

# ELECTORAL MONITORING COMMITTEE TERMS OF REFERENCE

Version on 24.11.20

## Preamble

- (A) The present Electoral Monitoring Committee Terms of Reference are issued by the UCI Management Committee in order to provide guidance on the tasks vested with the Electoral Monitoring Committees in accordance with article 26.2 lit. f) of the UCI Constitution.
- (B) The provisions of the present Electoral Monitoring Committee Terms of Reference shall be read in conjunction with the UCI Constitution, each Continental Confederation's Constitution and the Continental Confederation Standard Rules of Procedure.

## § 1 Composition and term of the Electoral Monitoring Committee

1. An Electoral Monitoring Committee shall be made up to oversee the elections of each of the five Continental Confederations, meaning that there shall be one Electoral Monitoring Committee for each Continental Confederation.
2. Each of the five Electoral Monitoring Committees shall be composed of three members. The UCI Ethics Commission shall appoint the President of each Electoral Monitoring Committee at its discretion. The two other members shall be appointed by the respective Continental Confederation, which will communicate their names to the UCI Ethics Commission, along with information on their identity, competencies and functions with cycling federations, if any. These two members may not be candidates in any of the elections overseen by the Electoral Monitoring Committee and may not vote in the election on behalf of their respective national federations. Continental Confederations shall furthermore use their best efforts to ensure that the two members have no links with any of the candidates. The President of the Electoral Monitoring Committee is entitled to request additional information or documentation regarding the other two members to ensure full disclosure of any links with candidates.
3. The President or the members of an Electoral Monitoring Committee may be appointed on the Electoral Monitoring Committee of one or several other Continental Confederations.
4. The Electoral Committee's term shall be as determined by the Continental Confederation's Constitution. If the Continental Confederation's Constitution does not provide guidance in this respect, the terms of operation shall be determined in collaboration between the UCI Ethics Commission as regards the President and the Continental Confederation as regards the other two members.
5. The composition of the Electoral Monitoring Committee shall be confirmed in a timely manner to enable the appropriate implementation of the missions set forth in the present Terms of Reference. In any case, the composition shall be confirmed prior

to any procedure or operation related to the elections within the Continental Confederation.

## **§ 2 Missions of the Electoral Monitoring Committee**

6. In accordance with article 26.2 lit. f) of the UCI Constitution, the Electoral Monitoring Committee shall undertake the following tasks in relation to elections within a Continental Confederation:
  - a. Verifying the eligibility of candidates;
  - b. Verifying the regularity of the elections;
  - c. Serving as a first instance decision-making body in case of a complaint related to the election or if irregularities are observed by the Electoral Monitoring Committee.
7. The Electoral Monitoring Committee shall undertake its tasks in relation to all elections within a Continental Confederation, except when the only election(s) on the agenda concern(s) the appointment of voting delegates for the UCI Congress and/or auditors.

## **§ 3 Verification of eligibility**

8. The Continental Confederation shall provide the Electoral Monitoring Committee with all relevant information and documentation regarding candidates to enable the Electoral Monitoring Committee to verify their eligibility in accordance with the requirements laid down in the UCI Constitution and the Continental Confederation's Constitution.
9. The Electoral Monitoring Committee shall approve the candidacies which meet the eligibility requirements and notify the Continental Confederation of the names of candidates which meet the eligibility requirements and the names of the candidates which do not meet the requirements, if any. If need be, the Electoral Monitoring Committee may require additional information from the candidate to determine if the eligibility requirements are fulfilled.
10. The verification of candidates' eligibility shall be completed in a timely manner to allow, on the one hand, the Continental Confederation to inform the candidates and national federations of the lists of candidates for each of the elections and, on the other hand, the candidates to run their campaign.
11. In case the Electoral Monitoring Committee's decision to declare one or several candidates ineligible means that there are not sufficient candidates for an election to be held, the Electoral Monitoring Committee may suggest to the Continental Confederation measures that would enable the submission of additional candidacies.

## **§ 4 Verification of the regularity of elections**

12. The President of the Electoral Monitoring Committee shall chair the elections. This shall include providing information to the member federations regarding the conduct of the elections prior to the vote, giving instructions during the voting process and communicating the results of the elections.

13. The Electoral Monitoring Committee shall ensure that the elections are held by secret ballot if required by the Continental Confederation's Constitution.
14. The Electoral Monitoring Committee shall be responsible for the distribution of voting ballots, if applicable.
15. The Electoral Monitoring Committee shall maintain the voting register to be signed by each of the delegates voting on behalf of the member federations.
16. The Electoral Monitoring Committee shall determine who shall take care of counting the voting ballots. The members of the Electoral Monitoring Committee shall either count the ballot themselves or oversee the counting by scrutineers.
17. The Electoral Monitoring Committee shall maintain a register of the results of the elections that indicates the breakdown of votes.
18. The Electoral Monitoring Committee keeps the ballot papers and the voting register for as long as an appeal may be filed regarding the conduct or result of the elections.
19. Prior to each election, the Electoral Monitoring Committee shall determine if the list of candidates has to be amended, in particular, if a candidate has been elected in a previous election and is thus not eligible for the following election.

**§ 5 Decisions on the regularity of elections**

20. The Electoral Monitoring Committee shall examine complaints received in relation to the conduct of the vote. The Electoral Monitoring Committee may decide to confirm the result of the vote or require that it be repeated and provide instructions therefor.
21. The Electoral Monitoring Committee may also decide to cancel an election and require it to be repeated if irregularities are observed by any of its members.
22. The decisions of the Electoral Monitoring Committee shall in principle be taken immediately upon deliberation of its members. They may also be confirmed in writing, if need be.
23. Decisions of the Electoral Monitoring Committee shall be taken by majority vote.
24. Decisions of the Electoral Monitoring Committee are subject to appeal in accordance with article 26.2 lit. f) of the UCI Constitution.
25. The Electoral Monitoring Committee shall report irregularities to the UCI or its judicial bodies in case the relevant behaviour is likely to constitute a violation of the UCI regulations or other applicable rules.

**§ 6 Elections by other means than physical Congress**

26. In case of elections held under a different form than a physical Congress meeting (e.g. postal or electronic voting, partially or entirely virtual meeting) as determined by the Continental Confederation, the Electoral Monitoring Committee shall submit guidance on how to conduct the election.

27. For any aspect that is not governed by the Continental Confederation's Constitution, the Electoral Monitoring Committee shall be competent to approve the modalities proposed by the Continental Confederation. Such approval shall be required prior to the communication of the election process to the member federations and the candidates by the Continental Confederation.

**§ 7 Enforcement**

These Electoral Committee Terms of Reference were adopted by the UCI Management Committee on 24 November 2020 and came into force on the same day.