



ICCBA ELECTION RULES 2022

Introduction:

Elections for the ICCBA Executive Council and Committees shall take place at the ICCBA General Assembly on 28 November 2022 and shall be based on the principles and provisions of the Constitution which provides, in pertinent part:

- Votes by Full Members shall be counted as one and a half the amount of Associate Members, except for positions allocated to Associate Members on the Executive Council and Counsel Support Staff Committee positions, where votes by Associate Members shall be counted as one and half the amount of Full Members.
- In elections where both Associate Members and Affiliate Members can vote, the votes of Associate Members shall be counted as one-and-a-half the amount of Affiliate Members’.
- All voting shall be by secret ballot.
- All members may nominate another Member to vote on their behalf by proxy. A Full Member may represent up to five Full Members by proxy. An Associate Member may represent up to three Associate Members by proxy. Proxies must be sent to the ICCBA no later than five days before the General Assembly – **23 November 2022**.
- Election to any position requires an absolute majority of votes.
- The Vice-Presidents for Defence, Victims and Support Staff will be designated by the other members of the Executive Council.

A) Election Authority

1. The ICCBA Executive Council shall appoint a Member as the Election Chair who shall not be a candidate in the elections. The Election Chair may be assisted by other Members participating in the General Assembly, who are not candidates in the elections.
2. The Election Chair shall be responsible for organizing the elections and shall, inter alia:
 1. Verify the eligibility of all candidates nominated for election;
 2. Maintain and update the list of all Members entitled to vote in the elections;
 3. Verify the proxies for any person who is unable to vote personally;

B) Eligibility for elections

1. All candidates must be nominated according to the Constitution, and must be in good standing (i.e. are current on their membership fees).
2. Candidates are permitted to stand for election to no more than two posts. A candidate nominated for more than two posts shall be required by the Election Chair to select which nomination(s) he withdraws. For the purposes of this provision, nomination for the Presidency and the Executive Committee shall be considered as one post.
3. Candidates may not stand for election to both the Executive Committee and Membership Committee.
4. Nominations for the position of President or the Executive Council shall be submitted by 5pm (Central European Time) five days before the General Assembly – **23 November 2022**.
5. Nominations for all other committee positions shall be permitted up to 5pm (Central European Time) 10 days before the General Assembly – **18 November 2022**. A final list of all nominees shall be distributed as soon as possible thereafter.
6. No nominations shall be accepted after the abovementioned deadlines.

C) Information on candidates

1. Each candidate who is nominated for election is invited to include a short communication of no more than 200 words in English and/or French setting out their biography and their platform for election. Candidates may also send a photograph. Biographies and photographs should be emailed to Elections@iccba-abcpi.org. This information will be posted on the ICCBA website and will be accessible to all voters.
2. The Executive Council may also organize other forms of publicity and scrutiny for candidates for the post of President as appropriate.

D) Voting procedure

1. Voting will be open from 10am on **28 November 2022** until 6pm (Central European Time) on **29 November 2022**.
2. All voting for elections will be conducted electronically.
3. In any category, if the number of eligible candidates proposed does not exceed the number of vacancies the candidates shall be automatically elected. Where the number of

eligible candidates exceeds the number of vacancies, elections for those categories shall be held.

4. The election for the President shall use a first-past-the-post voting system.
5. Elections for all other posts shall follow a simplified system whereby each Member votes for the number of vacant posts available in each committee. No ranking of these candidates is necessary. Subject to Section (E) below, those candidates with the highest number of votes shall be elected.

E) Reserved seats

1. All seats in the elections are either reserved or unreserved according to the Constitution. Reserved seats shall be for those persons:
 - a. Engaged in a case during the three years preceding the elections;
 - b. Native to specific areas; and,
 - c. Associate Members.
2. All candidates shall declare whether they are running for a reserved or unreserved seat and the basis for this claim. The Election Chair shall determine whether any candidate fulfills the criteria for a reserved seat and communicate this to the candidate. No appeal of this decision shall be admitted.
3. Any candidate rejected for a reserved seat shall automatically be eligible to run for an unreserved seat unless he notifies the Election Chair that he withdraws his candidacy.
4. Where there are insufficient candidates for reserved posts at the close of nominations, or where reserved seats are impracticable, the posts shall be transferred to the pool of unreserved posts.

F) Results

1. The results of the elections, namely the number of votes received by all candidates (whether successful or unsuccessful) standing for posts, shall be made public. The Election Chair shall announce the results as soon as practicable after the deadline for voting has expired. These shall also be communicated electronically to all Members.
2. In the event of a tie in any election, after all preferences have been included, the Election Chair shall call a second election for the tied candidates.
3. Any alleged violation of the election rules or other action which may compromise the integrity and validity of an election shall be investigated by the Election Chair. The

Election Chair shall conduct investigations he/she considers appropriate. The Election Chair shall allow affected parties a reasonable opportunity to be heard. The Election Chair's findings may be appealed to the Executive Council.

4. Penalties or remedies for violations of the Election Rules shall be appropriate and proportional to the nature of the violation and its materiality to the election's outcome. Penalties and remedies include, but are not limited to: censure, candidate disqualification, or invalidation of all or part of an election.