meet within two months of their election in order to elect their President and prepare their working calendar.

- A Commission's meeting is valid only when the majority of its members are present.
- These meetings may be in a physical location or virtual (via teleconference, videoconference or any other appropriate electronic means), as determined by the Executive Committee. They may not however take the form of a hybrid meeting (physical plus virtual).
- When the meeting is held via electronic means, the identity of the participants must be verified.
- Any elected member may propose as President any elected member, including himself/herself. If a member proposes someone other than himself/herself, written confirmation that that member agrees to be a candidate must accompany the submission of the candidature.
- The candidatures shall reach the FIE Head Office no later than 00:00 hrs Lausanne time 2 calendar days before the opening of the meeting.
- In case of only one candidate, that candidate is automatically elected by acclamation.
- The election shall take place as near the beginning of the meeting as is feasible.
- Until the new President has been elected, the meeting shall be chaired by the Executive Committee representative.
- Voting is by secret ballot among the elected members being present. The votes will be counted by a disinterested person from outside the commission and voting may be carried out by electronic ballot. No proxy or advance voting is allowed.
- To be elected at the first ballot a majority of the votes cast is required. **For the purpose of Article 6.2.2., the majority of the votes cast shall mean more than 50% of all votes (including abstentions).**

If in the first round of voting no candidate receives the ~~absolute~~ majority of the votes cast, the candidate who received the least votes is eliminated and an additional round is organised.

If during the second round ~~an absolute majority of votes is not obtained by a candidate~~ **no candidate receives the majority of the votes cast**, the candidate who received the least votes is eliminated and one or several additional rounds are organised until one candidate obtains ~~a~~ **the** majority of **the** votes **cast** or until only two candidates remain.

In this **last** case, the candidate who receives the most votes at the following round is elected.

Should there be a tie between two candidates for two rounds of voting, the younger candidate is elected.“

Reasoning of the proposal:

The recent wording of the Statutes is not clear on the question, what kind of majority is necessary for the election of the President of the Commissions:

Two sentences within Article 6.2.2 contradict each other (“*To be elected at the first ballot a majority of the votes cast is required.*” and “*If in the first round of voting no candidate receives the absolute majority of the votes cast, the candidate who received the least votes is eliminated and an additional round is organized”). Furthermore, the term absolute majority is not defined in the Statutes which may give space for different interpretations. We found out that even the members of the Legal Commission i.e. lawyers coming from various jurisdictions interpret this term differently.*

The proposed new wording leaves no doubt as to the correct interpretation of the term “majority of the votes cast”. This unambiguity of the interpretation of Article 6.2.2. is especially essential in situations with more than two candidates for the presidency. To highlight this with an example: if 10 members of a commission are present at the meeting and they give their votes to 3 candidates as follows: 5-3-2, it must be clear that the candidate who got 5 votes has got the most votes, however he/she still did not get the majority of the votes cast, since for this 6 votes would be required.

In our opinion the urgency of the amendment of Article 6.2.2 can be justified by the fact that the next election of the Commission’s President will be held in January/February 2025. The new wording could help prevent disputes arising from the interpretation of the election rules.

Best regards,

Edina Czeglédy
President of the FIE Legal Commission

Opinion of the Executive Committee: In favour.